



Justice Centre  
for Constitutional Freedoms

# YEAR IN REVIEW 2019

We're making a list...  
And we checked it twice.

2019 was a dynamic year for the Justice Centre. From Newfoundland to Nanaimo, the Justice Centre was in court defending freedom! Thanks to your support, our team of talented and dedicated staff grew to 16 people, including seven lawyers and various support staff. We now have lawyers based in BC, Alberta and Ontario.

## Here is a look back

at the achievements and highlights of the year.



# CONTENTS

- 4 TRIBUNAL RULES IN FAVOUR OF FEMALE ESTHETICIANS, REJECTING YANIV'S DEMANDS THAT THEY WAX MALE GENITALIA
- 5 JUSTICE CENTRE SUCCESSFULLY DEFENDS ALBERTA PARENTS AND PRIVATE SCHOOLS AS GOVERNMENT REPEALS UNCONSTITUTIONAL LAW
- 6 JUSTICE CENTRE ARGUES AGAINST COMPELLED SPEECH IN BC GENDER TRANSITION CASE
- 7 SCHOOL SUED FOR TELLING SIX-YEAR-OLD GIRL THAT GIRLS ARE NOT REAL
- 8 JUSTICE CENTRE ARGUES AGAINST FORCING CHILDREN TO PARTICIPATE IN SPIRITUAL RITUAL IN BC CASE
- 9 JUSTICE CENTRE DEFENDS ALBERTA PARENTS FACING HUMAN RIGHTS COMPLAINTS FROM REJECTED BABYSITTER
- 10 JUSTICE CENTRE DEFENDS THE CHARTER FREEDOMS OF PUBLIC SERVANTS IN NEWFOUNDLAND HUMAN RIGHTS CASE
- 11 PRO-CENSORSHIP RULING APPEALED TO ONTARIO COURT OF APPEAL IN WELD V. OTTAWA PUBLIC LIBRARY
- 12 FREE EXPRESSION DEFENDED AS VANCOUVER LIBRARY PROCEEDS WITH MEGHAN MURPHY LECTURE
- 13 JUSTICE CENTRE WINS RETURN OF INDIGENOUS MAN'S "NDN CAR" LICENSE PLATE FROM MANITOBA
- 14 COURT REPRIMANDS CITY OF PRINCE ALBERT FOR CAVING TO CENSORSHIP DEMANDS
- 15-16 THE YEAR AHEAD
- 17-18 BY THE NUMBERS



A portrait of Yaniv, a woman with short, curly blonde hair, wearing a blue top. She is looking directly at the camera with a neutral expression. The background is blurred, showing an indoor setting with other people.

YANIV

“Self-identification does not erase physiological reality,” stated lawyer Jay Cameron, the Justice Centre’s Litigation Manager. “Our clients do not offer the service requested. No woman should be compelled to touch male genitals against her will, irrespective of how the owner of the genitals identifies.”

## TRIBUNAL RULES IN FAVOUR OF FEMALE ESTHETICIANS, REJECTING YANIV’S DEMANDS THAT THEY WAX MALE GENITALIA

The Justice Centre represented five estheticians who were the subject of human rights complaints from Jessica Yaniv, who identifies as a woman, for refusing to wax Yaniv’s male genitalia.

The women, all from diverse ethnic backgrounds, operated home-based businesses in the Vancouver area providing “Brazilian” waxing, which is the waxing of the female groin area. Yaniv contacted the estheticians to request the intimate service, and self-declared the request was legitimate because Yaniv identifies as a woman.

When the estheticians declined Yaniv’s requests due to a lack of personal comfort, safety concerns, a lack of training, and religious objections, Yaniv filed human rights complaints against them. Yaniv alleged discrimination on the basis of gender identity and gender expression, contrary to the BC Human Rights

Code. In total, Yaniv filed 15 complaints against various estheticians in the Vancouver area seeking as much as \$15,000 in damages against individual estheticians.

As a result of Yaniv’s complaints and other harassing actions, some of the women were even forced to close their businesses. Once the Justice Centre got involved, Yaniv dropped the complaints against two of the women. In three other cases, the Justice Centre defended the estheticians before the BC Human Rights Tribunal at hearings in July of 2019.

On October 22, 2019, the Tribunal ruled in favour of the female estheticians: “human rights legislation does not require a service provider to wax a type of genitals they are not trained for and have not consented to wax.”

The Tribunal also found that Yaniv had “engaged in improper conduct” and had filed complaints “for an improper purpose”, awarding costs against Yaniv in the amount of \$2,000 payable to three of the Justice Centre’s clients. The Tribunal further denied Yaniv’s application for reconsideration of the ruling.

## JUSTICE CENTRE SUCCESSFULLY DEFENDS ALBERTA PARENTS AND PRIVATE SCHOOLS AS GOVERNMENT REPEALS UNCONSTITUTIONAL LAW



The Justice Centre's court challenge to Bill 24 successfully protected dozens of schools and thousands of parents and students from the bullying and threats of the former Alberta government.

In July of 2019, the Alberta Legislature repealed Bill 24, the law which made it illegal for schools to notify parents about their child's involvement in Gay-Straight Alliances (GSAs), or GSA-related "activities." The government had threatened to remove schools funding and accreditation if they

did not comply with Bill 24. Even private religious schools were forced to adopt policies violating their religious beliefs and the rights of parents.

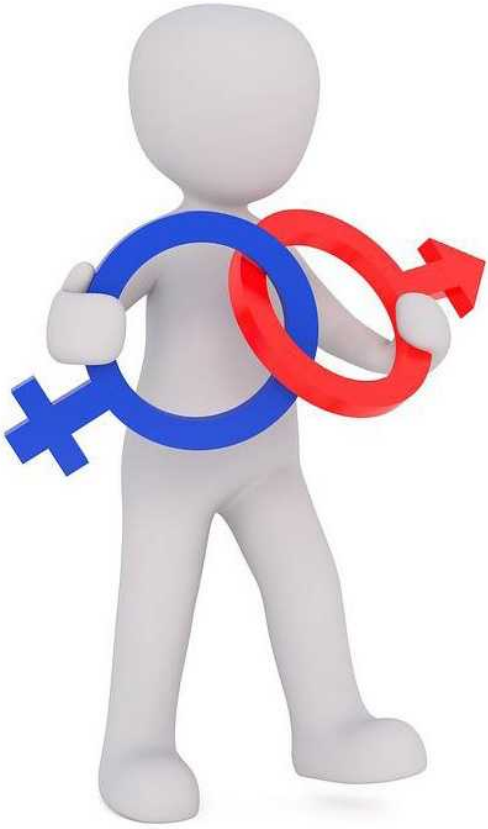
The Justice Centre filed a court action in early 2018 to challenge this Charter-violating law. We represented dozens of schools and individual parents from various faiths, including Sikhism, Judaism, Islam, Catholicism and other Christian denominations, in challenging Bill 24's violation of religious freedom and parental rights.

After spending more than a year defending private schools facing the threat of closure from former Education Minister David Eggen, the Justice Centre formally concluded its court challenge in September of 2019, after the repeal of Bill 24 came into force, removing the offending legislation.

More work remains to be done as other laws and school policies continue to violate the legal right of parents to choose the kind of education given to their children. But the repeal of Bill 24 was a good start.



## JUSTICE CENTRE ARGUES AGAINST COMPELLED SPEECH IN BC GENDER TRANSITION CASE



In 2018, a young BC child experiencing gender dysphoria was referred for cross-sex hormones, puberty blockers and possible further treatment to transition from female to male. The female-born child's father brought a court application raising concerns about risks of the proposed treatment and the failure to treat his child's underlying depression.

After self-described "queer feminist lawyer" Barbara Findlay, Q.C. filed an application, purportedly on behalf of the minor child, Justice Bowden of the BC Supreme Court ordered that the father (and everyone else) must acknowledge and refer to the child as male, and must use the child's new male

name. Justice Bowden further prohibited the father from making any efforts to persuade his child to reconsider or delay the experimental treatment. Justice Bowden stated that referring to the child using biologically correct pronouns, or trying to persuade the child not to proceed with irreversible treatments, would constitute "family violence".

The father appealed Justice Bowden's order. The Justice Centre intervened in this case to argue against the state compelling expression and unjustifiably interfering in family relationships. The Justice Centre maintains that compelling individuals to use a new name and different pronouns in referring to this child violates the Charter's protection against compelled speech. Further, the Justice Centre argued that the state cannot lawfully compel parents to voice agreement and support for a treatment which the parents, with good reason, believe is dangerous, harmful and against the interests of their impressionable children.

The state cannot lawfully  
compel parents to  
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good reason, believe is  
dangerous...





“If we cannot describe the physical reality of biological sex, then women can no longer defend their human rights as women,” notes Justice Centre lawyer Lisa Bilty.

## SCHOOL SUED FOR TELLING SIX-YEAR-OLD GIRL THAT GIRLS ARE NOT REAL

The Justice Centre represents a young girl (NB) and her parents in an application before the Ontario Human Rights Tribunal against the Ottawa-Carleton District School Board, the girl’s former teacher and the principal of the school. In early 2018, the teacher taught NB and other school children that there are no such things as girls or boys. NB identifies strongly as a girl.

As a 6-year old student in a grade one class, NB and her classmates were taught that “some people aren’t boys or girls” and that those who do not feel like a ‘she’ or a ‘he’ might not have a gender.

On one occasion, after NB had stated that she was a girl, her teacher then told the

class that “girls are not real, and boys are not real.”

NB went home and told her parents, repeatedly asking why her identity as a girl was “not real.”

NB’s family proceeded with a complaint at the Human Rights Tribunal of Ontario (“HRTTO”) against Ottawa Carleton District School Board, the teacher and principal, for discrimination on the basis of gender identity and sex, in violation of the Ontario Human Rights Code. The Justice Centre has further asserted NB’s rights to personal security and psychological integrity protected under section 7 of the Charter, and her right to be free from state discrimination on the basis of sex, protected under section 15 of the Charter.

We are hopeful that a hearing will take place in 2020.



## JUSTICE CENTRE ARGUES AGAINST FORCING CHILDREN TO PARTICIPATE IN SPIRITUAL RITUAL IN BC CASE

In September 2015, a Port Alberni, BC child was forced to participate in an aboriginal spiritual ritual intended to “cleans” the “spirits” of students as well as their classroom of negative “energy”. The child’s school had failed to provide parents with proper notice or an opportunity to opt their children out of the cleansing ceremony.

On behalf of the child and her mother, the Justice Centre filed a court application arguing that the school district violated the state’s duty of neutrality in respect of religious and spiritual beliefs. In a five-day hearing that was held November 2019 in Nanaimo, BC, the Justice Centre lawyers argued that the state, which includes public schools, must refrain from

“Teaching children about different religions and spiritualities is good. However, requiring children to participate in a religious ritual or spiritual ceremony in public schools violates the Canadian Charter of Rights and Freedoms,” notes John Carpay, President of the Justice Centre.

coercion and pressure in regard to matters of spirituality. The Justice Centre argued that being required to be present in a room where energy is being cleansed all around you, and breathe in and be touched by ceremonial smoke for spiritual purposes amounts to forced participation in a spiritual ceremony, and violates the Charter’s freedom of conscience and religion.

The court’s ruling is expected in 2020.



## JUSTICE CENTRE DEFENDS ALBERTA PARENTS FACING HUMAN RIGHTS COMPLAINTS FROM REJECTED BABYSITTER



Todd, a single father in Alberta, faced a human rights complaint for simply asking a potential babysitter how old he was, and whether he was male or female, in an online exchange.

In August 2017, Todd had posted an ad on Kijiji looking for a babysitter. A 28-year-old Edmonton man, James Cyrynowski, responded to the ad. Todd politely replied, asking Cyrynowski his age, gender, and what town he lived in.

Todd ended up not needing a babysitter and didn't contact Cyrynowski further. Cyrynowski likewise, did not follow up with Todd. Instead Cyrynowski filed a human rights complaint against Todd the very next day, alleging discrimination on the basis of age and gender in violation of the Alberta Human Rights Act.

Two years later, Todd was notified by the Alberta Human Rights Commission of the complaint against him. The Justice Centre took Todd's case, and challenged the Commission to dismiss Cyrynowski's complaint against Todd. The Human Rights Officer and the Northern Director both agreed, and recommended that Cyrynowski's

"Human rights commissions and tribunals are susceptible to abuse and need reform. There needs to be action take to prevent parents from being dragged through these processes by bogus complaints," states Marty Moore, Justice Centre lawyer.



complaint be dismissed.

Finally, in October 2019, more than two years after filing a human rights complaint against Todd, Cyrynowski dropped it.

The Justice Centre continues to represent a second parent, Danielle, an Edmonton mother of three young children, who is facing a similar complaint against her by Cyrynowski. Danielle had also posted an ad for a babysitter on Kijiji to which Cyrynowski had responded. After Danielle asked Cyrynowski whether he had any children of his own and about his employment status, Cyrynowski filed a human rights complaint against her as well. The Justice Centre's application to dismiss Cyrynowski's complaint against Danielle is pending a decision by the Director of the Alberta Human Rights Commissions.



“Left uncorrected, the reasoning of the tribunal nullifies the Charter rights of public servants,” explains Justice Centre staff lawyer Marty Moore. “For the thousands of Canadians engaged in the public service, government must not be permitted to violate their Charter rights simply because they work for the government,” continued Moore.

## JUSTICE CENTRE DEFENDS THE CHARTER FREEDOMS OF PUBLIC SERVANTS IN NEWFOUNDLAND HUMAN RIGHTS CASE

The Justice Centre intervened before the Supreme Court of Newfoundland and Labrador to argue that government must respect the Charter rights of civil servants, and accommodate those rights if possible.

The case involved the forced resignation of a distinguished civil servant, Desiree Dichmont, from serving as a marriage commissioner. After an exceptional life as a pilot in World War II, a minister to lepers in Africa and a school teacher and volunteer in Newfoundland, Ms. Dichmont had received an appointment as a marriage commissioner in 1997.

When the definition of marriage changed

in 2004, Ms. Dichmont was ordered to perform same-sex ceremonies or resign, without any accommodation of her sincerely held religious beliefs about the nature of marriage, which prevented her from performing same-sex marriage ceremonies.

Ms. Dichmont brought the matter to the human rights tribunal which, after numerous delays, finally dismissed her complaint in 2017. The tribunal held that the government had no duty to accommodate Ms. Dichmont's religious beliefs.

At the March 2019 hearing of the appeal of the tribunal's decision, the Justice Centre argued that government must respect and appropriately accommodate public servants' Charter rights, including their freedoms of expression, conscience and religion.

The Court's decision on this case is still pending.



## PRO-CENSORSHIP RULING APPEALED TO ONTARIO COURT OF APPEAL IN WELD V. OTTAWA PUBLIC LIBRARY

The Justice Centre represents Madeline Weld in her court application against the Ottawa Public Library, which denied an approved booking at the last minute, for a private viewing of the documentary film, “Killing Europe.”

The Library initially approved this controversial documentary, which explores the negative impact of a large wave of migrants who came to Europe in 2015. The documentary’s producer, Michael Hansen, was scheduled to attend the showing personally at the Ottawa Public Library and

answer questions about the film.

In response to alleged “complaints”, the Library abruptly cancelled the booking the day before the scheduled showing.

After the lower court refused to address the censorship, the Justice Centre filed a motion to appeal the ruling to the Ontario Court of Appeal. On behalf of Ms. Weld, the Justice Centre seeks a declaration that the Library unjustifiably violated her freedom of expression, which includes the right of citizens to hear, see and listen to expressive material.

We are awaiting the Ontario Court of Appeal’s permission to proceed further with this appeal.



“In a case that primarily concerns a citizen’s freedom of expression, the Court needs to consider the Charter when reviewing the cancellation of the facility rental contract,” says Justice Centre lawyer Lisa Bilty. “This could have widespread impact, since public bodies often make decisions affecting citizens on whether to allow expressive content in various forums they operate.”





“Intolerant mobs have decided that anything Meghan Murphy or her following says, or might say in the future, is unquestionably ‘hate’ speech that must be stopped at all costs,” notes Justice Centre lawyer, Lisa Biddy. “Any speaker whose ideological outlook doesn’t conform to that of the mobs will face attempts to deplatform them.”

MURPHY

## FREE EXPRESSION DEFENDED AS VANCOUVER LIBRARY PROCEEDS WITH MEGHAN MURPHY LECTURE

The Justice Centre defended freedom of expression in January 2019, when social media mobs pressured the Vancouver Public Library to cancel its agreement to host a public speaking event for Meghan Murphy and others.

Meghan Murphy is the founder and editor of Feminist Current, a popular Canadian feminist website. Ms. Murphy has drawn scorn and hatred from some quarters for stating publicly that “transwomen” (biological males who identify as women) are men, and that transwomen should not have access to women’s changerooms, bathrooms and female-only shelters. Ms. Murphy and other Vancouver women booked a room at the Vancouver Public Library to hold the “Gender Identity Ideology and Women’s Rights” event in January 2019. In response to internet mob pressure, the Chief Librarian stated that the Library “does not agree with the views

of the Feminist Current”, and that “Meghan Murphy’s opinions are concerning”.

The Library then demanded that the event not start at 6:30 PM as booked, but rather take place sometime after the Library’s 9:30 PM closing. The Library further demanded a \$2,048 security fee “to ensure safety” by paying for “additional security guards”. Ms. Murphy and other organizers protested the additional charge, noting that they already had retained private security.

The Justice Centre sent a legal warning letter to the Vancouver Public Library to rescind the security fee, which amounts to “content-based discrimination” and a “heckler’s veto”. In discussions, the Justice Centre also reminded the Library of its duty of neutrality as a public entity, and its legal duty to uphold the Charter rights of both speakers and listeners.

The matter was successfully resolved by the Justice Centre out of court and the event proceeded as planned.

## JUSTICE CENTRE WINS RETURN OF INDIGENOUS MAN'S "NDN CAR" LICENSE PLATE FROM MANITOBA GOVERNMENT



The Justice Centre secured the return of Bruce Spence's "NDN CAR" personalized licence plate to Mr. Spence, in an out-of-court negotiated settlement. The plate had been revoked by Manitoba Public Insurance (MPI) in February 2019, seven years after being issued.

Manitoba Public Insurance revoked it suddenly, claiming it to be a "phrase or innuendo that may be considered offensive."

Mr. Spence, a Cree man, chose the personalized plate "NDN CAR" as a witty reference to the popular folk-rock song "Indian Cars" by Indigenous musician Keith Secola. In his years of using the plate, Mr. Spence had only received positive feedback, and was shocked when MPI, a government agency, took it away.

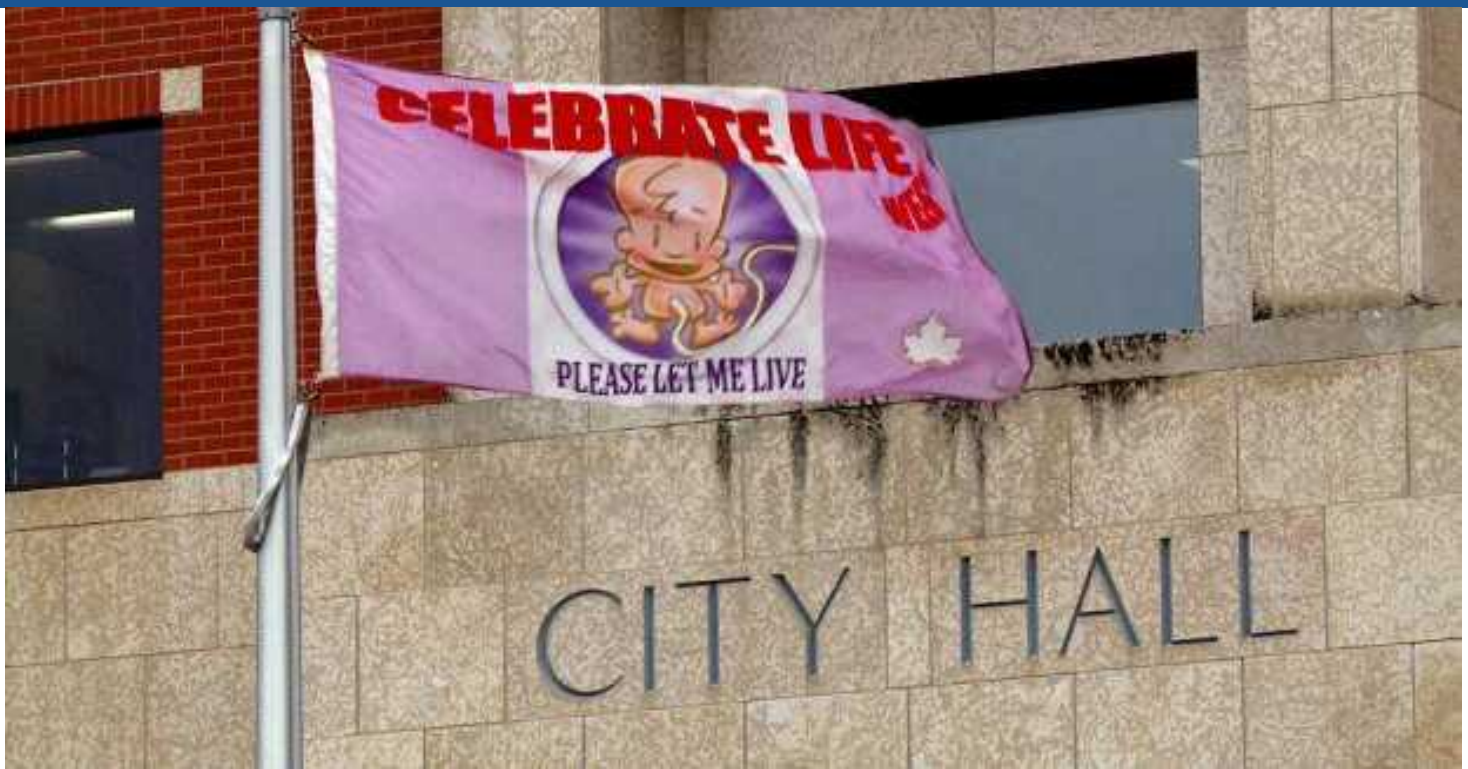
The Justice Centre filed a court application challenging MPI's decision for violating Mr. Spence's freedom of expression protected under the Charter. Rather than try and defend their decision to revoke the "NDN CAR" plate, MPI returned the plate to Mr. Spence.

Mr. Spence is very happy to have his plate back in use.



"MPI has invited citizens to express themselves on personalized licence plates. It cannot revoke these plates simply to avoid controversy or to appease someone who has complained because they feel offended by a particular personalized plate," notes Justice Centre lawyer James Kitchen.





## COURT REPRIMANDS CITY OF PRINCE ALBERT FOR CAVING TO CENSORSHIP DEMANDS

The Justice Centre represented the Prince Albert Right to Life Association (PARLA) against the City of Prince Albert, Saskatchewan, after the City refused PARLA's application to fly their flag on the City's "courtesy flagpole" in 2017. The City has permitted numerous advocacy groups to fly their flags in commemoration of dates or events, including causes such as LGBT Pride, senior citizens, workers safety, literacy and gender diversity. PARLA is a non-profit organization which promotes the sanctity of life through prayer, education and community work. In previous years, the City has permitted PARLA to fly its flag, which features a cartoon-style fetus, "Umbert the Unborn", and the phrase "Please Let Me Live," to commemorate "Celebrate Life Week".

**CENSORED**

After pressure from out-of-town activists, Prince Albert Mayor Greg Dionne refused to grant PARLA's 2017 application to fly PARLA's flag. The Justice Centre sued the City for violating both its duty to treat PARLA's application fairly and the Charter right to freedom of expression which guarantees equal access to the public square to express differing views.

Before the Court heard the case, Prince Albert City Council voted to end public access to the courtesy flagpole, such that no group could fly its flag.

In its June 2019 decision, the Saskatchewan Court of Queen's Bench reprimanded Prince Albert, noting that "[i]t is evident that the City did not follow its own Policy or proceed in a procedurally fair manner," The Court ordered the City to pay \$6,000 in costs.

Both PARLA and the City have appealed to the Saskatchewan Court of Appeal, which will hear this case on January 22, 2020 in Saskatoon.



# THE YEAR AHEAD

## WE STILL HAVE IMPORTANT BATTLES TO FIGHT IN 2020, INCLUDING THESE:

- Representing a young family who wanted to be loving foster parents to infants, but were rejected because their Christian beliefs didn't align with the "values" of the Child and Family Services agency.
- Standing up for press freedom on behalf of True North Centre and Andrew Lawton in their ongoing battle against the election Debates Commission, which arbitrarily and unfairly denied them accreditation as journalists due to their alleged "advocacy," despite accrediting other outlets like the Toronto Star, which explicitly describe themselves as advocates for "social and economic justice".



- Representing the Alberta March for Life Association (AMLA) and Jerry Pasternak against the City of Edmonton over its decision to cancel a scheduled lighting of the High Level Bridge in colours chosen by AMLA. The City has allowed many different religious, cultural and political displays, but singled out AMLA's display and cancelled the scheduled lighting of the Bridge "due to the polarizing nature of the subject matter" while allowing numerous other religious and political

displays. The Justice Centre will argue the City is constitutionally prohibited from discriminating against the content of expression in spaces it has opened up to the public for expressive purposes.

- Challenging the decision of the City of New Westminster to cancel a church's event booking on account of the speaker's beliefs.
- Challenging decisions of the federal government to prevent religious summer camps from receiving Canada Summer Job's grants.
- Representing a grandmother who was denied the ability to speak at a public school board meeting.

These are just a few of the cases we have on the go. Many other Canadians reach out to us each week looking for our help. We are the place people turn to when their fundamental freedoms have been denied or infringed.

## OUR MISSION

The mission of the non-profit Justice Centre is to protect and advance the core principles of freedom and equality of all citizens before the law through education and litigation. We do this without asking for or receiving government funds. We rely entirely on the support of Canadians who agree with our mission. Without your support, our work would not be possible.

## YOUR GENEROUS SUPPORT

is what makes it possible for the Justice Centre to stand up for freedom, in cases from British Columbia to Newfoundland. Please support us with your donation in 2019, so that we can continue this crucial work of defending the constitutional freedoms of Canadians.

You can donate online at <https://www.jccf.ca/donation-form/> and it's not too late to mail a cheque.

If your letter is mailed on or before December 31, with cheque dated December 31 or earlier, it will count as a 2019 donation, and we will send you your tax receipt by February of 2020.

If you prefer, you may send an electronic funds transfer (e-transfer) to make a donation by email to [admin@jccf.ca](mailto:admin@jccf.ca)

Please send an email informing us of any password to accept funds.

## ON BEHALF OF ALL OF US AT THE JUSTICE CENTRE

Thank you for your support, and for being an important part of the Justice Centre team. We can't do this without you. If you have donated to our efforts, we sincerely thank you for your support in the past and hope you will continue to give to our mission. Be assured, all of your donations make an enormous impact in the lives of our clients, who we defend at no cost, relying entirely on the support of generous Canadians.



We wish you and yours  
a very Merry Christmas,  
and hope you will help  
us continue to defend  
freedoms and create a  
better society as we enter  
into the New Year.

# JUSTICE CENTRE BY THE NUMBERS

# 2019

## HISTORY

9 YEARS IN  
BUSINESS



## EXPERIENCE

97 COMBINED YEARS  
LEGAL EXPERIENCE

## CONCLUDED CASES

51 SINCE  
2010

## SETTLEMENTS

18 OUT OF COURT  
SETTLEMENTS  
SINCE 2010

## BOARD MEMBERS

12



## FACEBOOK PRESENCE

### NUMBER OF LIKES

6582+



### FOLLOWS

6774 +



### POST REACH

9179 +

## WEB SITE VISITS

133k+

## VIDEO VIEWS

2.8K

## YOUTUBE

32 VIDEOS

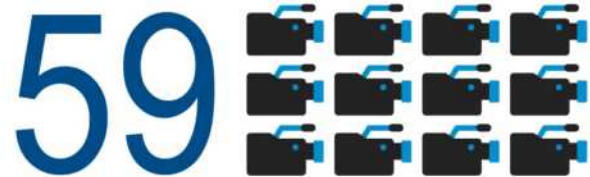


# JUSTICE CENTRE BY THE NUMBERS 2019

## NEWSLETTER SUBSCRIBERS



## MEDIA INTERVIEWS



## TWITTER FOLLOWERS



## TWITTER PROFILE VISITS



FROM 2010 TO 2019, FROM NEWFOUNDLAND TO NANAIMO  
THE JUSTICE CENTRE WAS DEFENDING FREEDOM





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for Constitutional Freedoms

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