



Justice Centre

for Constitutional Freedoms

September 28, 2020

The Honourable Doug Ford
Premier of Ontario
Room 281
Legislative Building, Queen's Park
Toronto, ON
M7A 1A1

Sent via email: premier@ontario.ca

Dear Premier Ford,

Re: Restrictions on Religious Freedoms and Further Lockdowns

I write on behalf of a coalition of faith leaders in Ontario, who are concerned about ongoing and potentially increasing restrictions on religious gatherings heading into the fall season.

Currently, places of worship are limited to 30% capacity. With attendance ramping up following the summer vacation period, this sometimes means turning parishioners away or coordinating multiple services which do not permit the faith community to meet as one body.

Faith groups have gone above and beyond to comply with restrictions and intrusive public health requirements over the past challenging six months, but have typically been an afterthought for your government. As you know, it took legal action or the threat thereof to legalize drive-in services and to get the doors open even to 30%, even though other groups, including non-essential businesses, were operating. Our clients would like to be able to conduct their worship services as they deem appropriate for the general wellbeing of their parishioners, including increasing access to their facilities – but at a minimum, they are asking that you not impose any further limitations or restrictions.

As faith leaders, our clients see the damage first-hand that these measures have on people, as their physical, mental, spiritual and emotional well-being is jeopardized. And citizens' freedoms to assemble and associate with one another, whether for religious reasons or otherwise, are so vital to the human condition and to Canada's liberal democratic order, that they are described as "fundamental freedoms" and are enshrined in our constitution. Attempts to restrict them must be subject to the most exacting scrutiny.

We understand that you are facing enormous political pressure from some quarters to "do something" about the increasing numbers of positive test results, including further lockdowns (although the overwhelming majority of these "cases" will never amount to

illness, let alone death, and may even reflect significant “false positives”¹). However, there are also burgeoning numbers of citizens who believe that restrictions on their ability to worship, assemble and associate are unconstitutional and unjustified, and widespread protests can be expected to continue and grow.

Indeed, the Justice Centre has been reminding federal and provincial governments, through published reports and litigation, that infringements on the *Charter* rights and freedoms of Canadians are unconstitutional unless they can be demonstrably justified in a free and democratic society. In June, we published a paper on the Ontario lockdown measures entitled “*Unprecedented and Unjustified: A Charter Analysis of Ontario’s Response to Covid-19*”². That which was already evident in June is even more obvious in September – widespread lockdowns of healthy individuals are not minimally impairing, proportional or rational.

There is also no compelling evidence that lockdowns work, particularly when one considers the experiences of various countries around the world such as Peru (which locked down heavily and still suffered large losses) and Sweden (which did not lock down but appears to be avoiding the recent significant uptick in positive tests seen in other European countries).³

With recent news that your government is being lobbied by various doctors to impose another lockdown⁴, we are concerned that insufficient consideration is being given to opposing views. We hope that your Command Table is avoiding groupthink, and an undue and unrelenting deference to the “precautionary principle”, by hearing from doctors and experts who do not agree with the assessment contained in the news article cited in this paragraph. Should that not be the case, we would be pleased to connect you with such experts by arranging a meeting with members of your health team and cabinet.

Our clients and a growing number of Ontarians are troubled by the shifting goals of restrictive measures: from initially protecting the health care system, to what appears to be the unattainable objective of eradicating or suppressing this virus at any cost. Increasing case tallies are seldom placed in the proper context, by explaining that the number of individuals being tested has risen vastly since we saw similar case numbers in the spring (naturally exposing a greater number of “cases”, particularly asymptomatic ones); and, that there has been a dramatic decline in the numbers of hospitalizations and deaths since the spring. This perpetuates fear in those citizens who do not appreciate that context; while at the same time, engenders distrust of government and experts in those who do – a situation that is extremely detrimental to our civic health.

¹ <https://www.nytimes.com/2020/08/29/health/coronavirus-testing.html>

² https://www.jccf.ca/published_reports/unprecedented-and-unjustified-ontario-lockdown/

³ <https://www.msn.com/en-us/news/world/sweden-shows-lockdowns-were-unnecessary-no-wonder-public-health-officials-hate-it/ar-BB1904YN>

⁴ <https://www.newswire.ca/news-releases/tighter-restrictions-needed-now-to-halt-spread-of-covid-19-in-ontario-856947463.html>

We wish to remind you that, while you may be hearing some clamoring to close things down again, your government has an obligation to uphold the *Charter* rights of citizens even in difficult times and even in the face of public pressure, and must take back control of the province from public health officials who do not consider and are not equipped to consider the broader social and economic impacts of their policies.

While our clients are quite prepared to continue incorporating reasonable, science-based recommendations to help protect the health of their parishioners, they will not tolerate further restrictions on their freedom of religion, and are prepared to take legal action immediately should that happen.

We trust that will be unnecessary.

Yours very truly,



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"Defending the constitutional freedoms of Canadians"

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