



Court File No.: **T-1353-23**

APPLICATION  
FEDERAL COURT

**CAMPAIGN LIFE COALITION and MAEVE ROCHE**

Applicants

and

**PARLIAMENTARY PROTECTIVE SERVICE**

Respondent

APPLICATION UNDER section 17 of the *Federal Courts Act*, RSC 1985, c. F-7 and Rule 300 of the *Federal Courts Rules*, SOR/98-106.

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**NOTICE OF APPLICATION**

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TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at 180 Queen Street West, Toronto, ON, M5V 1Z4.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date June 29, 2023 Issued by "Jena Russell"  
Local registrar

180 Queen Street West  
Toronto, ON  
M5V 1Z4

TO: PARLIAMENTARY PROTECTIVE SERVICE  
Headquarters  
Ottawa, ON  
K1A 0B8

## APPLICATION

1. The applicant makes application for:
  - a. A declaration pursuant to ss. 2(b) and 24(1) of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”) that the Parliamentary Protective Service (the “**Respondent**”) violated the Applicants’ right to freedom of expression by prohibiting them from displaying “Choice Chain” signs during a press conference held on Parliament Hill; and
  - b. A declaration pursuant to ss. 2(b) and 52 of the *Charter* that the General Rules on the Use of Parliament Hill which apply to “Signs and Banners” (the “**Rules**”) are unconstitutional and of no force and effect.
2. The grounds for the application are:

### **The Parties**

- a. The Applicant, Campaign Life Coalition (“**CLC**”), is a pro-life organization, established as a not-for-profit corporation, which works at all levels of government to defend the sanctity of human life, and in particular, opposing abortion and euthanasia;
- b. The Applicant, Maeve Roche, is employed by CLC as a Youth Coordinator. Her role is to educate and mobilize young, pro-life Canadians to engage in advocacy through educational events, outreach, and training;
- c. The Respondent, Parliamentary Protective Service (the “**PPS**”) is established by the *Parliament of Canada Act*, R.S.C., 1985, c. P-1 and is responsible for physical security throughout the Parliamentary precinct and Parliament Hill;

### **The Press Conference**

- d. Once per year, CLC organizes the National March for Life (the “**March**”) to protest abortion and euthanasia and assisted suicide by gathering on Parliament Hill and marching through downtown Ottawa;
- e. In 2023, the March was held on May 11;
- f. On May 10, 2023, the day before the March was to take place, CLC organized a press conference on Parliament Hill where multiple speakers would talk to members of the press (the “**Press Conference**”);
- g. CLC planned to reveal Choice Chain signs during the Press Conference. Choice Chain signs depict abortion victim photography. Choice Chain signs are used by CLC and other pro-life advocates to communicate the consequences of abortion and to persuade others (the “**Signs**”);
- h. The Signs were face down on the lawn of Parliament Hill and were to be raised and revealed at a predetermined point during the Press Conference;
- i. The Applicant, Ms. Roche, planned to hold one of the Signs;
- j. Prior to the start of the Press Conference, [REDACTED], an officer with the PPS, asked to see what was depicted on the Signs;
- k. Matthew Wojciechowski, Vice-President of CLC and the person responsible for organizing the Press Conference, showed Officer [REDACTED] the Signs;
- l. After conferring with a supervisor, Officer [REDACTED] informed Mr. Wojciechowski that the Signs were too graphic and would not be permitted to be shown at the Press Conference.
- m. CLC complied with Officer [REDACTED] and different Signs, which only contained words, were held up at the Press Conference;
- n. Ms. Roche did not hold up one of the Signs as intended;

o. The next March for Life will take place on May 9, 2024;

### **The Rules**

p. On May 10, 2023, after the Press Conference, Officer [REDACTED] provided an excerpt from the “General Use of the Hill” which set out rules for signs;

q. The excerpt provided by Officer [REDACTED] indicated that “[m]essages that are obscene, offensive, or that promote hatred are prohibited”;

r. The most recent version of the “General Rules for the Use of Parliament Hill” available on the Parliament Hill website indicate that the rules were updated on May 3, 2023 (the “**Updated Rules**”);

s. The Updated Rules provide that “[o]bscene messages or messages that promote violence are prohibited” and that “[s]igns or banners that display explicit graphic violence or blood is prohibited”;

### **The PPS Violated the Applicants’ Rights to the Freedom of Expression**

t. The Applicants’ purpose of showing the Signs was to educate the public on the violent nature of abortion and to further political discourse on this issue;

u. Parliament Hill is historically and functionally a public square whose use is consistent with the freedom of expression. As the location of the Canada’s legislature and a symbol of law-making authority, Parliament Hill is important to the Applicants as a place of protest to convey their disapproval of the current state of the law with respect to abortion and euthanasia;

v. The PPS limited the Applicants’ right to freedom of expression by preventing them from displaying the Signs during the Press Conference as intended;

w. The action of the PPS was premised on a version of the General Rules on the Use of Parliament Hill which was no longer operative and so was not prescribed by law;

- x. In the alternative, the action of the PPS which prevented CLC and Ms. Roche from displaying the Signs was not demonstrably justified in a free and democratic society;
  - y. The version of the General Rules on the Use of Parliament Hill relied on by the PPS limits the content of expression on Parliament Hill in a manner that is not demonstrably justified in a free and democratic society;
  - z. The Updated Rules limit the content of expression on Parliament hill in a manner that is not demonstrably justified in a free and democratic society;
3. The application will be supported by the following material:
- a. The Affidavit(s) of Matthew Wojciechowski (to be sworn);
  - b. The Affidavit(s) of Maeve Roche (to be sworn); and
  - c. Such further and other materials as counsel may advise and this Court permit.

Dated this 29<sup>th</sup> day of June, 2023.

  
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**Hatim Kheir**

**Chris Fleury**

**CHARTER ADVOCATES CANADA**

Office 513, 180 John Street  
Toronto, ON  
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