

## **Long overdue review and complaints body for Canadian Border Services and Mounties welcomed by rights advocates, but warn that gaps in legislation will undermine accountability**

**Nov. 12, 2024, OTTAWA** – Civil society groups are welcoming the adoption of Bill C-20 and the long-overdue establishment of an independent review body for the Canada Border Services Agency (CBSA).

“For more than two decades, the CBSA has evaded independent review and been allowed to self-police all complaints. The new Public Complaints and Review Commission created by Bill C-20 is an important step toward greater transparency and accountability at one of Canada’s largest law enforcement agencies,” said Tim McSorley, National Coordinator of the International Civil Liberties Monitoring Group, one of nine organizations that have worked collectively to bring improvements to the bill during its progress through parliament.

The newly created PCRC will investigate complaints and carry out reviews regarding both the RCMP and the CBSA, and will bring some long-needed changes to how complaints regarding the RCMP are handled as well. This includes allowing for third-party complaints, the explicit ability for the Commission to carry out specified activity reviews, and ensuring the Commission reflects the diversity of Canadian society.

However, significant outstanding problems with the legislation that the government failed to rectify during the Parliamentary study of the bill will need to be addressed as the new Commission is put in place. This includes ensuring that much-needed third-party complaints are not excluded on baseless grounds, that complaints regarding patterns of abuse are investigated, and that, as much as possible, the Commission itself investigates complaints, rather than the RCMP or CBSA themselves.

The new law unfortunately also leaves significant gaps in the complaint and review process. In particular, it fails to provide for the possibility for a stay of removal or other redress in the course of or following a complaint, and it denies the ability for a party to seek judicial review of the Commission’s decisions.

“While it is positive to finally see legislation in place, it is unfortunate that, after years of advocacy, the government failed to include key elements to ensure that when RCMP or CBSA officers violate the rights of people in Canada, they have clear and strong avenues to seek recourse,” said Pantea Jafari, of the Canadian Immigration Lawyers’ Association.

“Although we are relieved that the CBSA will finally have an independent civilian body to review its handling of complaints, we know from our work in police accountability that a stronger model than that provided by Bill C-20 is needed; we are disappointed that Parliament did not seize the opportunity to bring these powerful federal law enforcement agencies – the CBSA and the RCMP – under robust and effective oversight systems,” said Meghan McDermott of the BC Civil Liberties Association.

Since the tabling of Bill C-20, a network of nine civil society organizations has worked to raise concerns with the government, MPs and Senators. Most recently, they presented a series of joint recommendations to the Senate committee studying the bill:

[https://sencanada.ca/Content/Sen/Committee/441/SECD/briefs/SECD\\_C-20\\_Brief\\_JointBrief\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/441/SECD/briefs/SECD_C-20_Brief_JointBrief_e.pdf).

The groups include:

- Amnesty International Canada (English Section)
- BC Civil Liberties Association
- Canadian Association of Refugee Lawyers
- Canadian Civil Liberties Association
- Canadian Council for Refugees
- Canadian Immigration Lawyers Association
- Canadian Muslim Lawyers Association
- Canadian Muslim Public Affairs Council
- International Civil Liberties Monitoring Group

These advocacy efforts resulted in significant improvements to the legislation, including allowing third parties, including civil liberty, human rights, refugee and migrant rights, and other civil society organizations, to both file complaints with the new Commission and request that the Commission undertake reviews; extending the deadline for submitting complaints to two years; and removing unnecessary barriers around which complaints the Commission may pursue. This advocacy also helped inspire important observations included by the Standing Senate Committee on National Security, Defence and Veterans Affairs in their report on the bill, underscoring the importance of a non-restrictive approach to third party complaints and of ensuring diversity in the make-up of the PCRC staffing.

As the government moves to establish the PCRC and set out regulations for how it will operate, civil society groups plan to continue to advocate for ways to strengthen the review process.

“Passing this legislation is a welcome and critical first step. We plan to remain vigilant on the development of regulations, and how the Commission will operate, to ensure the review and complaints processes are effective channels and taken seriously by the CBSA and RCMP,” said Gauri Sreenivasan, Co-Executive Director of the Canadian Council for Refugees.

-30-

*This release is jointly issued by: Amnesty International Canada (English Section), BC Civil Liberties Association, Canadian Association of Refugee Lawyers, Canadian Civil Liberties Association, Canadian Council for Refugees, Canadian Immigration Lawyers Association, Canadian Muslim Lawyers Association, Canadian Muslim Public Affairs Council, and International Civil Liberties Monitoring Group*

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