

January 22, 2024

Honourable Mark Holland,
Minister of Health

Honourable Mélanie Joly,
Minister of Foreign Affairs

Honourable Dominic LeBlanc,
Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs

Honourable Marc Miller,
Minister of Immigration, Refugees and Citizenship

Honourable Pascale St-Onge,
Minister of Canadian Heritage

Honourable Jenna Sudds,
Minister of Families, Children and Social Development

Honourable Arif Virani,
Minister of Justice and Attorney General of Canada

Dear Ministers,

We are writing to urge Canada to accept recommendations made at its recent Universal Periodic Review (UPR) at the UN Human Rights Council to ensure access to health care without discrimination on the basis of immigration status and to fully implement the decision of the UN Human Rights Committee in [Nell Toussaint v Canada CCPR/C/123/D/2348/2014 \(30 August 2018\)](#).

In this historic decision, the Human Rights Committee found that Canada violated Nell Toussaint's rights to life and non-discrimination when she was denied publicly funded health care due to her irregular immigration status, placing her life at risk and causing long-term harm to her health. The Committee stated that Canada "is under an obligation to take all steps necessary to prevent similar violations in the future."

Canada, however, refused to implement the Committee's decision, stating that it disagrees with the Committee's interpretation of the right to life as requiring measures to ensure access to publicly funded health care, even when life is at risk. Canada's response has attracted condemnation both domestically and internationally. Troublingly, when Nell Toussaint sought to vindicate her rights and challenged Canada's refusal to implement the Committee's decision before the Ontario Superior Court of Justice, Canada filed a motion to dismiss the case. The Ontario Superior Court in 2022 [ruled against Canada's motion](#), observing that Canada's attempt to stop the case from proceeding "does it no pride" as it rests on a pejorative mischaracterization of Nell Toussaint's claim that is unfair and reeks of prejudice against migrants.

Sadly, Nell Toussaint died on January 9, 2023, in the midst of her court challenge. On the anniversary of her death, the Canadian Union of Public Employees has announced that it is [honouring Nell Toussaint for Black History Month](#) this February – the same month in which Canada must inform the UN Human Rights Council which UPR recommendations it will accept.

Ministers, we trust you agree that the right to life and access to health care are fundamental human rights that should be equally recognized and protected for everyone in Canada. In the current international context, Canada must set a positive example by recognizing the importance of accountability to international human rights law, including when Canada itself is found non-compliant. We therefore urge you to ensure that Canada accepts the UPR recommendations on access to health care and commits to fully complying with the decision of the UN Human Rights Committee in the Toussaint case.

Thank you for your urgent attention to this critical issue.

Sincerely,

Alberta Workers Association for Research and Education (AWARE)

Amnesty International Canada (English Speaking)

Amnistie internationale Canada francophone

Association pour les droits des travailleuses.rs de maison et de ferme (DTMF-RHFW)

Association québécoise des avocats et avocates en droit de l'immigration (AQAADI)

Barbra Schlifer Commemorative Clinic

Canadian Health Coalition

Canadian Lawyers for International Human Rights (CLAIHR)

Canadian Mental Health Association (CMHA)

Canadian Union of Public Employees (CUPE)

Central des syndicats du Québec (CSQ)

Centre des travailleurs et travailleuses immigrants (CTTI-IWC)

Centre for Spanish Speaking Peoples

Colour of Poverty – Colour of Change

Community Alliance for Accessible Treatment

Council of Canadians with Disabilities

Conseil Migrant - Santé des Migrants

Collaborative Network to End Exploitation
FCJ Refugee Centre
Feminist Alliance for International Action
Healthcare for All Coalition
HIV & AIDS Legal Clinic of Ontario (HALCO)
HIV Legal Network
IAVGO Community Legal Clinic
International Migrants Alliance (IMA) - Canada
Justice Institute
Legal Assistance of Windsor
Ligue des droits et libertés
Madhu Verma Migrant Justice Centre
Médecins du Monde Canada / Doctors of the World Canada
Migrante Alberta
Migrante Canada
Mississauga Community Legal Services
Migrant Workers Alliance for Change
Migrante Ontario
National Association of Women and the Law
Neighbourhood Legal Services
Parkdale Community Legal Services
PEI Action Team for Migrant Workers Rights
RAMA Okanagan
Sanctuary Health Vancouver
Sanctuary Students Support and Solidarity (S4) Collective
Social Rights Advocacy Centre
South Asian Legal Clinic of Ontario
Table de concertation des organismes au service des personnes réfugiées et immigrantes
Unison Health and Community Services
Vancouver Committee for Domestic Workers and Caregivers Rights
Workers' Action Centre

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