

Defending the freedoms of expression, religion, and assembly in Quebec



In June 2023, Quebec Tourism Minister Caroline Proulx ordered the CEO of a convention centre in Quebec City to cancel the conference hall rental of Harvest Ministries International (HMI). The Minister suspected that HMI adhered to pro-life beliefs, although the planned conference was not a pro-life event as such. The decision to tear up a contract that had been signed months earlier was met with applause from Quebec Premier François Legault, who said, "We're not going to allow anti-abortion groups to put on big shows in public spaces."

In response, Montreal lawyer and Justice Centre Director of French Canada Olivier Séguin filed a constitutional challenge against the Quebec government for violating the *Charter* freedoms of HMI and for engaging in unjustified discrimination. In May 2024, Olivier Séguin cross-examined Quebec's Minister of Tourism and her Chief of Staff in the presence of a Quebec Superior Court judge. Quebec's two witnesses appeared to be evading their responsibilities through delay tactics. It seems that the decision to cancel the conference was motivated by religious intolerance.

The Justice Centre is also appealing a lower court ruling that upheld Quebec's notorious curfew orders, which saw millions of Quebecois confined to their homes between 8:00 PM and 5:00 AM for nearly five months throughout 2021 and 2022. The appeal was filed in Quebec in early June, and we are expecting a response from the Attorney General in early July.



Charter curriculum teaches next generation about freedom

"Law follows politics. Politics follows culture. Culture follows education." The Justice Centre continues to educate Canadians about freedom through courses, reports, events, contests, and podcasts. Visit the Justice Centre website to sign our petitions, explore our policy positions, or to learn more about our active cases.

Consider donating to our most significant educational project: bringing a curriculum on the *Canadian Charter of Rights and Freedoms* to Canadian high school students. We have already created modules about the freedoms of expression, conscience and religion, and we will forge ahead with modules about the freedoms of association and peaceful assembly.



Your donations make a difference

The Justice Centre relies entirely on voluntary donations to carry out its mission of defending the constitutional freedoms of Canadians through litigation and education. When you choose to give, you partner with our team of litigators, researchers, and advocates in defence of a free Canada.

We do not accept any government funding.

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Justice Centre
for Constitutional Freedoms

— THE DOCKET Summer 2024

- Court hears challenge to BC Provincial Health Officer's irrational and unfair treatment of faith communities
- Justice Centre advances parental rights in New Brunswick court action
- Free Speech Club sues the University of British Columbia over event cancellation
- BC Supreme Court orders Bonnie Henry to reconsider her unreasonable order
- Defending the freedoms of expression, religion, and assembly in Quebec
- *Charter* curriculum teaches next generation about freedom
- Your donations make a difference

Court hears challenge to BC Provincial Health Officer's irrational and unfair treatment of faith communities



In November 2020, Provincial Health Officer Dr. Bonnie Henry banned in-person worship services throughout British Columbia.

John Koopman, Pastor of the Free Reformed Church in Chilliwack, BC, continued holding in-person services while complying with health orders regarding masking, hand washing, social distancing, etc. In January 2021, Pastor Koopman and two other churches filed a constitutional challenge to the prohibition on in-person services and later submitted an accommodation request to gather for in-person

services. The office of Dr. Henry did not respond to that request for several weeks.

At the same time, her office had been responding within one or two days to accommodation requests from Orthodox Synagogues, granting them permission to gather indoors. During one week in February 2021, Dr. Henry granted synagogues permission to gather indoors on a Tuesday; she denied mosques permission to gather indoors on a Wednesday, and she told three churches that they could meet outdoors but not indoors on a Thursday.

This June, in a 10-day hearing in Chilliwack, lawyers provided by the Justice Centre presented evidence that Dr. Henry acted dishonestly and in bad faith when banning in-person worship services in 2020 and 2021. Pastors and churches who defied the restrictions argue that the prosecution against them is an abuse of process and should be stayed, given the conduct of Dr. Henry and her office. Compelling evidence shows that Dr. Henry promptly considered requests from synagogues to be exempted from her ban on religious gatherings while ignoring similar requests from Christians and Muslims. This case raises important issues about the rule of law and government obligations to act in good faith.

Justice Centre advances parental rights in New Brunswick court action



In August 2020, the New Brunswick government created Policy 713, prohibiting teachers from informing parents that their child had adopted a new name or pronouns at school without the child's consent. Later, in June 2023, the New Brunswick government reversed course; schools would be required to inform parents of any formal changes to the names or pronouns of children under age 16.

Unfortunately, the Canadian Civil Liberties Association (CCLA) brought a constitutional challenge against New Brunswick in September 2023, arguing that the policy violates students' rights to freedom of expression, equality, and life, liberty, and security of the person. Justice Centre President John Carpay disagrees with the CCLA position that children possess some kind of *Charter* right to keep parents in the dark about their identities at school, noting that "[t]he Supreme Court of Canada explained in *B.(R.) v. Children's Aid Society of Metropolitan Toronto* that the parental interest in bringing up, nurturing and caring for a child, including medical care and moral upbringing, is an individual interest of fundamental importance to our society."

In May 2024, the Justice Centre helped two groups gain intervenor status as parties in this court action: Gender Dysphoria Alliance and Our Duty Canada. These groups bring informed, evidence-based support to individuals with gender dysphoria and to families with children experiencing gender dysphoria. We are providing legal representation to both groups, who seek to uphold the right of children to the informed care and protection of their parents, and the right and responsibility of parents to guide their children.

Free Speech Club sues the University of British Columbia over event cancellation



In 2019, students of the Free Speech Club at the University of British Columbia (UBC) organized an event, "Understanding Antifa Violence". One month before the event, however, UBC cancelled it, citing concerns about the emotional and psychological safety and security of the campus community. UBC did not provide the Free Speech Club with any opportunity to address the concerns before the cancellation.

With help from the Justice Centre, members of the Free Speech Club sued in court, asserting that the UBC had made an unreasonable decision, had violated its own commitment to academic freedom, and had violated the *Canadian Charter of Rights and Freedoms'* section 2(b) protection of freedom of expression.

The lawsuit required British Columbia courts to revisit an important question: does the *Charter* apply to universities in British Columbia as it does to universities in Alberta? The Supreme Court of Canada has determined that the *Charter* applies to government entities and to private entities delivering government programs. The question before the Supreme Court of British Columbia was whether provincial universities are government entities or are delivering a government program. In other words, are provincial universities constitutionally obligated to protect students' freedom of expression? On June 4, 2024, the Court determined that provincial universities are not government entities and, when delivering post-secondary education, are not delivering a government program. And yet, the Province of British Columbia describes provincial universities as "service delivery agents for the provision of services on behalf of the government" and allotted almost \$7 billion to fund universities in its 2024 budget.

Because of this court ruling, universities in British Columbia remain largely immune to the *Charter*. Lawyers provided by the Justice Centre believe that provincial universities are clearly delivering a government program and that the *Charter* must apply to them. If the *Charter* applied to UBC, it would likely have violated the plaintiffs' *Charter* rights when it cancelled the Free Speech Club's event in 2019. Lawyer Glenn Blackett, who is handling the file, stated, "It's troubling that this massive government program, of such importance to our constitutional order, should be left to largely operate in a constitutional black hole. Wherever government is present, so too should our constitutional freedoms—including the right to speak freely and search for truth." The plaintiffs are now considering an appeal.

BC Supreme Court orders Bonnie Henry to reconsider her unreasonable order



In November 2021, BC Provincial Health Officer Dr. Bonnie Henry ordered specified groups of healthcare workers to show proof of being vaccinated for Covid. Those Orders saw approximately 2,500 healthcare workers – many of them remote – fired for their decision not to be vaccinated or not to disclose their vaccination status, causing a critical shortage in the BC healthcare system.

In defence of bodily autonomy and the freedom of conscience and religion, the Justice Centre helped 11 BC healthcare workers file a constitutional challenge to the Orders. After more than two years of legal proceedings, the BC Supreme Court ruled on May 10, 2024, that Dr. Bonnie Henry must reconsider the vaccine mandate for remote-working healthcare workers who have no contact with patients. This is the first time a court has found that a Covid vaccine order by a provincial health officer was unreasonable.