

The background of the entire page is a photograph of a Canadian flag waving in the wind. Behind the flag, a crowd of people is visible, some wearing winter clothing like hats and scarves. The scene appears to be an outdoor gathering, possibly a protest or a public demonstration. The image has a blue tint, and a red diagonal band cuts across the bottom right corner.

JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS

Annual Report 2022

Defending the constitutional rights
and freedoms of all Canadians

www.jccf.ca

Table of Contents:

Letter from the President	3
Letter from the Chairman of the Board	4
About the Justice Centre	5
2022 by the numbers	6

Litigation:

The historic 2022 Freedom Convoy	7
Seeking truth through the historic Public Order Emergency Commission	8
Suing the federal government over use of the <i>Emergencies Act</i>	9
Defending the rights of peaceful protesters	10
Defending the free speech of a Saskatchewan nurse	11
Defending freedom of expression for licensed professionals	12
Defending firefighters and communities in British Columbia	13
Defending Canadian Armed Forces members against injustices	14
Defending workers denied Employment Insurance benefits	15
Defending the bodily autonomy of students	16
Challenging ArriveCAN	17
Amending a tyrannical injunction in Alberta	18
Challenging British Columbia's total ban on all worship services	19
Challenging unscientific and unjust travel restrictions	20
Defending freedom of expression against Bill C-11, the <i>Online Streaming Act</i>	21
Protecting political expression in British Columbia's interior	22
Defending freedom in Québec	23

Education and Outreach:

The 2022 George Jonas Freedom Award	24
Educating Canadians about freedom	24
Advocating for better laws	25
Thank you to our donors and supporters	25

Letter from the President

In 2022, the Justice Centre defended more Canadians than ever before, with the legal services of more lawyers and paralegals than ever before. At times we were engaged in more than three hundred active cases across Canada. Our lawyers even cross-examined Prime Minister Justin Trudeau. Thousands of generous Canadian donors made it possible for the Justice Centre to achieve great things in 2022. I am confident that we can do even more going forward, thanks to our shared commitment to a free society.

- Lawyers provided by the Justice Centre played a crucial role in supporting, guiding, and representing peaceful Freedom Convoy protestors in Ottawa. We defended dozens of Canadians who were unjustly charged criminally for doing nothing more than peacefully exercising their *Charter* freedoms of expression, association, and assembly in our nation's capital.
- In October and November, the Justice Centre was an official intervenor in the Public Order Emergency Commission. Our lawyers cross-examined government officials, including Prime Minister Justin Trudeau. Immediately after the Freedom Convoy in Ottawa, we brought a Federal Court challenge on behalf of four Canadians, seeking a declaration that the Prime Minister acted illegally when declaring a peaceful protest in one city to be a "national emergency" and when freezing the bank accounts of hundreds of Canadians.
- On behalf of the Honourable Brian Peckford, last living signatory to the *Canadian Charter of Rights and Freedoms* in 1982, we challenged the unscientific and unjust travel restrictions imposed on millions of Canadians who chose not to take the Covid vaccine.
- When Quebec Premier François Legault warned that he would place a "substantial" tax on Quebecers who did not take the Covid vaccine, the Justice Centre announced that we would immediately challenge such a law in court. Premier Legault backed down.
- Our team filed a lawsuit against the mandatory use of the ArriveCAN program. Within the month, the federal government rescinded the mandatory use of this intrusive tool which violated the *Charter* mobility right of Canadians to leave and re-enter Canada freely.
- Dedicated nurse practitioner Shelley Wilson expressed her disagreement with the government's Covid narrative on social media and found herself under threat by the College of Registered Nurses of Saskatchewan. The Justice Centre came to her defense, and the College backed down.

We also expanded our educational outreach with online "In Conversation" workshops, featuring lawyers addressing important topics like digital ID, parental rights, and new threats to freedom of expression. Ultimately, the only sure way to preserve Canada as a free society under the rule of law is for Canadians to understand with their minds, and to cherish in their hearts, their fundamental *Charter* freedoms of expression, religion, conscience, association, peaceful assembly, mobility, and bodily autonomy.

I hope that donors enjoy reading our 2022 Annual Report, which summarizes the achievements made possible by the generosity of Canadians who cherish the free society. We rely on your generosity to defend Canadians' freedoms into 2023 and beyond!



Yours sincerely,
John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms

Letter from the Chairman of the Board

I will always have a number of images stuck in my mind from 2022: nurses, truckers and many others being forced out of their jobs; a massive, nationwide protest along the highways leading to Ottawa; an indigenous grandmother being trampled by a mounted policeman within steps of Parliament itself; outrageous headlines reporting frozen bank accounts; and the appalling spectacle of a Prime Minister trying to justify his illegal use of the *Emergencies Act*.

This is not the Canada I know and love.

And, it is a huge reason why I am so thankful for the Justice Centre, and honoured to play a role in its governance.

When times were darkest, the Justice Centre was playing the leading role in defending Canadian society against government overreach. When governments, and their bought legacy media allies were promoting a false or at least questionable narrative, the Justice Centre was boldly holding federal and provincial governments accountable to the *Charter*. When hundreds of individual Canadians were asserting their *Charter* rights and freedoms in the face of arbitrary and irrational government laws and policies, the Justice Centre provided for their legal defence.

From defending individuals in court to boldly speaking out for liberty, we have never been busier. The unprecedented financial support we received from Canadians in 2022 allowed us to fight back against government overreach, in the courts of law and in the court of public opinion.

As we have all discovered the past few years, a significant number of politicians, bureaucrats, employers, and even some judges fail to appreciate the freedoms that are protected by our Constitution. The Justice Centre launched new initiatives to educate Canadians on the meaning and importance of our rights and freedoms.

Will a new “emergency” suspend our rights once again? Will another government arbitrarily freeze the bank accounts of its political opponents? Or, alternatively, can we chart a return to living as a nation under the rule of law, with a renewed respect for our individual rights and freedoms?

I thank our donors for their continued support of the Justice Centre as we advocate for the superior choice of a free society in Canada.



Yours sincerely,
Peter Stock
Chairman, Board of Directors
Justice Centre for Constitutional Freedoms



About the Justice Centre

Founded in 2010, the Justice Centre is leading Canada in defense of *Charter* rights and freedoms across the country. Our mission is to defend the constitutional freedoms of Canadians through litigation and education. Our vision is a free society where governments uphold human dignity by respecting fundamental rights and freedoms, and where Canadians can realize their potential and fulfil their aspirations.

Our Beliefs:

- We believe that every Canadian should be treated equally by governments and by the courts, regardless of race, ancestry, ethnicity, age, sex, religion, political conviction or personal characteristics;
- We believe that all Canadians should be free to express peacefully their thoughts, opinions and beliefs without fear of censorship, persecution or oppression, as per Section 2 of the *Canadian Charter of Rights and Freedoms*;
- We believe that the ability of the news media to gather and disseminate information, independent of government control and interference, is necessary for the functioning of a free and democratic society. We believe this same freedom is also the foundation of higher learning and education.
- We believe that all Canadians have the right to self-determination to make fundamental life choices for themselves and their children as free and responsible members of society, as protected under Section 7 of the *Canadian Charter of Rights and Freedoms*;
- We believe that Canadians have the freedom to gather together publicly and peacefully to express, promote, pursue and defend their common interests. This includes the freedom of Canadians to peaceful protests and demonstrations on public property.
- We believe that every Canadian has a responsibility to recognize, protect and preserve their human rights and constitutional freedoms.

2022 by the numbers

Our Team

60 lawyers (including staff lawyers and retained outside counsel)

14 paralegals

2 law students

1 articling student

16 administrative, communications, and education staff and contractors

Our Education Initiatives

Five workshops in 2022 with over 800 attendees

Four Advocacy Actions resulting in nearly 15,000 emails to elected representatives

Our Impact in the Media

News Releases: 124

Justice Updates: 17

Podcasts: 48 episodes

Speaking engagements: 59

Media interviews: 217

News mentions: 300+

Columns published: 40

Twitter Followers: 89,000

Website visits: 572,000

Brochures distributed by volunteers: 49,288

The historic 2022 Freedom Convoy

“It is the Canadian truckers that stand out and shine brightest, because it was the Canadian truckers, their boldness, their courage, their determination to stand up to their governments. And it was they who inspired so many others all over the world to finally come together and to be determined to put a stop to governments tearing down the very foundation of our democracies.”

The convoy generated so many poignant images of Canadian families standing by the side of the road for hours on end, in temperatures as low as -35 degrees Celsius, waving their flags and banners in protest of mandatory vaccination policies. For people that had felt powerless for two years, the convoy was a symbol of hope and a promise of relief from relentless restrictions. No event of this magnitude in our collective memory has ever been so peaceful. As Canadians rallied to support the convoy with donations of money, food, fuel, and other items, the Justice Centre sent lawyers to Ottawa, who were ready to provide legal representation when the truckers arrived in late January 2022.



Christine Anderson, Member of European Parliament for Germany - Photo Credit: Ralph Orlowski/Reuters

“The truck convoy is a representation of Canadians’ frustrations with extreme government overreach, and unprecedented restrictions on their fundamental rights and freedoms,” stated Keith Wilson, one of several lawyers provided by the Justice Centre to assist the truckers in their dealings with Ottawa police and with three levels of government.

The Justice Centre provided lawyers to work with the Freedom Convoy on the ground in Ottawa, helping to maintain communication with the City of Ottawa and all relevant law enforcement agencies.

When the Ottawa Police tried to intimidate supporters by threatening them with arrest if they brought food and fuel to the protestors, Nicholas Wansbutter, a lawyer provided by the Justice Centre, was quick to explain “In a free and democratic society that is governed by the rule of law, citizens can freely associate with each other, including the giving and receiving of goods and gifts. There is no law that would allow the Ottawa Police to arrest people for giving fuel or food to another Canadian. The truckers themselves are exercising their *Charter* freedoms of expression, association, and peaceful assembly, as they are legally entitled to do.”

On February 10, we established a hotline for truckers facing arrest or confiscation of property.

Throughout the entire protest, the Justice Centre's lawyers vigorously advocated for the truckers and responded swiftly to every move and announcement by the City of Ottawa and various law enforcement agencies. The City of Ottawa and the Ottawa Police Service escalated threats and intimidation, but we stood with the truckers. After the *Emergencies Act* was invoked, Interim Police Chief Bell announced that protestors would not be allowed to enter the city. The Justice Centre responded immediately with a demand letter, reminding him that even the text of the *Emergencies Act* proclamation assured the rights of Canadians to "lawful advocacy, protest, or dissent."

"It is another dark day for Canada and the once-famed Canadian Charter of Rights and Freedoms. I am concerned for the future of our country. I am concerned for the citizens of Canada. The government overreach together with the escalated, unlawful, and unnecessary police enforcement is something that should concern every Canadian."

Marty Moore



Seeking truth through the Public Order Emergency Commission

The Freedom Convoy protest in Ottawa unfolded peacefully, in stark contrast to many other public demonstrations, which often include vandalism, violence, arson, looting and other crimes. The duration of this protest over several weeks, combined with the large numbers of participants, made this even more remarkable. Nevertheless, after border blockades in Coutts, Alberta and Windsor Ontario had been resolved, the Government of Canada declared a peaceful protest in one city to be a "national emergency" and proceeded to use draconian powers against protestors under the *Emergencies Act*. Violence was used against peaceful Canadians, many of whom were criminally charged for doing nothing more than exercise their *Charter* freedoms of expression, association and peaceful assembly.

This led to an important question for all Canadians: *Was the Freedom Convoy of 2022 a threat to the security of all of Canada? Did it amount to a national emergency? Were the available law enforcement tools fully used under ordinary laws?*

In October, lawyers, witnesses, reporters, and interested Canadians made their way to Ottawa to participate in the historic Public Order Emergency Commission (POEC) to answer these very questions. The *Emergencies Act* requires the federal government to conduct an inquiry into the circumstances surrounding the invocation of the Act, to determine whether it was reasonably invoked.

The Justice Centre enjoyed full participatory standing at this Commission, with the right to present evidence and to question witnesses. Justice Centre lawyers were invited to make evidentiary, factual, and legal submissions to the Commission, to cross-examine witnesses, and to contribute to policy roundtables and discussions. For six weeks, lawyers provided by the Justice Centre heard testimony from Ottawa residents and protestors, municipal, provincial, and federal politicians and bureaucrats, law enforcement and intelligence officials, and Cabinet ministers.

Our lawyers cross-examined many of these officials, including Prime Minister Justin Trudeau, asking him,

“When did you and your government start to become so afraid of your own citizens?”

The Justice Centre was honoured to participate in this historic public inquiry into the truth of what actually transpired in Ottawa in January and February 2022. The findings of the Commission will set an important precedent for future federal governments and will make a significant impact on how Canadians think about protests, about government accountability, and about the strength of our democratic institutions.

“The Justice Centre’s participation at the Public Order Emergency Commission effectively obtained evidence from police and government officials which confirmed that the Emergencies Act was not necessary. That evidence is available for the public and the world to see that the Freedom Convoy protest was not a ‘national emergency.’ The peaceful protest could have been addressed without infringing on the rights and freedoms of Canadian Citizens.”

Lawyer Hatim Kheir



Suing the federal government over use of *Emergencies Act*

As Ottawa descended into heartbreaking violence on February 14, 2022, and as trucks were removed from the streets on February 18 after many truckers had been prevented by police from leaving voluntarily, the Justice Centre immediately prepared for a constitutional challenge on behalf of Jeremiah Jost, Rev. Harold Ristau, CAF veteran Edward Cornell and retired OPP officer Vincent Gircys. We knew that the formal Public Order Emergency Commission (POEC) process might not succeed in holding the Prime Minister to account, and we acted immediately to represent real Canadians in filing a challenge to the *Emergencies Act* in the Federal Court.

We presented the Court with real people who had suffered real harm, including having their bank accounts frozen for merely participating in Freedom Convoy, providing an important factual foundation for the Court to rule on the federal government’s emergency orders.

These four Canadians asked the Federal Court of Canada to determine whether Prime Minister Trudeau’s February 14 declaration of a national emergency was constitutional, justified, and authorized by law. They also asked the Court to strike down the emergency measures the federal government imposed, including freezing bank accounts and prohibiting protest in front of Parliament Hill. This court action argues that a peaceful protest in one city did not make for adequate grounds to support the claim of a real national security threat to Canada when the declaration was made.

In cases of a “public order emergency,” there is a requirement that the emergency must amount to a “threat to the security of Canada,” which includes “acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada.” Although the POEC was not intended to find fault or assign blame, our court action is making use of the evidence revealed during the POEC to seek a judgment against the government.

Defending the rights of peaceful protestors

Brad Carrigan was one of several citizen activists who organized peaceful rallies against Covid lockdowns throughout 2020 and 2021 in Calgary. On December 26, 2020, Mr. Carrigan was arrested shortly after one of the rallies and spent the night in jail. He was charged with disobeying public health orders and released until trial.

“After organizing and hosting over fifty freedom rallies, I and other Albertans were ticketed and criminalized by the media and various government officials,” said Mr. Carrigan.

Mr. Carrigan’s trial was held in Calgary on May 9. Crown prosecutors attempted to argue that the freedom rally Mr. Carrigan had attended was a “private social gathering” subject to public health orders issued by Chief Medical Officer of Alberta, Dr. Deena Hinshaw, which restricted gatherings at the time and even banned Albertans from having company or family visit their own home.

Judge Dinkel agreed with lawyer Hatim Kheir, legal counsel to Mr. Carrigan, that protests do not fall under the definition of a “private social gathering” because they are not private. Rather, they are open to the public and are an expression of the *Charter*-protected freedoms of assembly and protest.

“The province ignored the plain and obvious meaning of ‘private social gathering’ and acted as if protesting was illegal, when that was never the case. Many Canadians have been baselessly charged, unfairly vilified, and have experienced over a year of stress while awaiting trial, simply for exercising their *Charter* rights,” said Mr. Kheir. “This court decision will have an impact on anyone charged for protesting in Alberta. The public health orders never actually captured the act of publicly gathering to protest. At the time the gathering restrictions were in place, Albertans retained the right and ability to protest, contrary to what the police have said,” concluded Mr. Kheir.

The Carrigan decision did, in fact, have an impact on other cases: at least 10 other tickets issued to rally organizers were dropped as a result of this decision. This is true of many Justice Centre court actions: the results reverberate and benefit many other Canadians.

In another case, charges were dropped against former Ontario Member of Provincial Parliament Randy Hillier, former MP Derek Sloan, Pastor Heinrich Hildebrandt, and Dan Stasko, who were involved in peaceful rallies against Covid lockdowns in 2021 and charged with violating public health orders.

For exercising their *Charter* rights to assemble peacefully and protest the government measures, they were charged with offences carrying potential fines of \$100,000 to each individual as well as up to one year in prison. After negotiations with Bally Hundal, a lawyer retained by the Justice Centre, the Crown dropped all charges, stating that prosecution was no longer in the public interest.

“Peaceful demonstration is an essential pillar of a democratic society. Citizens have the right to make their opinions known. We are pleased in this case to hear that the Crown will not proceed with prosecuting citizens who spoke out against harsh government lockdowns.”

Lawyer Henna Parmar



Defending the free speech of a Saskatchewan nurse

Shelley Wilson is an experienced Nurse Practitioner serving southern Saskatchewan, where she offers clinical services to rural communities experiencing healthcare shortages due to a lack of physicians. In 2021, she expressed her personal opinions regarding Covid vaccines, masks, and treatment options on social media. The College of Registered Nurses of Saskatchewan (CRNS) proposed that Ms. Wilson “voluntarily” enter into an agreement which would have required her to admit that the views she had expressed on social media amounted to “professional misconduct.” The CRNS threatened to refer her to a discipline committee for an oral hearing if she did not comply.

This was not uncharacteristic of CRNS, which has a record of attempting to discipline its members for expressing their views on social media. The ground-breaking Saskatchewan Court of Appeal case *Strom v. Saskatchewan Nurses’ Association* had already clarified the limits of the College’s authority with respect to the expression of its members. Fortunately, the CRNS abandoned its attempt to impose disciplinary measures on Ms. Wilson. Thanks to the Justice Centre, she no longer felt compelled to admit professional misconduct for having exercised her freedom of expression on social media.

“We applaud the CRNS for revisiting the key principles in the Court of Appeal decision in Strom to arrive at this result. The Court of Appeal said it best in Strom: ‘Such criticism, even by those delivering those services, does not necessarily undermine public confidence in healthcare workers or the healthcare system. Indeed, it can enhance confidence by demonstrating that those with the greatest knowledge of this massive and opaque system, and who can affect change, are both prepared and permitted to speak and pursue positive change. In any event, the fact that public confidence in aspects of the healthcare system may suffer as a result of fair criticism can itself result in positive change. Such is the messy business of democracy.’”

Lawyer Andre Memaui



Defending freedom of expression for licenced professionals

Amy Hamm is a nurse in the Vancouver area who continues to face censorship and disciplinary proceedings after co-sponsoring the installation of a Vancouver billboard advertisement which read, “I ❤️ JK Rowling,” referencing the famous British author who has suffered public vilification for advocating for women to have safe, female-only spaces like changerooms, bathrooms, rape crisis centres and women’s sporting events. Within hours, the billboard was defaced. Soon thereafter, a city councillor expressed her discontent with the billboard on Twitter, and the advertising company removed it. Complaints against Ms. Hamm’s participation in the installation were filed with the British Columbia College of Nurses and Midwives (BCCNM) for allegedly “promoting and stoking hate speech towards trans and gender-diverse communities.”

In response, the BCCNM launched disciplinary proceedings against Ms. Hamm. The charge against Ms. Hamm read, “Between approximately July 2018 and March 2021, you made discriminatory and derogatory statements regarding transgender people, while identifying yourself as a nurse or nurse educator. These statements were made across various platforms, including but not limited to podcasts, videos, published writings, and social media.”

Professional regulatory bodies are government bodies and are, therefore, subject to the *Canadian Charter of Rights and Freedoms*. The Justice Centre’s defence of Amy Hamm champions the right of all health professionals to express their opinions on matters of policy in the public square. Everyone is entitled to freedom of thought, belief, opinion, and expression, as guaranteed by the *Charter*—including health professionals. The Justice Centre objects to having a nurse professionally disciplined by the College for her opinions and commentary on matters of public interest.

Amy’s disciplinary hearings will continue in 2023.

“This case is fundamentally about speech: whether a nurse can publicly debate a topic that is as politically charged as this one; whether she can advocate on her own time for women’s rights to not have intact male bodies in their prisons, changerooms, rape crisis centres, and sports teams, and for care to be taken not to rush children and adolescents into life-altering and permanent changes to their bodies. But more broadly, this is a case about two irreconcilable worldviews that have come into conflict, and conflicts are best solved by discussion and debate, not censorship and punishment. The College is tasked with keeping patients safe and regulating the profession in the public interest. But professional misconduct must not be redefined to include speaking unpopular truths. To do so is to undermine the very foundations of liberal democracy.”

Lawyer Lisa Bildy



Defending firefighters and communities in British Columbia

Over the course of the pandemic, more than 30 volunteer and paid firefighters lost their positions at a fire department of the Columbia Shuswap Regional District (CSRD) because they chose not to be injected with the new Covid vaccine, for which no long-term safety data exists, or because they chose not to disclose their Covid vaccination status to the CSRD. The loss of these firefighters was felt by the communities of the interior of British Columbia, which is often threatened by wildfires.

Craig Nygard was one of the volunteer firefighters keeping his community safe. However, after conducting his own research on the data regarding Covid vaccine efficacy, and after reflecting on his own personal and religious views, Mr. Nygard decided not to get injected. His position was terminated.

Lawyers provided by the Justice Centre intervened on his behalf, sending a legal warning to the CSRD and informing them that Mr. Nygard's dismissal was a violation of his *Charter*-protected freedoms of conscience and religion.

Lawyer Charlene Le Beau helped Mr. Nygard, and, in June 2022, the CSRD accepted his request for exemption on the basis of his sincerely held religious beliefs. Mr. Nygard was then permitted to return to his work and to continue contributing to the health and safety of his community. Just months later, the CSRD dropped their unconstitutional Covid vaccination policy altogether, and Mr. Nygard was able to serve his community every day without having to undergo pre-shift testing for Covid.

"To the best of my knowledge, not a single firefighter, except for Mr. Nygard, was reinstated after being fired from their positions for refusing the Covid vaccination. The community has been hurt by the CSRD vaccination policy and continues to be at risk⁵. People are not going to stand for the erosion of their rights and freedoms in circumstances where the science is unsettled, where there is evidence of potential personal harm by complying with the mandate, and/or where the mandate goes against the person's religious, moral or conscience beliefs. Society as a whole then suffers, when, ironically, the alleged purpose of the mandate was to protect society."

Lawyer Charlene Le Beau



Defending Canadian Armed Forces members against injustices

Warrant Officer James Topp had served as a member of the Canadian Armed Forces (CAF) for 28 years. In 2022, Mr. Topp was confronted with the charge of “Conduct to the Prejudice of Good Order and Discipline” with a potential for a Court Martial. He and many other members of the CAF have been facing the same charge for declining to get injected with the new Covid vaccine, based on health concerns, conscientious objections, or both. Lawyer Phillip Millar represented Mr. Topp and 15 other CAF members. Mr. Millar is a former full-time Combat Officer in the CAF Infantry, former Assistant Crown Attorney, and experienced trial lawyer who had successfully sued the Department of National Defence (DND) in another case.

Mr. Topp was featured across national headlines for his 4,293 kilometre “Canada Marches” walk across the country in protest of mandatory vaccine mandates, mandatory quarantines, mandatory testing, and other mandatory conditions of employment or provision of services, especially after having seen police begin to use unnecessary physical force against peaceful, unarmed Freedom Convoy protesters in Ottawa in February 2022. Mr. Topp began his journey across the country on February 20 from the Terry Fox monument at Vancouver’s BC Place. Averaging 30 kilometres per day along a winter highway, his mission was to reach the Tomb of the Unknown Soldier monument in Ottawa by June 22.

Mr. Topp says government overreach has spread into all aspects of the personal lives of Canadians. “I’m not here for profit, and I don’t want to be a celebrity, but I need to do something,” Mr. Topp told 100 supporters in Vancouver, who came out on a cold winter day to see him off. “We need to do something to repair us because we’ve been deeply fractured by what has happened... We must ensure our government upholds the laws that support Canada’s *Charter of Rights and Freedoms*.”

Mr. Millar will represent Mr. Topp and 15 other military members in Federal Court, seeking an injunction against the release of CAF members until their grievances are heard. The Justice Centre maintains that military members, like all Canadians, are entitled to have their constitutional freedoms protected, as CAF members have fought and served to protect the freedoms of all Canadians.

“The mandatory vaccine is a flawed policy based on a stubborn refusal to acknowledge that the underlying justification for the mandate has changed. The government is using the Canadian Armed Forces as a policy arm to promote its vaccine mandates. The policy hurts the operational effectiveness, morale, and integrity of the system. [The] military chain of command is fast-tracking the release of service members who refuse to get vaccinated under administrative processes, trampling their rights, and denying them due process by sidestepping the proper procedures. The Department of National Defence cannot claim that service members are disobeying a lawful order and then refuse to allow the issue to be tried in the military justice system where a judge can make a determination if it is, in fact, a ‘lawful order’. We cannot let them get away with ruining the lives and careers of dedicated Canadians who serve their country. Our soldiers, sailors and air force personnel deserve more. They are highly trained, and many have served their country for years.”

Lawyer Phillip Millar



Defending workers denied Employment Insurance benefits

Timothy Conlon worked as a delivery driver in the Toronto area, providing direct delivery of personal care items to people's homes. Every day, Timothy would deliver sealed packages to people's homes, ring the doorbell, and depart. He had little, if any, interaction with customers. He was an exemplary employee with no complaints against him. Nevertheless, his employer demanded that he get injected with the Covid vaccination.

Mr. Conlon expressed concerns about his already high blood pressure and reports of some individuals getting blood clots after getting vaccinated. When he said that he would not get vaccinated, his boss told him not to return to work. Like so many Canadians in his situation, Mr. Conlon was thrown into financial crisis, which was compounded when Service Canada denied his claim to Employment Insurance. His refusal to get vaccinated amounted to employment misconduct, according to Service Canada. Unable to collect EI, he could not even afford to purchase a transit pass and had to rely on friends to help cover his payments for accommodations.

Canada's Employment Minister, Carla Qualtrough, stated that those fired for refusing vaccination should not be eligible for EI benefits. The Justice Centre warned Minister Qualtrough in a June 2022 letter that her Ministry was acting illegally, in violation of *Charter* rights.

The Justice Centre has provided lawyers to represent several people challenging the denial of their EI benefits, including Mr. Conlon. Fortunately, in September, the Social Security Tribunal found that the government failed to prove that Mr. Conlon committed misconduct by not getting the Covid vaccine.

"The Justice Centre will continue to pursue legal challenges to the denial of EI benefits to Canadians based on their personal medical decisions. The government's treatment of Mr. Conlon and other vulnerable Canadians on the basis of their personal medical decisions has been a gross abuse of their bodily autonomy and constitutional rights."

Lawyer Marty Moore



Defending the bodily autonomy of students

In 2022, thousands of post-secondary students across Canada were confronted with the choice to get injected with the new Covid vaccine or be suspended from their university programs. One University of Ottawa student was pregnant and chose not to get injected after her doctor advised her that her pregnancy was at high risk for reasons unrelated to Covid. She intended to complete her mandatory university internship virtually, which was compatible with her course requirements. Nonetheless, the University of Ottawa refused to accommodate her, falsely claiming that there were no places available for a virtual internship.

Throughout this stressful process, the University initially made little to no effort to find a mutually acceptable solution to the situation, refusing to justify its decision. The Justice Centre repeatedly called upon the University of Ottawa to end its discriminatory practices, after which the University stated that it would cancel its mandatory Covid vaccination policy for all students, effective May 1, 2022. After negotiations and discussions with lawyers, the student managed to find a suitable placement for virtual internship on her own, which was finally approved by the University.

“The brazenness and bad faith of the University in this matter are appalling. There are clearly, among the people in authority there, bureaucrats who are willing to sacrifice the mission of their institution to irrational health concerns. It is well accepted in the scientific community that the Covid vaccines do not prevent infection or transmission of the virus. There was no basis for the vaccine mandate at the University of Ottawa or any other post-secondary institution given that being vaccinated confers no special status or protection.”

Lawyer Samuel Bachand



Challenging ArriveCAN

Millions of Canadians were impacted by requirements to use ArriveCAN upon returning to Canada. This was an obvious restriction on the *Charter* right to leave and re-enter Canada freely, and several other *Charter* rights.

On August 24, 2022, the Justice Centre became the first organization in Canada to file a court action against the mandatory use of ArriveCAN on behalf of 11 Canadians. They were fined for not using ArriveCAN or ordered to quarantine for 14 days upon returning to Canada, and in many cases both. Some Canadians received fines as high as \$8,500. Our legal challenge sought to strike down the mandatory use of ArriveCAN and the 14-day quarantine requirements for Canadians who did not or could not use ArriveCAN.

Matthew Leccese entered the United States for 25 minutes to pick up vehicle parts. Upon his return, the CBSA agent demanded that he submit his vaccination certificate via ArriveCAN. Mr. Leccese refused because he had privacy concerns with ArriveCAN. CBSA refused to accept his paper certificate and issued him a ticket for \$7,210 for not using ArriveCAN. Another applicant, Amanda Yates, refused to disclose her vaccination status after she noticed an ArriveCAN app glitch.

The Justice Centre created an advocacy action for Canadians to email their Members of Parliament asking to end the use of the app, and filed a Notice of Application on August 24, 2022, against the federal government. On October 1, 2022, the federal government dropped the requirement for returning Canadian travelers to use ArriveCAN.

"I am proud of the Justice Centre being the first organization in Canada to file a court application against the mandatory use of ArriveCAN. I am very pleased that the federal government brought an end to this court action by abandoning its freedom-violating and utterly unscientific policy. Canadians should be free to leave and re-enter Canada without risking massive fines for not using a dysfunctional app."

President John Carpay



Amending a tyrannical injunction in Alberta

On May 6, 2021, Associate Chief Justice John Rooke of the Alberta Court of Queen's Bench issued what might have been the broadest restraining order in the history of the common law. With the stroke of a pen, police throughout Alberta were suddenly granted vast powers to arrest and imprison anyone in Alberta who violated a health order. This province-wide injunction was a radical departure from ordinary law enforcement procedures, which limited police power to issuing fines for violating health orders. Justice Rooke's injunction allowed police to arrest and immediately jail any Albertan who exercised her or his *Charter* freedoms against Alberta Premier Jason Kenney's unconstitutional lockdown orders and restrictions.

On May 13, 2021, at the request of the Justice Centre, the injunction was amended by the Court of Queen's Bench to apply only to persons associated with Alberta's Whistle Stop Café. The May 6 injunction should never have applied to all Albertans in the first place.

On May 16, 2021, Pastor Timothy Stephens was arrested for allegedly violating the terms of the injunction, even though he had no association with Whistle Stop Café. Lawyers acting for Alberta Health Services falsely told the Court that the original May 6 injunction (which applied to all Albertans) was still in force, resulting in Pastor Stephens spending three days in jail the Calgary Remand Centre.

Pastor Stephens was wrongfully arrested again on June 14, 2021, accused of having conducted an outdoor church service in violation of a court order. But there was no court order, because the Justice Centre had secured a change to the injunction such that it applied only to Whistle Stop Café. As a result, he spent an additional 18 days in jail before being released on July 1, 2021. At the time of his release, the public health orders in question had been revoked.

With support from the Justice Centre, Pastor Stephens has filed a case against Alberta Health Services and Calgary Police for his wrongful arrest.

After a long battle in court, Pastor Timothy Stephens of Fairview Baptist Church was acquitted on November 1, 2022, by the Provincial Court of Alberta, having been charged with violating provincial health orders that restricted the *Charter* freedoms of association and peaceful assembly.

"I am pleased that the Justice Centre acted decisively to secure a revised injunction which no longer applied to every person in Alberta. However, the conduct of Alberta Health Services in Court, in falsely telling the Court that the injunction applied to Pastor Stephens, was a disgrace to the legal profession. Pastor Stephens was illegally arrested and imprisoned. The public health orders have since been shown to be ineffective and harmful. This decision sets the record straight about the justifiability of his actions and about the importance of respecting Charter rights and freedoms."

President John Carpay



Challenging British Columbia's total ban on all worship services

In British Columbia, the Provincial Health Orders issued by Dr. Bonnie Henry had prohibited all in-person worship services entirely, while permitting restaurants, liquor stores, gyms, strip clubs, big-box stores, and numerous other places to remain open.

After carefully reading the gathering and event restrictions, Pastor David Ripley found a particular clause allowing people to attend houses of worship for prayer and reflection. He contacted local public authorities, including the mayor, the fire chief, and the RCMP, who confirmed his understanding that the Provincial Health Order permitted him to open his church for prayer and reflection. With that confirmation, Pastor Ripley opened his church on Sunday mornings, roped off pews to ensure physical distancing and complied with the public health guidance. There was no singing and no preaching. The people who came prayed and read Scriptures.

On January 3, 2021, as a small number of individuals attended Grace Christian Fellowship for prayer and reflection, two RCMP cruisers pulled up on the property. Pastor Ripley's wife, Gina, showed them the Order permitting attendance at houses of worship for prayer and reflection. The officers took issue with the number of cars in the parking lot, but he did not otherwise challenge the language of the Order or the actions of the church.

However, later that day, RCMP officers arrived at the Ripley residence and issued Pastor Ripley a \$2,300 ticket, accusing him of violating the Provincial Health Order.

After more than a dozen preliminary court appearances by Justice Centre lawyers on behalf of Pastor Ripley, and after the filing of a Notice of Constitutional Question challenging the constitutionality of Dr. Henry's Order, a trial date was set for November 22-23, 2022, at the Creston Law Courts.

However, the Crown directed a stay of proceedings on November 15, before the trial was to have taken place.

"The unjustified intrusions of government into the homes and churches of Canadians in the name of Covid enforcement is a stain on Canada's free and democratic society. Pastor Ripley was sincerely attempting to follow public health orders and serve the needs of his congregation. There was no justification for forcing him through nearly two years of court appearances and legal processes. He is relieved to have this behind him."

Lawyer Marty Moore



Challenging unscientific and unjust travel restrictions

On January 6, 2022, the Justice Centre announced a challenge to the 2021 Government of Canada requirement that anyone travelling by air, train, or ship must show proof of being vaccinated for Covid. The main applicant in this case was former Newfoundland Premier Brian Peckford, the last living signatory to the *Canadian Charter of Rights and Freedoms*.

In his affidavit filed with the Court, Premier Peckford stated, “What I find perhaps the most disturbing is that the federal government has mandated a two-tiered society where one group of people has benefits while another group is disadvantaged. As a person who has chosen not to receive the new medical treatment, I am all of a sudden treated as an outcast, labelled a ‘racist’ and ‘misogynist’ by our Prime Minister, and as an undesirable person not fit to be seated with vaccinated people on an airplane...The Covid-vaccinated are allowed to travel by airplane and to see their families, and the unvaccinated are not. This is not the Canada I know and love, and this type of segregation causes me utmost sadness.”

This mandate prevented approximately six million Canadians—15 percent of Canada’s population— from travelling within Canada and from leaving Canada. Evidence filed with the court showed that Canadians involved in the lawsuit were unable to lead normal lives as a result of the mandate. They could not visit or assist sick family members, hold the hand of a dying parent, or access healthcare outside of Canada. Many could not work and could not attend school.

“Canada is the only country in the developed world that bans unvaccinated citizens from air travel,” stated Keith Wilson, a lawyer provided by the Justice Centre for this case. “Canada’s ban on unvaccinated flying is especially egregious given Canada is the second largest country in the world by landmass, and Canadians have a far greater need to use air travel for work, family, and health reasons than do the citizens of most other countries.”

On June 20, 2022, the government suspended the travel mandate.

“Our evidence refutes government claims that infringing the mobility, conscience, security, and privacy rights of Canadians is justified. Canadians have the right not to be discriminated against, and this Charter challenge seeks to enforce that right.”

Lawyer Allison Pejovic



Defending freedom of expression against Bill C-11, the *Online Streaming Act*

On February 2, 2022, the Government of Canada introduced Canadians to Bill C-11, the *Online Streaming Act*. The Bill passed in the House of Commons on June 21, 2022. The language of the Bill would allow the Canadian Radio-television and Telecommunications Commission (CRTC) to compel online platforms to feature “Canadian” content, to fund the Canadian Media Fund, and to implement search algorithms that make Canadian content more discoverable. This controversial bill generated criticism from many quarters about its negative impact on the *Charter*-protected freedom of expression in Canada.

On November 22, the Justice Centre filed a memorandum with the Senate Standing Committee on Transport and Communications, denouncing the bill for giving the CRTC unconstitutional powers to control online and broadcasted content in Canada. If our amendments are accepted by the Committee, Canadians will be protected from the worst aspects of the Bill.

Senator Leo Housakos, the chair of the Senate Standing Committee on Transport and Communications, stated, “The Trudeau government’s attempts to circumvent the democratic process and ram through flawed censorship Bill C-11 with no discussion or debate should outrage every Canadian. The Senate must and will conduct a full and transparent study of the bill.”

Fighting against government attempts to censor speech online and elsewhere, the Justice Centre strongly encourages all concerned Canadians to contact their Senators and remind them that freedom of speech is still important and should be protected.

“I am sure the CRTC cannot wait to begin censoring the government’s dissenting political opponents on the internet – a power it could wield if C-11 is passed in its current form. At best, C-11 is an ill-informed and out-of-touch attempt to regulate the internet like traditional media. Canadians do not need any help from the government to find online content that is sufficiently Canadian.”

Lawyer Keith Pridgen



Protecting political expression in British Columbia's interior

Hildegard Krieg is a resident of Salmon Arm and the President of the Shuswap Pro-Life Society. For the past 14 years, this citizens' group has been advertising on Salmon Arm bus benches to promote public awareness of its views on the sanctity of life.

In 2021, Salmon Arm implemented a policy to permit only "commercial advertising." The City then canceled and removed the pro-life advertisement of Ms. Krieg and the Society on April 2, 2022, despite objections that the policy violated their *Charter* right to freedom of expression, and also ran counter to a Supreme Court of Canada ruling that cities cannot enact "commercial only" advertising policies for bus ads and other public spaces.

On April 29, 2022, lawyer Marty Moore sent a letter to the City of Salmon Arm on behalf of Ms. Krieg and the Shuswap Pro-Life Society. The letter noted that the "Supreme Court of Canada has already held that government policies permitting commercial but not political advertising on transit property are unjustifiable limits on freedom of expression." The letter warned the City that if it refused to rescind its policy and allow the pro-life group to advertise on City bus benches, the City would face a legal challenge.

On June 20, 2022, Salmon Arm responded, "The City has determined that it will not be enforcing the aspect of the Transit Bus Benches Advertising Agreement that requires advertising on the bus benches to be 'commercial advertising.'" The next day, the City accepted Ms. Krieg's request to reinstate the Society's advertisements.

"Freedom of expression in Canada is not limited to commercial expression. Citizens have the right to express their political and moral opinions publicly, including unpopular and offensive opinions, and governments should respect that right without citizens having to resort to legal demands. The Justice Centre is dedicated to ensuring that governments in Canada, including municipal governments, respect the Charter rights of their citizens."

Lawyer Marty Moore



Defending freedom in Québec

In 2022, the Justice Centre commenced French-language operations as the **Centre juridique pour les libertés constitutionnelles (CJLC)**, with videos, advocacy, court cases and a website.

Highlights include:

Legault government drops the “vax tax”: Shortly after CJLC sent the Quebec Minister of Health a demand letter calling upon the Legault government to abandon their plan to tax unvaccinated people, the provincial government changed course and abandoned its plans on February 1, 2022.

CJLC stands against Bill C-11: The *Online Streaming Act* opens the door to censorship on Twitter, YouTube, Rumble, Facebook, Google, and other similar platforms. We filed a brief with the Senate and are ready for the regulatory and constitutional challenges ahead. The Internet is no place for censorship.

Digital ID and surveillance: CJLC continues to monitor digital ID legislation and policy proposals. Digital ID programs threaten the privacy, security, and equality of their users, who are being compelled to surrender more and more personal data in order to access government services. In response, the CLJC has launched a lecture series, *Mes données: ni à vendre ni à donner (My personal info: not for sale or for giving away)*, published a report on digital ID, and continued to connect with concerned Canadians.

CJLC defends medical autonomy of university student: The CLJC successfully defended a University of Ottawa student who was suspended for not getting vaccinated. After receiving demand letters from lawyers provided by the Justice Centre, the university accommodated the student in time for her to complete her degree. Around that time, the university suspended its vaccination policy.

Censorship on the metro: An out-of-court settlement is expected in the case where the Société de transport de Montréal blocked the posting of an ad by the Association pour le transport collectif de la Rive-sud (ATCRS). ATCRS, whose purpose is to promote the development of public transportation in the region of Montérégie, criticized a fare increase for riders from the south shore of Montreal.

Challenging the Québec curfew: The CJLC defended several people accused of breaching Covid curfews in Québec, which made it illegal to be outside between 8:00 p.m. and 5:00 a.m. A representative of the Attorney General told the Court that she did not understand how placing the entire Québec population under “house arrest” every night constituted an infringement of personal liberty.

Prison hotels: The Crown is pursuing one of our clients who failed to book a room in a quarantine hotel upon her return home. Pregnant and aware of the shortcomings of “approved” facilities, she served her quarantine at home. At a time when justice and court delays threatened the processing of thousands of serious criminal and penal cases, the Crown saw fit to add to its burden with this petty charge.

The 2022 George Jonas Freedom Award

The Justice Centre was pleased to award the 2022 George Jonas Freedom Award to Tamara Lich, one of the leaders of the peaceful Freedom Convoy movement, in recognition of her outstanding dedication to the cause of freedom. Ms. Lich received this prestigious Award at our sold-out Toronto dinner in June. Rex Murphy and the Honourable Brian Peckford joined as special guests at the Vancouver and Calgary dinners. Prior recipients of the George Jonas Freedom Award include Mark Steyn, Christie Blatchford and the Society for Academic Freedom and Scholarship. George Jonas (1935-2016) was a stalwart Canadian who knew firsthand the dangers of totalitarianism, having lived under both fascism and communism. The ideals of liberty and the free society permeated his writings as an author, poet, and *National Post* columnist. George Jonas emigrated from communist Hungary in 1956 and played a key role in assisting the Justice Centre through his service on the Board of Directors of the Aurea Foundation, which provided generous grants to the Justice Centre in our early years.

Educating Canadians about freedom

Since 2010, education initiatives have been an important component of our efforts to defend and promote a free Canadian society where governments at all levels respect the *Charter* rights and freedoms of all Canadians.

The Justice Centre published reports on various *Charter* topics, including “Canada’s road to Beijing,” describing the oppressive social credit systems of the Chinese Communist Party and identifying parallel developments in Canada with respect to provincial and national digital ID programs. Further, “Excess deaths contradict narrative of success” suggested a relationship between Covid lockdowns and excess (or unanticipated) deaths. In every report from 2022, the Justice Centre invited Canadians to participate in a conversation about the reasonableness and legality of government interventions in a free society.

The Justice Centre also launched a project to deliver a curriculum on the history, significance, contents and impact of the *Canadian Charter of Rights and Freedoms*, for Canadian high school students. This curriculum will educate students, parents, and teachers about the value of human dignity, the importance of fundamental rights and freedoms, and the political institutions of Canada. Most Canadian students lack an understanding of these important concepts. The Justice Centre is proud to announce that the Jackman Foundation has generously funded the initial research phases of the project. We look forward to completing the research and design phases of this project in 2023.

Finally, the Justice Centre hosted five workshops in our online Speaker Series in the summer and fall of 2022. Canadians had the opportunity to learn about topics such as the impacts of digital ID programs on the freedoms of Canadians, rights and responsibilities in the Canadian classroom, and contemporary threats to freedom of expression. The Justice Centre will continue these workshops in 2023.

“Knowledge about the Charter and the rich literature surrounding rights and freedoms is necessary for informed and healthy participation in our democracy. I am grateful to have been able to play a role in this important work through our papers, curriculum project, speaker series, and many conversations. We have grown a community of inquirers in Canada, and I am excited to see how this will grow in the new year.”

Luke Neilson, Education Programs Coordinator



Advocating for better laws

Registered charities are legally permitted to advocate for changes to proposed and existing laws and government policies so long as this advocacy is carried out in a non-partisan manner. Our non-partisan advocacy is conducted through educational resources, brochures, videos, podcasts, and public policy analyses in a coordinated effort to inform public opinion and level the playing field. We evaluate the potential *Charter* impacts of proposed and existing legislation. Whenever we have concerns, we engage with MPs and Senators, as well as provincial elected representatives, in the committees considering the legislation and propose amendments that would protect *Charter* rights, and equip and educate the public on the forthcoming or proposed legislation.

We have added an Action Centre to our website. Through the Action Centre, supporters can send draft emails and petitions directly to Provincial and Federal elected officials. Since the launch of our Action Centre in the fall of 2022, we have created four different advocacy opportunities, and nearly 15,000 letters to elected representatives have been sent.

Thank you to our incredible donors

Your donations are making a difference in our courts, classrooms, and public spaces from coast to coast. When you choose to give, you are choosing to partner with our team of litigators, researchers, and advocates in defending Canadians' rights and freedoms from harmful and discriminatory laws and policies.

We cannot secure a future of freedom without you. Since our founding in 2010, we have chosen not to accept any government funding. We rely on the generosity of Canadians like you.

Consider giving today! www.jccf.ca/donate/

#253, 7620 Elbow Drive SW • Calgary, AB • T2V 1K2

(403) 475-3622 | info@jccf.ca | www.jccf.ca

Charitable Registration Number: 817174865-RR0001

