



FOR IMMEDIATE RELEASE

**Civil Liberties, Indigenous Rights, and Community Groups
Respond to BC Travel Restrictions Order**

VANCOUVER/ (X^wməθk^wəyəm (Musqueam), Sk̓w̓x̓wú7mesh (Squamish) and səliłwətał (Tsleil-Waututh) territories, April 23, 2021 – Civil Liberties, Indigenous and Community organizations are responding to the [Travel Restrictions \(COVID-19\) Order](#) announced by the BC Minister of Public Safety Mike Farnworth. The order made under BC’s Emergency Programs Act is already in effect and will be until May 25, however enforcement details have not been released. The order enables police and other enforcement officers to issue violation tickets in the amount of \$575 to any person travelling into or out of health regions except for an essential purpose.

According to **Harsha Walia, Executive Director of the BC Civil Liberties Association**, “We are supportive of measures taken to reduce travel and enable people and communities to stay safe from COVID-19. Our major concern with this order is related to its enforcement measures. Especially at a time of increased public scrutiny about systemic racism in policing, it is alarming that we now have three public announcements in the span of one week about increased police enforcement powers, but we still do not have details about the scope of these policing powers. In response to significant public pressure, it seems that the Province is scaling back its plans, but we are still left to speculate. We continue to have several concerns regarding the serious constitutional and privacy issues at stake, as well as the potential harmful impacts of this order on Indigenous, Black and racialized communities.”

“We are deeply concerned about the prospect of police using these powers to further the racist discrimination and pretext policing that we have seen from street check practices. The provincial government is essentially unconstitutionally expanding the scope of policing, and the public still has no answers about what precisely to expect and what their rights are if stopped by an officer seeking to enforce this order,” says **Meghan McDermott, BCCLA’s Interim Policy Director**.

“What are the specific powers being granted to police that police will have to enforce this order? What is the permissible scope of questioning that police will be authorized to conduct? Does a person have to answer questions about where they are going? Do they have to show evidence about their travels? How will the provincial government ensure that police will not use these expanded police powers as a pretext for other law enforcement actions? Will police be retaining or storing any information they collect in police databases?” further probes **McDermott**.

“Migrants, migrant workers and people with precarious immigration status are already so fearful of law enforcement authorities. We are very concerned whether these police checkpoints and increased police powers will become a way for police to check on people’s immigration status. More police powers creates a chilling effect for migrant communities, who are suffering so much in this pandemic,” says **Bryon Cruz of Sanctuary Health**.

On April 22, 2021, the BC Civil Liberties Association, Union of BC Indian Chiefs, BC First Nations Justice Council, British Columbia Assembly of First Nations, First Nations Summit, Pivot Legal Society, Criminal Defence Advocacy Society, Coalition of Peers Dismantling the Drug War, Sanctuary Health, PACE Society, and the Pacific AIDS Network wrote to the Province of BC with a series of questions. Their letter is available here:

https://bccla.org/our_work/joint-letter-to-provincial-government-about-proposed-covid-19-travel-restrictions-and-accompanying-police-enforcement/

None of the eleven signatory organizations were consulted by the Province. Further, any consultation process should be public, not confidential, and available to the most marginalized and vulnerable to police powers within diverse Black, Indigenous and racialized communities.

States **Kukpi7 Judy Wilson, Secretary-Treasurer of the Union of BC Indian Chiefs**, “In his press conference today, Minister Farnworth said that he met with racialized groups yesterday. That’s a very vague assertion. Who did he meet with? Further, a meeting after the order had been developed does not constitute consultation in any way, as was promised on Monday by Premier Horgan. After another year of police murders of Indigenous peoples in BC and Canada, we are shocked that the Province decided to unilaterally expand police authority.”

Chief Don Tom, Vice-President of the Union of BC Indian Chiefs stated, “First Nations in BC have been tirelessly asking to be at the table on any discussions regarding travel in and out of their territories to no avail. We are highly concerned about the rapid spread of COVID-19 in BC and we want everyone to stay home if they can. However, the Province must follow proper process and develop orders that uphold the human rights of Indigenous peoples. We are concerned this problematic order alone isn’t enough to drastically reduce transmission and that the next months could be drawn-out piecemeal orders rather than a comprehensive plan.”

“The order itself says that it must be construed in according with section 35 Indigenous rights. The provincial government continues to run rough-shot over Indigenous rights and First Nations jurisdiction in BC. Any introduction of an order that regulates movement of Indigenous people on our lands and exposes Indigenous peoples to further policing should have full consultation and consent of all First Nations in BC. We need to ensure that necessary safeguards are in place and doesn’t deepen the problem of systemic racism against our peoples,” says **Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs**.

Today’s announcement does address some of the earlier concerns in the joint letter, including in the Provincial Health Order’s amalgamation of health authority boundaries and in the broad definition of essential travel. “We would expect the Province to consider the various complex barriers of stigmatization and safety, that may hinder people from disclosing that they are seeking access to certain support services, health services or anti-violence programs. While we are encouraged to see an expansive definition of essential travel in the order to include access to support services and volunteer work, we would encourage the Province to consider an even broader definition, one that is more inclusive of grey economies and informal work that many persons rely on to meet their basic needs.” states **J. Evin Jones, Executive Director of the Pacific AIDS Network**.