

The Importance of Peaceful Assembly to Democratic Health

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THE IMPORTANCE OF PEACEFUL ASSEMBLY TO DEMOCRATIC HEALTH

Introduction

Canadians have their Rights guaranteed under the *Charter of Rights and Freedoms*. Respecting these individual rights is paramount to a functioning democracy, even when people use their rights to disagree. Space to debate allows the challenging of ideas and ensures government accountability. The right of citizens to express their views through peaceful assembly is under threat by the Canadian government following the forceful dissolution of the Freedom Convoy. Although the government must maintain order, it is unreasonable to use legislation like the "Emergencies Act" to restrict demonstrations, threaten free expression and intimidate citizens. The Canadian government must allow peaceful assemblies to ensure healthy discourse between opposing views occurs so that citizens feel safe and free to express themselves.

Preserving Order and Respecting Rights

Enforcing laws during demonstrations creates a complex balance between maintaining order and individual rights. In early 2022, metropolitan areas across Canada, especially Ottawa, were filled with protestors spurred by a desire to end vaccine and COVID-related mandates. The Freedom Convoy travelled across Canada to protest extending COVID-19 mandates on truckers and, in doing so, disrupted everyday life for residents in Ottawa (West et al., 2022). Blocking infrastructure and honking constitutes mischief under the *Criminal Code* as protestors "[rendered] property, useless, inoperative or ineffective [it also obstructed, interrupted or interfered], with the lawful use, enjoyment or operation of property; or with any person in the lawful use, enjoyment or operation of property" (Criminal Code, 1985, s 430 (1)(b)-(d)). Following a lawsuit against the Convoy, they complied with the injunction and ceased honking (West et al., 2022). With some road sections still blocked, the Ottawa Police Department (OPD)

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was justified in towing trucks to reopen roadways. Enforcing the law during peaceful assemblies is allowed under the *Charter* as it states that rights are "subject only to such reasonable limits prescribed by law" (Canadian Charter, 1982, s 1). Enforcing these laws is a reasonable response that serves to respect the right to gather while also ensuring that protestors respect property rights. However, when limits are determined based on subjective judgment, the government is prone to overstep. Invoking the "Emergencies Act" was an abuse of power as the OPD stated they had the resources to handle the Convoy (Angus Reid, 2023). The government rationalized their involvement by citing an economic emergency as grounds for invoking the "Emergencies Act". In the legislation, however, there is no provision for usage during an economic emergency. The "Emergencies Act" was designed to handle threats to national security, which it defines as anything that:

Seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada. (Emergencies Act, 1985, s 3(a)-(b))

The demonstration in Ottawa was neither violent nor an insurrection to overthrow the government. However, due to the controversial opinions of some of the organizers, the government resorted to authoritarian measures to suppress views contrary to their policies. They went against the provisions of the "Emergencies Act" and available intelligence to silence the message that Canadians were ready to end mandates (Angus Reid, 2023; West et al., 2022). Through the inappropriate use of emergency powers, the government has set a precedent that makes it easier for a government to justify authoritarian means to stifle opinions instead of

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emergencies. Preventing assembly and the proliferation of ideas allows governments to further infringe on fundamental freedoms.

Individual Expression Through Protesting

Public demonstrations allow collective expression and bring forward new ideas to influence public opinion and allow citizens to make informed decisions. Protests draw focus to a single topic, which individuals can then rally around (Murdie & Purser, 2017; Stokes, 2020). Intentional choices by the collective reveal what is essential to their cause. Defiance of mask mandates by the Convoy indicated the desire to discontinue them. Parking semi-trucks further showed that their livelihood was at stake. Both cases of civil disobedience, in conjunction with the display of upright and upside-down Canadian flags, reveal patriotism and dissatisfaction with the government as the Convoy calls for change (Stokes, 2020; West et al., 2022). Onlookers can then evaluate their stance and determine how they align. Debate strengthens democracy as people shape each other through freely expressing their views. Uncensored information facilitates discourse to allow the influencing of government through peaceful means (Murdie & Purser, 2017). Invoking the "Emergencies Act" undermined freedom of information and created the perception that the Convoy was threatening the rule of law in Canada. Mainstream media provided unbalanced, negative coverage of the Convoy throughout its duration which the government capitalized on. Imperfect information was used to demean the Convoy and portray them as a dangerous, ignorant public enemy. In a crisis as controversial as the COVID-19 pandemic, the government further refused to meet with protestors and drove a divide between the Convoy and observers. Prime Minister Trudeau perpetuated this divide by calling the Convoy a "fringe minority [that] ... hold unacceptable views" (J. Trudeau, Personal Communication, January 27, 2022). Having established the group as dangerous to the nation, the government

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invoked the "Emergencies Act" to deny the protestors their rights and to freeze assets and confiscate property to break up the protest (West et al., 2022). Compared to the Wet'suwet'en railway blockade, the same Federal government responded differently despite blockades on critical railway lines causing an economic emergency (Bilefsky & Austen, 2020). The government's reaction to the Convoy strongly indicates that it was the focus of the protest, not the act itself, that was unacceptable. Wanting to maintain the intrusion into private life that mandates allowed, the government resorted to restricting the rights of its citizens to create a narrative that mandates would help everyone. The government-endorsed stifling of debate creates a dangerous precedent to intimidate citizens and prevent opposition.

Deterring Political Activity Through Intimidation

Intimidation through the threat of force prevents citizens from being willing to exercise their democratic rights to stand up for their beliefs. Among citizens in Western nations, there is a belief that assembly and expression rights are not necessary (Murdie & Purser, 2017). This belief is coupled with hesitation to exercise rights because citizens believe the government will respond with harsh measures (Murdie & Purser, 2017). Fearing reprisal is due to governments resorting to authoritarian measures to disrupt protests that oppose a government's political goals (Stokes, 2020). Although the threat of lethal force against protestors in Western nations is rare, other methods of intimidation exist. The powers granted to the Federal government by the "Emergencies Act" allow them authority over much of an individual citizen's life. Most importantly, concerning the Freedom Convoy, financial assets and donations were frozen by the Canadian government (West et al., 2022). Freezing finances prevented individuals from exercising their "right to life, liberty and security" (Canadian Charter, 1982, s 7) by blocking payments for medication, food and bills. Had this been an insurrection with a threat of violence

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against the government, freezing funds to prevent further means of violence would have been appropriate. For the Freedom Convoy, the approach by the Canadian government is an attempt to intimidate organizers and participants to discourage future protests against government control. The government extended asset freezing to anyone associated with the Convoy, violating individual rights as non-present parties were punished (Sarkonak, 2023). Reprisals set a standard that the Canadian government will punish individuals based on the people they know and not just their actions. Collective punishment creates doubts as to whether an individual's actions will punish associates unaffiliated with their cause. Doubts lead to hesitating before engaging in political activities due to the fear of harming others. Stokes (2020) states that "Protest movements are one of a menu of stratagems available to citizens who lack money, power, and connections" (p. 271), which shows the power protests give to small collectives to advocate for their needs. Removing the little power that small groups have to influence governance ensures that power stays with the elites, preventing any "strengthening mechanisms of accountability" (Stokes, 2020, p.269). The government is free to usher in policies, no matter how unpopular, and suppress dissent with the fear of reprisal. Once the government has conditioned the populace not to question their decisions, democracy will cease functioning as accountability disappears and rights are no longer guaranteed.

Conclusion

The functioning of a healthy democracy depends on the willingness of the citizenry to openly exercise all the rights afforded to them under the *Charter*. Freedom of assembly and expression are crucial to hold governments accountable and ensure healthy dialogue between people of different views. Resorting to punitive measures to suppress different opinions erodes the foundation necessary for freedom. Accepting government restrictions on freedom

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discourages involvement in the political apparatus. No opposition to government decisions creates an illusion of total acceptance of the administration—an illusion bound together by the fear of reprisal and losing what little freedom remains as democracy and dictatorship become indistinguishable.

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