

Protecting the security and privacy of female inmates

The Justice Centre is providing lawyers to Canadian Women’s Sex-Based Rights (CAWSBAR) in a federal court challenge against a controversial prison policy that permits male offenders who identify as female to be placed in women’s prisons. Since 2017, trans-identifying men with fully intact male genitalia have been allowed to choose to serve their time in women’s prisons based on self-proclaimed “identity.” Prior to 2017, only males who had completed sex reassignment surgery were eligible for placement in a women’s prison.

CAWSBAR filed the lawsuit in April 2025, asking the Federal Court of Canada to declare that the current policy violates female inmates’ *Charter*-protected rights to life, liberty, and security of the person (section 7); protection from cruel and unusual treatment or punishment (section 12); and equality under the law based on sex (section 15). Their lawsuit also cites section 28 of the *Charter*, which guarantees that rights and freedoms are equally protected for male and female persons. CAWSBAR is asking the court to declare the policy unconstitutional.

This court action will expose the harms that female inmates have endured: sexual assault, harassment, stalking, and psychological trauma such as PTSD, flashbacks, anxiety, and suicide. Many women in prison have experienced violence from males and report that the presence of biological male inmates in therapy sessions hinders their rehabilitation. Moreover, complaints are often met with accusations of “transphobia,” leaving females too afraid to speak out for fear it may harm their parole eligibility.



CAWSBAR board member and former inmate Heather Mason (pictured left) stated, “We initiated this action to highlight the federal government’s failure to protect women and to raise public awareness about the cruel and unusual punishment that incarcerated women endure as a result of this transfer policy.”

Educating the next generation

Do you want to learn more about freedom of expression? We are excited to announce the launch of a new online learning platform with a self-paced course on freedom of expression. Designed for learners aged 15 and up, this accessible and thought-provoking course includes 14 concise modules, each with a knowledge quiz to reinforce understanding.

Available at www.jccf.ca/courses for \$49 (plus tax), the course offers exceptional value for individuals seeking to better understand their freedom of expression.

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 give, you partner with our team of litigators, researchers, and advocates in defence of a free Canada. We do not accept any government funding.

Please donate online at www.jccf.ca, by e-transfer to etransfer@jccf.ca, or by mail to the address below. Please consider including the Justice Centre in your will or donating your stocks, bonds, or securities to the Justice Centre.



Justice Centre
for Constitutional Freedoms

— The Docket Summer 2025



“The Justice Centre team of lawyers, paralegals, and communications staff continues to fight for your Charter rights and freedoms across Canada. We are fighting back against the growing censorship of citizens by municipal councils, school boards, tribunals, and human rights commissions. We have also provided lawyers to Canadian Women’s Sex-Based Rights in a court action to defend vulnerable female inmates in federal prisons who are forcibly confined with ‘trans-identifying’ male inmates. Since January, we have won some important court victories; you can read the details in this newsletter. The Justice Centre team is grateful for the generosity of the thousands of Canadians whose donations make it possible for us to defend freedom in Canada.”

John Carpay, B.A., LL.B.
President and Founder

Defending freedom of expression



Parent suspended from school council for objecting to land acknowledgements: During an April 2025 meeting of her school parent council, Ontario mother and School Council member Catherine Kronas (pictured left) politely objected to Aboriginal land acknowledgements as divisive, political, and inappropriate. She asked that her objection be noted in the minutes. In May 2025, the Hamilton-Wentworth District School Board suddenly suspended her from the Council, alleging that she had caused “harm.” Catherine was given no opportunity to defend herself. “The Council has sent a troubling message to parents,” said Catherine. “Even respectful disagreement may be met not with dialogue but with disciplinary action. I am grateful to the Justice Centre for assisting me in this matter.” Lawyer Hatim Kheir wrote to the School Board, demanding it reverse its decision and immediately reinstate her.

Victory: Nova Scotia Supreme Court rules that hurt feelings are not discrimination: In 2019, Professor John MacKinnon of Saint Mary’s University in Nova Scotia published an article expressing his concerns about academic integrity, equal treatment and the “indigenization” of post-secondary institutions. Expressing his opinion resulted in a human rights complaint being filed against him. On April 17, Nova Scotia Supreme Court Justice Denise Boudreau tossed the complaint, writing, “Being upset or offended is not the same as discrimination.” Rebuking the human rights commission, she wrote, “Let us recall that freedom of expression is a *Charter*-protected right in Canada.” Lawyer Chris Fleury remarked, “This is a significant victory for Canadians overall, and particularly for those who seek to express controversial opinions.” The Commission has appealed this decision, and the case is ongoing.



Ontario Ministry of Transportation reverses decision to censor highway billboard: In March 2024, George Katerberg (pictured left) rented a highway billboard near Thessalon, Ontario. The sign read, “They knowingly lied about safety and stopping transmission. Canadians demand accountability,” with photos of Justin Trudeau, Dr. Theresa Tam, and others. The Ontario Ministry of Transportation ordered him to remove the sign, claiming that it could promote hatred or contempt toward government officials. With help from the Justice Centre, George sought to overturn the Ministry’s decision. The Ministry admitted that the sign did not promote hatred, but then changed its rules to prohibit all signs promoting social or political causes along rural Ontario highways. Ontario’s new rules do not comply with a 2009 Supreme Court of Canada ruling, so more legal work will need to be done to secure the right of citizens to express their political views in public.

Victory: Ontario school board lifts ban on recordings of public school board meetings: On January 27, Kitchener resident and former school board member Jack Fonseca attempted to take a photo at a public meeting of the school board. The Waterloo Catholic District School Board warned him that he would be removed if he tried to record the meeting. Soon after, the Board updated its website to state that visitors could not photograph or record during public meetings and even implemented a policy to search bags at meetings. Our lawyers sent the Board a legal warning letter, advising that the ban violated the freedom of expression of attendees and the listening public. In May, the Board passed a motion to reverse the ban.

Courts uphold the rights and freedoms of peaceful protestors

Harold Jonker, a trucking company owner and former Town Councillor from West Lincoln, Ontario, participated in the peaceful Freedom Convoy in Ottawa in 2022, to protest the vaccine mandates that had sidelined truck drivers who did not get injected. He had parked his own truck in a lot far from downtown Ottawa. More than one year later, police criminally charged him with mischief, intimidation, and counselling others to commit mischief and intimidation. In May 2025, Justice Kevin Phillips acquitted Harold of all charges. Justice Phillips found that Harold had merely described the events as he witnessed them, and had not incited his audience to commit any crimes. Justice Phillips also found that Harold had not broken any laws when parking his truck. Harold expressed his gratitude to Justice Centre donors, saying, “We are very thankful for the excellent legal support provided by the Justice Centre, and thankful that the judge saw through the Crown’s weak case and had the courage to do the right thing.”

In another victory for those who protested Covid lockdowns and vaccine mandates, Ontario’s top court ruled on April 7 that the province’s total ban on peaceful protests in 2021 violated citizens’ freedom of peaceful assembly – protected by section 2(c) of the *Charter*. Justice Peter Lauwers, writing for a unanimous panel, found that there was no evidence justifying this total ban: “Can the court, in assessing the state’s justification, countenance an outcome in which the state eliminates the free exercise of a fundamental freedom without giving that elimination any actual thought? Such an outcome would be entirely contrary to the purpose of the *Charter* in protecting the free exercise of fundamental freedoms against the limiting actions of government.” It is encouraging to see a court finally rebuke a government for imposing unjustified lockdown orders that impacted millions of Canadians.

Palliative care facilities in BC should not be forced to offer suicide to patients

In 2015, the Supreme Court of Canada legalized assisted suicide, calling it “medical assistance in dying” or “MAID.” This term is misleading, because physicians have for many years been providing palliative care to assist people in dying, without offering to assist patients in killing themselves. In 2020, the BC government cancelled an agreement with the Delta Hospice Society (DHS) to provide palliative care because DHS refused to offer or provide assisted suicide. Saint Paul’s Hospital in Vancouver, and other Catholic-run facilities, provide palliative care and will not help patients kill themselves.

With help from the Justice Centre, DHS has intervened in a court case that will decide whether every palliative care facility in BC will be forced to provide assisted suicide to patients. Our lawyers are helping DHS urge the Court to respect the choices and *Charter* rights of patients who seek only palliative care, and who do not want to be pressured or even encouraged to commit suicide.



Lawyer Allison Pejovic (pictured left) remarked, “There are many terminally ill palliative care patients in British Columbia who desire to spend their final days without being asked if they want their life ended by their healthcare provider. It is important that these patients are able to access a compassionate space which upholds their human dignity, liberty, and bodily autonomy.”