

Quebec teacher challenges Education Minister's gender transition policy



We have initiated a constitutional challenge against Quebec's Ministry of Education on behalf of a teacher who refused to deceive parents about a student's female-to-male gender transition. Following directives from the Quebec Minister of Education, the student's Montreal high school prohibited teachers from informing parents (or guardians) of gender transitions at school.

The teacher was ordered to use the 14-year-old student's masculine pronouns in class *but to use the students' feminine pronouns when dealing with their parents*. There was no evidence or suspicion of parental abuse. School administrators even notified the teacher that if she disclosed any information about the student's in-school gender transition during an upcoming parent/teacher interview, the teacher would be fired immediately.

The teacher, assisted by the Justice Centre, filed a constitutional challenge to nullify the Minister of Education's directives because, notably, they "contravene parental rights protected by section 7 of the *Canadian Charter of Rights and Freedoms*...in defiance of the principles of fundamental justice and without sufficient justification in a free and democratic society." The teacher also believes that the directives violate the teacher's section 2 *Charter* right to freedom of conscience.



Educating Canadians about freedom

The Justice Centre continues to educate Canadians through our curriculum on the *Canadian Charter of Rights and Freedoms* and through our weekly podcasts.

Visit the Justice Centre website to purchase a copy of our course on "Exploring Freedom of Expression," to sign our petitions, or to read our policy positions on digital ID frameworks, Bill C-18, excess deaths, and more.



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Online Harms Act threatens free expression in Canada



On February 26, Minister of Justice Arif Virani introduced the *Online Harms Act* in the House of Commons. While the *Act* identifies some laudable goals (such as protecting children and other vulnerable persons on the internet), our team of lawyers quickly determined that the proposed legislation would harm your freedom of expression. This legislation would establish a new Digital Safety Commission with power to censor online speech by enforcing new

regulations created by the federal cabinet without any input from Parliament. The Canadian Human Rights Commission would acquire new powers to punish non-criminal hate speech.

The *Online Harms Act* would allow complainants to assert to a provincial court that they “fear” that someone *will* utter hateful speech in the future. If the judge believes that there are “reasonable grounds” for the fear, the court can violate the liberty interests of the accused person by requiring them to wear an ankle bracelet, observe a curfew, provide blood or urine samples to confirm abstinence from drugs and alcohol, and avoid certain places or people, among other things. If the accused does not agree to these conditions, they can be put in jail for up to two years. Punishing a person in this manner based merely on the fear that a speech crime will occur violates centuries of legal tradition: courts should reserve punishment for what a person has done, not for what a person might do.

Under this legislation, Canadians could be ordered to pay up to \$50,000 to the federal government, plus up to \$20,000 in damages to a “victim,” for speech that is determined to be “hateful” by the Canadian Human Rights Tribunal. Complaints can be anonymous, stripping accused individuals of the right to face their accusers, eroding transparency and accountability. The *Online Harms Act* would impose severe penalties for online and offline hate speech, including life imprisonment—the most severe criminal punishment in Canada. Life imprisonment for speech-related offenses blurs an important distinction between words and actions. Overall, the *Act* threatens to silence dissenting voices and instill fear of government censorship, leading Canadians to self-censor.

Within days of this law’s introduction in the House of Commons, we launched an online petition, which, by the end of March, had received well over 50,000 signatures. Our team of lawyers has begun to prepare a constitutional challenge to the sections of the *Act* that violate freedom of expression and the right not to be punished for something one might do in the future. The Justice Centre stands ready to provide legal representation to Canadians whose freedom of expression is violated by this *Act*.

Victory: Use of *Emergencies Act* ruled illegal and unconstitutional



On January 23, the Federal Court ruled that the Government of Canada’s 2022 invocation of the *Emergencies Act* was illegal. Use of the *Emergencies Act* violated Canadians’ freedom of expression and right to be protected from unreasonable search and seizure. The Justice Centre played a pivotal role in this historic ruling. Within days of the *Emergencies Act* invocation in February 2022, the Justice Centre initiated a constitutional challenge on behalf of four

Canadians: Jeremiah Jost, Edward Cornell, Harold Ristau, and Vincent Gircys. This ruling underscores the importance of holding governments accountable for their responses to legitimate protests. Vincent Gircys said, “As the *Emergencies Act* was invoked, my bank account was frozen by the state. I chose to support Canadians facing government overreach. With assistance from the Justice Centre, a court challenge commenced, resulting in a response that restored my belief in our justice system once again.”

Nova Scotia judge sues for her autonomy and judicial independence



The Justice Centre is providing lawyers to represent Judge Rickcola Brinton of the Provincial Court of Nova Scotia in her lawsuit against former Chief Justice Pamela S. Williams and the Provincial Court. Judge Brinton chose not to disclose her Covid vaccination status to the court, citing concerns about privacy, medical autonomy, and the disproportionate impact of vaccine mandates on marginalized communities.

In response, (then) Chief Justice Williams threatened her with suspension and disciplinary action. Williams went so far as to contact Brinton’s physician to request proof of medical records related to Brinton’s disability claim. The doctor rightly refused to disclose that information without Brinton’s consent. This lawsuit seeks damages for the violation of Brinton’s judicial independence and medical privacy.

Justice Centre continues to challenge ArriveCAN requirement



The Justice Centre is providing legal representation to Elim Sly-Hooten, who refused to disclose his vaccination status through the ArriveCAN app after landing in Toronto’s Pearson International Airport. Detained by police and Public Health Agency of Canada personnel, Elim broke down and disclosed his vaccination status. No legal representation was available to him. Agents issued him a \$5,000 ticket and ordered him to quarantine for 14 days. He seeks

a court ruling that the mandatory use of ArriveCAN violated his *Charter* section 7 right to liberty, his section 8 right to be protected from unreasonable search and seizure, his section 9 right to be free from arbitrary arrest and detention, and his section 10(b) right to counsel after arrest and detention.

Elim said, “I want to thank you, the donors, in the largest possible way, for making this happen. For alleviating me from worry and filling me with hope that it may resolve and that I may be let go of my unjust charges. The dark cloud that has loomed over me these past eighteen months, causing angst and concern, has, to some meaningful degree, broken apart. It is the lawyers, and ultimately the donors who are responsible for this. Thank you.”

Victory: Charges against nurse who opposed vaccine mandates defeated



We celebrate the victory of Saskatchewan registered nurse Leah McInnes, who faced disciplinary charges from the College of Registered Nurses of Saskatchewan (CRNS) for expressing concerns about vaccine mandates and their negative impact on patients’ autonomy and voluntary consent. The CRNS charged Leah with spreading “misinformation” on social media and for holding a sign that read, “RN against Mandates and Vax Passports” at a protest.

The outcome vindicates her right as a professional to advocate for medical ethics and evidence-based health policy. Lawyer Glenn Blackett said, “This is a hugely important decision, not just for Ms. McInnes, who embodies the ‘moral courage’ Canadians should expect of all health professionals. It is perhaps most important for upholding a nurse’s right to voice ethical and scientific dissent and to participate in democratic discourse.”