

	
	 
	 <p>Centre for Free Expression Faculty of Communication & Design</p>

April 10, 2020

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

Via e-mail only to: mcu@justice.gc.ca

Dear Minister Lametti:

Re: Media Access to Federal Inmates and Prisons during the COVID-19 Crisis

We are writing to express our concern regarding Correctional Service of Canada (CSC), and the restrictions it is placing on federal inmates' access to news reporters. These restrictions are unduly limiting the media's ability to provide the public with an accurate and timely depiction of the state of current COVID-19 health risks in federal prisons and among federal inmates in provincial institutions. They represent a gross violation of the constitutionally protected free expression rights not only of the media, but also of vulnerable inmates, and their family and friends, and the public.

These issues have been brought to public attention by national issues reporter Justin Ling, who is also signing this letter. For some weeks, he has been concerned about media access to federal inmates. He has reported that conditions inside federal prisons are dire, and the system appears to be "[grossly unprepared, and buckling under the weight of a pandemic.](#)" Reports like these are necessary to help vulnerable citizens, who are not otherwise able to do so, to voice their concerns to the public. Such media investigations can also help provide valuable information to inform public policy and should be welcomed by all those who wish to see the best and safest possible systems in place.

Media reports filed so far, by the CBC, the National Post, Global News, and others, have informed the public about critical health threats inmates are facing during the current pandemic. For example, inmates have not been given hand sanitizer or additional soap; those expressing symptoms are put in solitary confinement, which represents a further violation of their *Charter* rights; and corrections officers are not exercising social distancing. These are just a few of many examples of the human rights violations involved.

These practices also run completely counter to the public commitments to transparency on health information regarding the pandemic, promised by the Prime Minister and other federal government representatives. Rather, existing protocols and, in some cases, a tightening of rules are now being imposed to further restrict media's access to inmates at a time when there is a greater need than ever to provide information about health risks to the public.

To be clear, the signatories to this letter have always found the CSC's Directive 022 on media relations, requiring media to submit requests to interview inmates, to be unjustifiably restrictive of free expression rights. Request forms are too long, vague, cumbersome, and open to subjective interpretation and conflict of interest. The Directive does not provide reasonable limits on the free expression rights affected, based on legitimate concerns such as prison security. It is too easy for authorities to refuse an inmate access to a journalist, especially since the appeals process is rendered meaningless during the current national emergency, where delays cost lives.

Restrictions on three-way phone calls unduly prevent communication between inmates and journalists. While the CSC has denied it is intended, there does appear to be a resulting pattern emerging which would suggest that inmates who have been critical about health protocols during the pandemic are facing stricter enforcement of protocols and even disciplinary sanctions surrounding their use of three-way calling and therefore access to media. This is extremely concerning and puts a chill on inmates looking to convey information to the media that of interest to the wider public. We are monitoring this closely. As this is a pressing issue we look forward to a speedy response on the access and press freedom issue and are hoping to hear from you Monday or Tuesday at the latest.



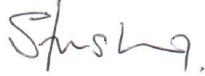


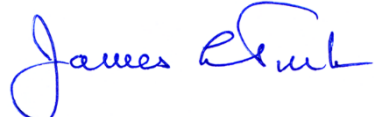
The Canadian Association of Journalists ("CAJ"), Canadian Journalists for Free Expression ("CJFE"), the Canadian Committee for World Press Freedom ("CCWPF"), the Centre for Free Expression ("CFE") and PEN Canada ("PEN") are all established, nonpartisan civil society organizations concerned with press freedoms in Canada.

CAJ is Canada's largest national professional organization for journalists from all media, representing over 600 members across the country, whose primary roles are to provide high-quality professional development for its members and public-interest advocacy. CJFE monitors, defends and reports on free expression and access to information in Canada and abroad, and promotes a free media as essential to a fair and open society. CCWPF monitors press freedom issues nationally and globally, celebrates World Press Freedom Day, and advocates for freedom of expression. PEN is an organization of writers, and readers, that works with others to defend freedom of expression as a basic human right, at home and abroad. CFE educates, researches, advocates, collaborates and provides information to uphold free expression in Canada.

Together, we are committed to protecting the public's right to know.

We ask for your response to this letter, describing the actions to be taken by CAC to prevent avoidable deaths of federal inmates, by the close of business on Tuesday, April 14, 2020.

Yours very truly,

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cc. The Right Honourable Justin Trudeau, Prime Minister of Canada
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