

Honourable David Lametti
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
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May 6 2020

Who's checking in on youth in the justice system?

Dear Minister Lametti,

Community reports of youth put at risk and a lack of official information is leading children's rights organizations, advocates, and lawyers to raise concerns about how COVID-19 is affecting youth who are incarcerated in the justice system.

Similar to adult jails and prisons, communicable diseases including COVID-19 can quickly spread through youth detention centres and other forms of secure and open custody institutions, putting young people and staff at risk. Children reside in group settings that make the recommended physical distancing protocols difficult, if not impossible. Measures taken to control the spread of COVID-19 in these environments can be extremely harmful to the safety and well-being of the youth who live there. Most visits have been canceled, including family and legal representatives. Education and social programs have been canceled or reduced. Despite the reality that the use of segregation for youth is not legal in Canada, in some cases, young people have been held in isolation (segregation) for 20 or more hours a day to enforce physical distance.

The Alliance for Child Protection in Humanitarian Action recently published a *Technical Note on COVID-19 and Children Deprived of their Liberty*, providing detaining authorities with key information and steps to respond to COVID-19, including:

1. Instituting a moratorium on new children entering detention facilities;
2. Releasing all children who can be safely released; and
3. Protecting the health and well-being of any children who remain in detention.

We do not currently have a full picture of how the situation is unfolding in Canada, and require greater transparency about the health and well-being of young people in the justice system.

No province or territory has publicly committed to a moratorium on young people entering detention facilities. In fact, there were reports of youth being held in isolation or segregation while they waited for bail. In response to [pleas from defence lawyers](#), the Manitoba government stopped holding youth in segregation at the Winnipeg Remand Centre, and are now isolating them in a cottage at the Manitoba Youth Centre for 14 days to ensure they do not spread COVID-19. Segregation for youth is prohibited by numerous international agreements to which Canada is a signatory, including the United Nations Convention on the Rights of the Child, and was never contemplated for youth jailed pursuant to the provisions of the *Youth Criminal Justice Act*. More information is needed about the situation of young people entering the justice system and those being detained in light of the possible use of isolation for public health purposes.

Similarly, no province or territory appears to have made a concerted effort to release young people from custody and/or detention during COVID-19. Early in the pandemic, the Union of BC

Indian Chiefs was [calling on the province](#) to release incarcerated Indigenous youth. In March, [Alberta](#) was allowing youth sentenced to weekend jail time to self-isolate on house arrest and was considering allowing young people found guilty of an offence to serve their sentence at home.

We are especially concerned that the pandemic response is unfolding without necessary oversight, as advocates and organizations have not been able to enter institutions to check in on youth and the conditions of their detention.

The COVID-19 pandemic compels us to **call on governments to pursue all efforts to divert youth from institutions during the pandemic and to actively seek the release and reintegration of youth currently detained, whenever possible. Many of these considerations are currently being applied to the adult population.**

Detaining authorities, departments of justice, and public health officers must read the [Technical Note on COVID-19 and Children Deprived of their Liberty](#) and take action to protect the rights, health, and well-being of young people who interact with the justice system.

Governments must provide information on youth in custody and detention.

How many youth are being held? How many have been released or diverted from institutions? Are young people being placed in isolation, and how are those decisions being made? Is regular movement within facilities restricted by emergency health measures, leading to *de facto* isolation for long periods of time? How many have been relocated to other facilities; are these facilities far from their home community?

Institutions must provide information on the conditions of confinement to which youth are subject.

What programming, including educational programming, is available? What supports are in place for young people experiencing anxiety and mental health challenges during the pandemic? What, if any, virtual contact exists with professionals, families, other communities of support? How many youth have what amount of dedicated time access to phones or electronic means of communication to communicate with whom? (lawyers, counsellors, family members, friends, other supports)?

Sincerely,

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