

The Docket

Spring 2020



Justice Centre
for Constitutional Freedoms

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Court reprimands University of Alberta over imposing \$17,500 security fee on pro-life students



The Justice Centre obtained a significant victory for campus free speech in January 2020. The Alberta Court of Appeal overruled the University’s imposition of a \$17,500 “security fee” on a group of students wishing to express their opinions peacefully on campus. The Court ruled unanimously that the security fee was unlawful interference with the freedom of expression of pro-life students and their campus club, UAlberta Pro-Life.

The Court also unanimously ruled that the *Canadian Charter of Rights and Freedoms* applies to the University when it regulates student expression on university grounds, the first appellate-level ruling of its kind in Canada.

The Justice Centre appreciates the good work of the BC Civil Liberties Association, which intervened in the Alberta Court of Appeal, in support of free expression.

Nova Scotia judge denies Lorne Grabher return of license plate



In a disappointing decision on January 31, 2020, Nova Scotia judge Darlene Jamieson denied a senior citizen his personalized licence plate. Lorne Grabher, from Darmouth, Nova Scotia, has had a “GRABHER” licence plate for 27 years, reflecting the family’s German-Austrian heritage. In her ruling, Justice Jamieson noted governments’ use of “Dildo”, “Crotch”, “Swastika” and “Sh*t”, and phrases such as “Negro Lake” and “Blow Me Down”, on public property, but ruled that Mr. Grabher cannot use his family name on a licence plate because it might be “offensive”.

The Justice Centre is appealing this ruling, and will continue to fight for Mr. Grabher’s dignity and *Charter*-protected free expression

Fight to protect freedom of the press proceeds against federal government



The Justice Centre represents journalist Andrew Lawton and True North Centre for Public Policy (True North) as they challenge the Federal Leaders’ Debates Commission’s last-minute decision to deny True North its media accreditation for the election debate in October 2019. The Justice Centre seeks a declaration from the Federal Court that the journalists’ *Charter*-protected freedom of the press was violated.

A case that highlights the importance of a free and independent press could not be more timely. On February 2, 2020, Canadian Heritage Minister Steven Guilbeault suggested news media in Canada should be regulated, by requiring them to be approved and licensed by the government. Popular online columnist and commentator Spencer Fernando called the move “incredibly disturbing”. He noted, “Authoritarian communist states control the press and demand media licenses.”

City of Prince Albert back in court over censorship of pro-life flag



The Justice Centre was in the Saskatchewan Court of Appeal on January 22, 2020, in the case of Prince Albert Right to Life Association (PARLA) v. City of Prince Albert. In 2017, the City refused its courtesy flagpole to a pro-life flag, while allowing a wide variety of other political, religious, social and cultural groups to fly their flags on this pole, from seniors’ organizations to LGBTQ Pride. PARLA had flown the flag for “Celebrate Life Week” for the past 20 years, using the same flag since 2007. The lower Court criticized the City of Prince Albert for not being procedurally fair, awarding \$6,000 in costs against the City.

UBC faces legal action for cancelling event with speaker Andy Ngo



The Justice Centre will sue the University of British Columbia (UBC) on behalf of The Free Speech Club, after UBC cancelled a planned campus event, featuring journalist Andy Ngo on the topic of Antifa violence. Mr. Ngo was himself a victim of Antifa violence when attacked and injured in June 2019 while covering protests in Portland, Oregon.

Despite signing a contract and accepting the club's deposit, UBC unilaterally cancelled the event, stating in an email shortly before Christmas that this was necessary due to concerns "about the safety and security of our campus community."

UBC Counsel Hubert Lai stated UBC will not be reinstating the Andy Ngo event, as "Mr. Ngo has been the target of violence in the past" and claims that "the risk to persons and property was too high." It appears that UBC is now pandering to the same Antifa violence that victimized Mr. Ngo.

New Yaniv human rights complaints on hold til Yaniv pays costs



The BC Human Rights Tribunal has put on hold two new human rights complaints, filed by serial complainant Jessica Yaniv against beauty salons for refusing to wax Yaniv's male genitalia and legs. In 2019, Yaniv's complaints of gender discrimination were dismissed. The Tribunal ruled that women estheticians (represented by the Justice Centre) could not be forced to handle male genitalia against their will, regardless of how the individual chooses to identify.

The Tribunal ordered Yaniv to pay \$2,000 to each of the three women, for a total of \$6,000.

The Justice Centre's two newest clients are Vancouver salon Top Touch, and She Point Beauty Studio. Both are operated by immigrant, religious women who provide women-only intimate services, specifically Brazilian waxes, which is waxing of the female genital area.

Yaniv's failure to pay \$6,000 means Yaniv's new complaints will be put on hold for at least six months.

Court rules smudging ritual in classroom is “cultural” not religious



In 2015, a Port Alberni, B.C. school required children to participate in an aboriginal smudging ceremony, where smoke from burning sage was fanned over the classroom, furniture and space occupied by the children. In a letter to parents, the school stated this ritual took place for the express purpose of cleansing the children’s spirits of negative energy. Later in the school year, a prayer was offered at a mandatory student assembly. In January 2020, the lower Court ruled that the smudging of the children was not a religious or spiritual ritual, despite the stated purpose in the letter to parents being for “cleansing” the spirits of children and the classroom.

The Justice Centre is appealing the decision, to protect Canadians’ rights to be free from state-compelled spirituality, especially children in a public school classroom.



The Justice Centre for Constitutional Freedoms will present the 2020 George Jonas Freedom Award to the Society for Academic Freedom and Scholarship at three award dinners:

Toronto, June 18 | Calgary, October 15 | Vancouver, November 5

Each year, the George Jonas Freedom Award is presented to an individual or organization in recognition of significant contributions towards defending the free society.

Tickets available at www.jccf.ca

Early Bird: Individual \$150 | Table \$1,200 **Regular:** Individual \$200 | Table \$1,600

2019 By the Numbers

9 years of defending freedom
51 concluded cases since 2010
4 court victories in 2019
6,774 Facebook likes and followers
3,250 Twitter followers
1.16 million Twitter profile visits

112 media interviews
10,399 newsletter subscribers
52 published columns
133,000+ website visitors
5 legal research reports
9 lawyers and paralegals