



Note No.: GENEV-7174

Reference: Canada's response to JAL CAN 1/2021

The Permanent Mission of Canada to the Office of the United Nations and World Trade Organization at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the joint letter JAL CAN 1/2021 dated 26 January 2021. The Permanent Mission of Canada further has the honour to submit Canada's response.

The submission consists of one document.

The Permanent Mission of Canada to the Office of the United Nations and World Trade Organization at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 14 April 2021.



**Response by the Government of Canada to the Joint Communication from Special Procedures,
reference AL CAN 1/2021**

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The Government of Canada is deeply concerned by the situation outlined in the joint communication and is monitoring developments closely.

The safety and well-being of Canadian citizens abroad is a priority for the Government of Canada. Canadian government officials are committed to the effective and impartial delivery of consular services. The Government of Canada endeavours to provide effective consular services to all its nationals in distress abroad. There are circumstances in which our ability to provide consular support may be extremely limited, such as in a country or territory with which Canada does not have diplomatic relations and where there are no accredited Canadian consular staff.

Canada does not have a diplomatic presence in Syria and, in light of the security situation, it is extremely difficult to provide consular services anywhere in the country. Canadian government officials do not travel to northeastern Syria for safety and security reasons. These difficulties have been exacerbated by the COVID-19 pandemic; however, Canada is monitoring the situation in northeastern Syria very closely and provides consular assistance to Canadians to the extent possible given the circumstances.

The Government of Canada relies on partners on the ground and other sources of information, including joint communications such as this, to inform Canada's own ongoing monitoring of the situation.

2. Please provide any additional information and/or comment(s) you may have on the above-mentioned transfer of families to the newly-extended camp in Roj and on the legal basis for their transfer and detention. Please provide any information you may have on the measures your Government has taken to maintain contact and ensure their well-being since the transfer.

The Government of Canada is aware of reports that a number of detainees were transferred to the Roj camp in September 2020.

The Government of Canada endeavours to provide consular assistance, to the extent possible, to all Canadian citizens that have requested it. If a detainee in Syria self-identifies to a third party as a Canadian in need of assistance, and that information is relayed to consular officials, Canadian officials follow up proactively with the relevant Syrian Kurdish authorities from the Autonomous Administration of North and East Syria (AANES) to request further information and advocate for their well-being.

Canadian officials have engaged the AANES on multiple occasions for information and updates on the well-being and status of Canadians in Roj camp, and have raised specific requests for consular assistance when family members or others have brought issues to our attention. To date, Canada has delivered consular assistance to these detainees through the AANES, including passing on requests from families with information on medical assistance, seeking updates on the status and location of Canadians, and advocating for the well-being of detainees. Canada stands ready to provide continued consular assistance as appropriate and possible.

The Government of Canada understands that the administrative authority for the Roj camp does not permit access to mobile phones for detainees. As such, Canada has asked the AANES to facilitate communication between detainees and consular officials, but have not yet been successful in establishing this communication.

The Government of Canada has also put family members in direct communication with the International Committee of the Red Cross (ICRC) to seek additional support in connecting the Canadians and their family members. The ICRC communicates with families directly and does not normally share information on specific cases with governments.

The Government of Canada continues to advocate for the well-being of all Canadian citizens detained in Roj camp, including those who may not have requested Canadian consular assistance. Canadian officials have repeatedly conveyed to the AANES Canada's expectation that all Canadian citizens in their custody be treated humanely, in line with the applicable principles of international humanitarian law and international human rights law.

3. Please clarify whether your Government was informed about the registration, data-collection and relocation exercise and its purpose.

The Government of Canada was informed in June 2020 about the registration, data-collection and relocation exercise by the AANES and by the families of detained Canadians.

Moreover, on 10 June 2020, the AANES posted a social media statement that the Syrian Democratic Forces (SDF) and internal security forces would collect data on foreign wives and children of Daesh fighters at al Hol camp. The statement claimed the data would be used to “improve the living and humanitarian conditions inside Al-Hol camp, as well as facilitate coordination with the countries whose nationals reside in the camp and urge them to assume their responsibilities towards their citizens at the camp.” The statement did not specify what type of data would be collected.

After the social media statement, families of detained Canadians reached out to the Government of Canada to inquire on the data-collection exercise. The Government of Canada then met with Syrian Kurdish officials and asked about the exercise, since the AANES had not proactively informed Canadian officials that Canadians would be moved. Syrian Kurdish officials confirmed that they were collecting biometric data for identity purposes and explained that the detainees had used different names and nationalities, which complicated the process. Syrian Kurdish officials also confirmed that some women detainees and children were being removed from Al-Hol to Roj camp based on security considerations. Canadian officials then approached the AANES with a specific request concerning the Canadian detainee(s); Syrian Kurdish officials confirmed the transfer of these detainee(s) to Roj camp.

4. Please explain whether your Government has been informed by the authorities carrying out this exercise about the next step following their relocation to the other camp.

The Government of Canada was not informed by the AANES about the next step following the relocation of Canadian citizens to the other camp.

5. Please explain whether your Government was in any way involved in requesting this exercise, or if the data collected or assessments made were communicated to your Government.

The Government of Canada was not involved in the request and no data collected or assessments have been communicated to the Government of Canada.

6. Please explain what data-protection measures are available in your national legal system to protect against the exploitation and use of such data collected, stored and used by other State actors with whom data was shared as well as non-state actors against your nationals.

Canada has legislation governing its handling of personal information however, consistent with international law, such legislation does not apply to the collection and use of personal information outside Canada by foreign entities not acting on behalf of Canada.

7. Kindly also explain how the collection of biometric data has complied with medical ethics, the adequate provision of information and with people’s right to informed consent.

The Government of Canada cannot assess how the collection of biometric data has complied with medical ethics, the adequate provision of information and with peoples’ right to informed consent, as it was not informed of or involved in such collection.

8. Please provide information on the actions taken by your Government to protect the rights of children from your country being held in al Hol and Roj camps to prevent irreparable harm to the lives, health and security.

The Government of Canada is particularly concerned with cases of Canadian children being detained by Kurdish authorities in northeastern Syria. The Government has communicated, and continues to reiterate to the AANES its expectation that the Canadian children being held in Al Hol and Roj camps be treated humanely and in line with the applicable principles of international humanitarian law and international human rights law, including, the Convention on the Rights of the Child. In addition, the Government of Canada has asked, and continues to ask, the AANES to provide medical care to the Canadian children in their custody, when they or their families request such care. Moreover, the Government of Canada has also asked, and continues to ask, the AANES to update us on the status and wellbeing of Canadian children in their custody, including in instances where the Government of Canada

has received specific medical information about individual children. All of the children in northeastern Syria, of whom the Government of Canada is aware, are in the care of at least one of their parents. In October 2020, the Government of Canada provided assistance to a Canadian orphan in northeastern Syria to bring the child safely to Canada to be united with her extended family. The decision to repatriate the child was based on humanitarian considerations and was in the best interest of the child. As an orphan, the child had no legal guardian to provide care, advocate for her well-being or make decisions on their behalf.

9. Please provide any information available on specific measures taken to protect women and girls against acts of gender-based violence they may face within the detention facilities and in the camps and to ensure their access to health services, specifically in relation to their reproductive health.

The Government of Canada has requested that the AANES provide updates on the medical status and wellbeing of the Canadian women and girls in their custody. We continue to reiterate to the AANES Canada's expectation that Canadians, including specifically the Canadian women and girls in Al-Hol and Al-Roj camps, will be treated humanely, in line with the applicable principles of international humanitarian law and international human rights law.

The Government of Canada also supports partners delivering humanitarian assistance in Syria more generally, including in northeastern Syria. This includes supporting vulnerable groups, particularly women and girls, by providing food assistance, shelter, critical water and sanitation interventions, education, structured and sustained psychosocial support, sexual and reproductive health services, and gender based violence prevention services.

10. Please indicate the steps that your Excellency's Government has taken or is considering to take, to ensure access to an effective remedy, including through domestic judicial mechanisms, for your nationals being held in al Hol and Roj camps who may be victims of human rights abuses, including trafficking in persons.

Canadian officials have asked the AANES to facilitate communication between detainees and consular officials, but have not yet been successful in establishing this communication. In that situation, it has proven difficult to establish whether the individuals are victims of human rights abuses, including victims of trafficking in persons.

As mentioned in previous answers, the Government of Canada continues to advocate for the well-being of all Canadian citizens detained in Al-Hol and Roj camps. Canadian officials have repeatedly conveyed to the AANES Canada's expectation that all Canadian citizens in their custody be treated humanely, in line with the applicable principles of international humanitarian law and international human rights law.

11. Please provide any information you may have about the basis for the transfer of families from al Hol to Roj, and the measures your Government has taken to maintain contact and ensure their well-being since transfer.

The Government of Canada is aware of reports that families were transferred from Al-Hol to Roj camp to provide increased protection of detainees at risk from violence. The Government of Canada cannot verify the accuracy of these reports. Please refer to Question 2 for more information.

12. Please explain the measures that your Government might have taken to ensure that the rights of your citizens mentioned in this communication were respected in this exercise.

Please refer to Question 2.