



Justice Centre for Constitutional Freedoms

April 14, 2020

Sent via email and mail

Hon. Blaine Higgs
Premier of New Brunswick
Chancery Place
P. O. Box 6000
Fredericton, NB E3B 5H1

Dear Premier Higgs,

I write to inquire about the risks that current government measures to combat COVID-19 (e.g. social distancing and isolation; the shutting down of our economy; the cancellation and closure of many health care services that New Brunswickers rely upon) are posing to the health and lives of New Brunswickers.

As you know, the *Canadian Charter of Rights and Freedoms* safeguards liberty as its first priority. The *Charter* is intended to prevent governments from infringing the fundamental freedoms of Canadians, and permits infringement only in exceptional circumstances and only to the extent that a government can show its actions are “demonstrably justified in a free and democratic society.” Once citizens are able to show that their rights have been violated, the onus shifts to the government to justify its violation of those rights. This burden is on the government, not the citizens. This burden is intended by the *Charter* to be an onerous one.

Your government, along with other governments across Canada, are violating Canadians’ *Charter* freedoms to move, travel, associate, assemble peacefully and practice their religion. Temples, mosques, synagogues and churches have been deemed non-essential, as have schools. New Brunswickers’ *Charter* rights to liberty and security of the person have also been compromised.

Your government claims saving lives as the justification for government measures that severely violate *Charter* rights and freedoms. This is a worthy goal that potentially justifies violating the fundamental freedoms of citizens, at least for a limited and specified period of time. At the same time, while recognizing the legitimacy of a government’s objective, courts also conduct a balancing exercise, weighing both the harms and the benefits of government action.

I trust that you personally, and the Government of New Brunswick as a whole, have given very serious consideration to the number of lives that will be lost as a result of the social isolation and economic devastation that your government’s measures against COVID-19 are inflicting on New Brunswickers.

I request your candid and detailed response to the following questions:

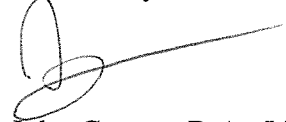
1. How many suicides are projected to take place in New Brunswick as a result of the Government of New Brunswick having shut down much of our economy, forcing tens or even hundreds of thousands of New Brunswickers into unemployment, underemployment, bankruptcy and poverty?
2. How many New Brunswickers do you project will die because of the rise in alcoholism, other addictions and drug overdoses that the lockdown and associated unemployment and social isolation will cause, as the lockdown drags on for weeks or even months?
3. How many spouses in New Brunswick do you project will be abused or killed while couples remain confined to their homes, in many cases unemployed, without money and without their usual social supports?
4. How many children will be put in foster care because of domestic abuse, or loss of their parents' ability to provide for them, or both?
5. How many New Brunswickers are projected to become sick or die because the government forced them into unemployment and poverty, or forced their family business into bankruptcy?
6. How many seniors in New Brunswick are projected to become sick or die because they no longer receive regular visitors, resulting in nobody noticing changes (e.g. weight loss or gain; change in skin colour; other ailments), such that nobody takes these sick seniors to their own family doctor for a check-up?
7. How many New Brunswickers are projected to die because the good charities that care for the weakest and most vulnerable citizens are not permitted to carry out their work, or because the donations that these non-profits rely on have dwindled or disappeared?
8. How many New Brunswickers are projected to die of cancer or other diseases and conditions because their elective surgery, testing or various treatments have been cancelled due to the singular focus on fighting COVID-19?
9. How many New Brunswickers are projected to suffer harm by lack of access to secondary health providers they regularly rely on, such as physiotherapists, massage therapists, optometrists, chiropractors, osteopaths and dentists?
10. How many New Brunswickers are projected to die or suffer serious harm because they believe (correctly or incorrectly) that they cannot go see their doctor, or that they cannot check into emergency at the hospital?
11. How many children in New Brunswick, confined to their homes while schools and playgrounds are closed and athletic activities are shut down, are projected to develop diabetes or other chronic health conditions?

12. How many New Brunswickers will develop psychiatric disorders caused by governments having effectively eliminated social interaction at restaurants, pubs, churches, recreational facilities and community centres?
13. How many New Brunswickers are currently being denied their religious right to worship and attend mass, church, synagogue, mosque or temple while the lockdown continues?
14. Have you or your staff researched any of these questions here above?
15. If yes to the foregoing question, have you created any models, estimates or projections in regard to any or all of these causes of illness, harm and death?
16. If yes to the foregoing question, I request copies of those models, estimates and projections.

If I receive no response to this letter, I will take that to mean that you and your staff have failed to calculate and consider the severe negative impact of the lockdown that you have imposed, and that no significant or meaningful research has been conducted on the crucial issues raised in this letter.

I look forward to hearing from you.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Carpay', with a long horizontal line extending to the right.

John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms