



## MAJOR VICTORY FOR CHOICE AT THE END OF LIFE

BC CIVIL LIBERTIES ASSOCIATION  
ANNUAL GENERAL MEETING  
MONDAY, MAY 13 / 7:00 PM  
SFU HARBOUR CENTRE  
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515 WEST HASTINGS STREET  
VANCOUVER, BC

**2012** Annual Report

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## PRESIDENT'S REPORT / LINDSAY LYSTER



2012 marked the fiftieth year of the BCCLA's fight to achieve justice, liberty, equality and the protection of people's fundamental rights. It was a year of exciting success for the BCCLA, and a year of looking back and reflecting on the Association's half century of accomplishment and on the development of human rights and civil liberties in Canada.

Much is different now than when the BCCLA was born in 1962, not least that we now have a *Charter of Rights and Freedoms* and many other legal tools to assist in the fight for justice and equality that were unknown back then. In the early 1960s, few people beyond science fiction writers contemplated the explosion in technology that allows us to expand human knowledge and creativity – and allows the BCCLA to advocate and communicate more effectively – while at the same time giving governments and powerful private actors unheralded opportunities to spy on us, amass vast stores of data about us, and thereby put the very concept of privacy to the test.

The last fifty years have seen the Cold War replaced by multiple post-modern "Wars" that have brought a multitude of threats to human rights and civil liberties. The Association continues to fight these threats, both through legislative reform and in the courts. On the national security front, we have challenged the Canadian government to uphold the right of those abroad to be free from arbitrary arrest, detention and torture. This includes detainees at risk of torture when turned over to the Afghan forces by Canadian soldiers, the Canadian child soldier, Omar Khadr, languishing behind bars in Guantanamo, and Maher Arar, the Canadian victim of extraordinary rendition from the United States to Syria.

Closer to home, we have advocated for the rights of those detained here in Canada, whether by way of so-called "preventative detention" or on immigration security certificates, to due process

of law. On the drug front, we have advocated for an evidence-based approach that would see the end of punitive sanctions for drug use and an emphasis on harm reduction that focuses on the medical needs of addicted persons. This approach has consistently guided our positions, whether making submissions to parliamentary committees on drug policy reform, advocating for fair and liberal access to medical marijuana, or decrying invasive and discriminatory grow-op laws.

Fifty years has seen an increased emphasis by the BCCLA on the rights of the most marginalized among us. This has seen us argue for constitutional protection for Insite, which provides a safe place for injection drug users. It has seen us stand with First Nations people and sex workers to call the police and the justice system to account for the epidemic of violence against Aboriginal women and sex workers in the downtown eastside and across this country. We have advocated for queer rights, joining Little Sisters in their fight against Canada customs' discriminatory refusal to allow them to import books and magazines, and with James Chamberlain in ensuring that the public school system is inclusive of all families, including those with same-sex parents. We have advocated, alongside the valiant Gloria Taylor, for the right of the terminally ill to die with dignity. And we will always argue passionately for the democratic and fundamental right of every person to speak, to question, and to voice their dissent – a series of rights that are increasingly at issue across Canada.

Just as our founders 50 years ago could not have foreseen the world we live in today, or the shape of the threats to our civil liberties that we face in 2013, so too we cannot hope to predict the challenges our successors will face in 2062 or beyond. What we can commit to doing is nurturing and passing on to them the same commitment to human rights and fundamental freedoms that have been the foundation of this Association for the last 50 years. The BCCLA is committed to continuing to lead in the fight for human rights in Canada, and to tackling the new and previously unimagined threats to those rights in creative, strategic and effective ways. We look forward not only to your support, but to your involvement in this work.

# 2012 BY THE NUMBERS

For 2012, the year of the Dragon, the BCCLA celebrated a fiery 50<sup>th</sup> Anniversary with friends and supporters from across British Columbia. Here's our golden anniversary year in facts and figures.

87%

87% decrease in Taser use by police forces thanks to BCCLA advocacy around the Robert Dziekanski tragedy.

2,000

Almost 2,000 people helped by our lawyers and case-workers, across BC, including the families of several people killed or seriously injured in police custody.

5,686

5,686 people attending 97 events hosted by the BCCLA or featuring BCCLA speakers, an increase of 32% in our annual audience.

1st

The inaugural meeting of our new Families for Police Accountability group of families affected by police-involved and in-custody deaths.

36

36 active cases for our litigation department, including Gloria Taylor and our legal team's remarkable victory to protect her right to a death with dignity.

9

9 handbooks and scholarly reports released on topics as diverse as BC's justice system, how to protect your medical record privacy, the Missing Women Commission of Inquiry and the Internet spy bill proposal.

2,000

2,000 BCCLA "apps" teaching people about arrest rights downloaded by Android and iPhone users in the first two months of release.

Thanks to our vigorous casework, litigation and public education programs, the BCCLA regularly helps initiate or change the course of policies related to free speech, democracy and accountability for government and other powerful actors. Here is a selection of our favourites:

### **BC FINALLY HAS INDEPENDENT INVESTIGATIONS OF POLICE**

In 2011 we welcomed the news that the Independent Investigations Office was being created. In 2012, the IIO finally came into being, after two public inquiries recommended it, and years of advocacy for its establishment by the BCCLA. As the IIO opened its doors, its mandate was defined to include police-related incidents resulting in death or serious harm, but “serious harm” does not include allegations of sexual assault that do not result in disfigurement or substantial loss of bodily function. We continue to advocate for the IIO’s mandate to be expanded to recognize that sexual assault constitutes “serious harm”, as well as for the IIO to handle cases involving less serious injuries, and for the IIO to be given the appropriate resources and training to handle such cases.

### **PROTECTING RIGHTS THROUGH EDUCATION AND OUTREACH**

Record-setting attendance at our sold-out high school student forum at SFU, major increases year over year in BCCLA events and audience size, the release of two new medical records privacy resources, and major new reports on the Missing Women Commission of Inquiry, the BC Justice System, and app versions of our *Arrest Handbook* for two different smart phone platforms capped a remarkable year for the BCCLA’s education initiatives.

We know, as do our members and supporters, that it’s easier to take rights away from people who don’t know they have them – that’s why it’s our role, every day, to protect rights through education and outreach.

### **KEEPING THE PRESSURE ON EVEN WHEN THE CASE SEEMS LOST**

We never gave up on the Paul Boyd case, even after the Crown issued their “clear” statement suggesting that there was no basis for criminal charges in the very controversial 2007 shooting on Granville Street in Vancouver. Our advocacy online and in the media was spotted by a Winnipeg resident who turned over videotape of Boyd’s final moments that confirmed our analysis of the coroner’s inquest evidence – Boyd was crawling and disarmed when he was shot in the head by a Vancouver Police Department officer. The video’s release resulted in the Alberta Serious Incident Response Team being assigned to take on a review of the case, which itself uncovered further serious defects in the VPD investigation file. The BCCLA has a critical role to play in ensuring the truth gets out, even when all hope seems lost – our advocacy work continues to this day on the deaths of Ian Bush, Clayton Alvin Willey, Rodney Jackson, Kevin St. Arnaud, and others, cases where we feel the full story still has yet to be told.

### **EXPANDING OUR REAL WORLD AND ONLINE PRESENCE TO SERVE MORE PEOPLE ACROSS BC AND HOUSE A RAPIDLY GROWING TEAM**

In 2012, our office moved and opened a new and larger office at Helmcken and Hornby in Downtown Vancouver. Outside of Vancouver, our northern volunteers and our southern office coordinated to establish our first-ever satellite office of the BCCLA, setting up a new space for the BCCLA to serve the north, staffed at this point entirely with volunteers, in Prince George, BC. This year also marked the launch of the new BCCLA website, confirming our presence online as a leading source of information about Canadians’ rights and freedoms.

## BCCLA WINS A MAJOR VICTORY FOR CHOICE AT THE END OF LIFE

One of Gloria Taylor's greatest fears was to be reduced to a condition where she would need to rely on others for all of her needs. Gloria, 64, of Westbank, BC, was terminally ill with ALS, a fatal neurodegenerative disease with no known cure or effective treatment. She did not want to live in a bedridden state, stripped of dignity and independence.



The BCCLA represented Gloria in her heroic legal struggle for the right to die peacefully, at the time of her own choosing, in the embrace of family and friends. Gloria stated, "I should be able to make the choice about how much suffering to endure, based on my own beliefs and values."

Gloria's case challenged the laws that make it a criminal offense for doctors to assist the sick and the dying to die with dignity. Gloria asked the court to allow seriously and incurably ill, mentally competent adults such as the right to receive a doctor's assistance to hasten death under certain specific safeguards.

After hearing weeks of expert testimony and argument, the B.C. Supreme Court ruled that the *Charter of Rights and Freedoms* protects the right to die with dignity. The decision was a watershed victory for choice and compassion at the end of life. The Court determined that the

laws that criminalize physician assisted dying violated Gloria's rights to make fundamental life decisions about her body, the right to live with dignity and the right to be free from government interference.

The Court also found that the laws violated Gloria's equality rights because as Gloria's illness continued to progress, she would not physically be able to commit suicide, whereas able-bodied persons would not be denied that option under Canada's laws. The Court gave Parliament one year to enact legislation that would protect choice at the end of life, and granted Gloria a personal exemption from the law.

Gloria died suddenly and unexpectedly on October 4, 2012; the cause of death was a severe infection. In the end, Gloria's death was quick and peaceful and she was spared the prolonged death from ALS that she dreaded and which inspired her participation in the lawsuit.

Gloria's mother, Anne Fomenoff stated, "Thanks to the ruling of the B.C. Supreme Court, Gloria was able to live her final days free from the fear that she would be sentenced to suffer cruelly in a failing body. The exemption she was granted allowed her to face her illness and death with dignity and grace. Until the moment she died, Gloria firmly believed that all Canadians should have choice in dying, and we, her family, completely supported her in that belief."

The BCCLA is continuing with Gloria's case, fighting to protect Gloria's victory against government appeals. The federal government appealed the decision. The B.C. Court of Appeal heard arguments in March 2013; judgment is reserved. Joseph Arvay, Q.C. and Alison Latimer of Arvay Finlay and Sheila Tucker of Davis LLP are the lawyers on the case; they are representing the BCCLA pro bono.

# TRANSITIONS

EXECUTIVE DIRECTOR / JOSH PATERSON



IMAGE: BLACKBIRD

The last four years of BCCLA has been a period of extraordinary growth and success for the Association. While all our staff have made significant contributions to this success, a generous helping of credit is due to the leadership of our former executive director David Eby. In the latter part of 2012, we were sad to see him transitioning out of the role, but at the same time, we were excited to announce the hiring of our new executive director Josh Paterson, who began his term in January 2013.

Josh comes to the BCCLA having established himself as one of BC's leading human and environmental rights campaign lawyers in his former role as a lawyer at West Coast Environmental Law, where he led that organization's legal work protecting the rights of people in northern BC and on the coast. Josh got his start in the law acting as the Director of the Freedom of Expression, Equality and Dignity projects at the Canadian Civil Liberties Association in Toronto. He also spent several years working in employee-side labour law in British Columbia spending much of his time on one of the largest racial-discrimination cases in BC history. Josh is fluently bilingual in English and French and holds masters and law degrees from the University of Toronto.

Josh has extensive experience defending the rights of individuals and communities whose autonomy and dignity is threatened by government and powerful private interests. On joining the BCCLA, Josh said:

It's a great honour to work for the BC Civil Liberties Association and to join their fifty year tradition of defending and promoting rights and freedoms. I look forward to working with the organization on some of the critical issues we're facing across BC and Canada: expanding prisons, drug policy reform, the right to a death with dignity, increasing state surveillance coupled with attacks on people's privacy, the demonization of dissent, and many others.

We at the BCCLA say a big thank you to David Eby, and wish a big welcome to Josh Paterson as he joins our talented and hard-working team.

On June 12, 2013 the BCCLA will be honouring exceptional contributions to human rights and freedoms at our Liberty Awards Gala with BCCLA founder Dr. David Suzuki. See the back cover for details.

# CASEWORK

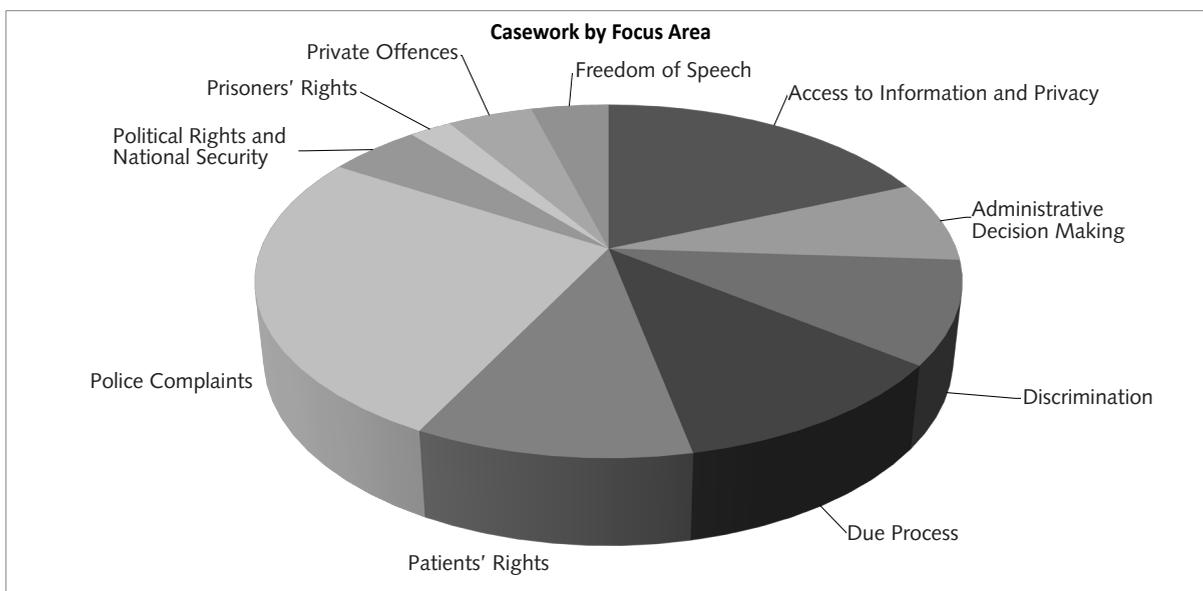
## COMPLAINT ASSISTANCE / HELPING PEOPLE

If we didn't walk our talk, nobody would listen. That's why we prioritize being a resource for people needing assistance on civil liberties issues in Canada.

In 2012, the BCCLA was a resource for nearly 2,000 individuals seeking assistance or direction with their civil liberties concerns. While the vast majority of these requests came from within British Columbia, they also included 101 requests from other parts of Canada and nine international requests. A majority of the requests from BC originated in regions outside of the Lower Mainland, coming from every corner of the province. Notably, requests from outside BC were up 55% compared to 2011, reflecting the BCCLA's growing profile not only throughout the province, but also across Canada and the world. As we become more well-known outside our own backyard, individuals throughout the country have come to see us as a national leader in our field, and a source of guidance for them as

they struggle to defend their own civil liberties and human rights on a day to day basis.

The cases that we dealt with in 2012 spanned every conceivable area of our civil liberties mandate, from police issues and prisoners' rights to free speech and access to information. We were there to assist in any way we could, providing guidance with police complaints and access to information requests, writing letters of support for individuals to use while advocating on their own behalf, or helping with referrals to other organizations when we did not have the ability to assist directly. While some complaints were not easily categorized, the chart below provides a general idea of the distribution of the casework we handled in 2012.



# CASEWORK

While we try our best to assist all the individuals who contact us, a significant number of the requests we receive continue to be from individuals desperate for low-cost legal advice, something that we are not able to provide. We try to connect individuals with the extremely limited options available for accessing such services through various non-profit organizations, but of course, these overburdened pro bono clinics cannot replace a functioning and robust legal aid system. The frequency of these requests is a sobering daily reminder that the chronic underfunding of legal aid continues to adversely affect many of BC's most vulnerable, and that access to justice is currently a right from which many are excluded.

## CASEWORK HIGHLIGHTS

### BCCLA REVEALS ABUSE OF "CRIMINAL DEFAMATION" CHARGE TO SEIZE BLOGGER'S COMPUTERS

When a local blogger took to the internet to complain about the conduct of an RCMP officer who posed for S&M-type photos on community website, his home was visited by ten police officers who seized his computers and cell phones and told him he was under investigation for "criminal defamation". The case was of great concern to the BCCLA, so



we went to court to demand that the document sworn by police to obtain the search warrant be unsealed.

Our work revealed that the RCMP had used their massive search and seizure powers and the paid time of at least ten police officers to investigate a case involving a comment posted to a blog and tweets from a twitter account with fewer than twenty followers. The BCCLA continues to press for the removal of "criminal defamation" from the *Criminal Code*, given the robust protections around defamation available in civil court.

### POLICE USE OF FORCE – HERE, THERE AND EVERYWHERE

Police accountability continues to be one of our most active casework areas. The BCCLA raised concerns in early 2012 when the RCMP officer charged with aggravated assault for shooting Bill Gillespie not only remained on duty but had, in fact, represented the RCMP at a community conference. The case came hot on the heels of another case involving an allegation of RCMP misconduct where a laptop was stolen and the officer involved was summarily fired. The BCCLA asked how one officer who allegedly stole a laptop could be fired, while an officer who shot a citizen and was charged with aggravated assault could be presenting at community conferences. The officer involved was convicted of aggravated assault in early 2013. He may appeal.



In the late spring of 2012, the BCCLA received a series of calls from First Nations

families in the Terrace and Prince Rupert area who reported calling 911 for assistance with a family emergency, but who ended up being arrested and, in all three cases, injured by the attending officers. In one case, a 15 year-old girl had her arm broken; in another, a man received a serious head injury (Robert Wright, photo above); in a third, a man who had called for help with a family member was arrested, had his head ground into the dirt and was put into a spit mask while his family watched. Two out of the three cases have been concluded, with one recommending a charge of assault against an involved officer (the discipline finding has yet to be concluded) and one investigation finding the involved officer engaged in discreditable conduct. The BCCLA successfully supported all three families in pushing for independent investigations conducted by forces other than the RCMP.

In November, the BCCLA hosted the first meeting of the new organization Families for Police Accountability, which is made up of those who have been seriously injured by police and family members of those killed in police-involved incidents. The group set out a mission statement and provided feedback to guide the development of a new handbook to be issued by the BCCLA in 2013. The handbook will help Canadian family members navigate the complicated police accountability system when a family member is killed or seriously injured in a police-involved incident. The group plans to meet at least twice per year and to do advocacy on areas of shared concern.

#### **GOVERNMENTS CAN'T THREATEN CRITICAL CITIZENS WITH LAWSUITS, SAYS THE BCCLA**

The BCCLA wrote letters of support on behalf of several citizens in different BC municipalities who were being threatened with defamation lawsuits by their local governments for daring to be critical of these governments or their agents. We have long been deeply concerned by the strategic use of the threat of defamation lawsuits by governments against their citizens and the chill effect this has on free speech and democratic debate. Defending a lawsuit brought by a powerful government or government-funded litigant is enormously costly for a private citizen in terms of time, money, and emotional energy, and in this context it represents a serious infringement on civil liberties.

#### **BCCLA CONTINUES TO TELL POLICE THEY CAN'T RELEASE MENTAL HEALTH INFORMATION TO PROSPECTIVE EMPLOYERS**

The BCCLA continues to be active on the issue of what information police disclose about individuals as part of police record checks. We discovered several years ago that as many as 85% of British Columbia's adult population have "master name records" in the PRIME-BC police database. This database is used by



police to prepare police record checks, including the controversial "negative police contact" section of these checks. Having "negative contact" noted in their PRIME-BC file prevents individuals from getting jobs, schooling and training, and shuts off many from volunteer opportunities. Of particular concern to us in 2012 were the significant number of calls we received from individuals who have had information related to their mental health released in this manner, information recorded in PRIME-BC by the police when called for help with individuals who were suicidal or experiencing other mental health crises. Such disclosure is of serious concern to us as it not only represents a major violation of individuals' health privacy and opens them up to discrimination in hiring processes, but also risks discouraging individuals experiencing such personal emergencies and their loved ones from calling the police when they need help in the future. The BCCLA will continue to pursue this issue in 2013.

#### **HANDS OFF FREE SPEECH ON SKYTRAIN, BCCLA TELLS TRANSLINK**

The BCCLA came to the aid of a group of activists handing out copies of a free newspaper at the Metrotown Skytrain station. Despite clearly posted rules that permit the distribution of non-commercial literature at the station reinforcing the *Charter* right to distribute that information in public spaces, Translink police and security teamed up to arrest the group when they refused to stop distributing their papers. The remaining papers were seized and



destroyed by the police. The BCCLA connected the group with the resources they needed to

## CASEWORK

pursue their concerns, and continues to support them as they work toward compensation and an apology from Translink and the Transit Police.

### **NO PRIVACY POLICIES, NO CAMERAS, BCCLA TELLS TIM HORTONS, LANDLORDS, AND A RESORT HOTEL**

We received calls from separate individuals complaining about difficulties with security cameras in a whole variety of places – from a Tim Hortons restaurant to rental properties to a resort hotel. Our advocacy led directly to the Tim Hortons



developing and publicizing a privacy policy, and finally responding appropriately to

the personal information access request that prompted the complaint. We wrote several letters to landlords reminding them of their tenants' right to reasonable privacy when security cameras were positioned immediately outside the doors to their apartments. We also assisted an individual with a complaint to the Office of the Information and Privacy Commissioner when a resort hotel refused to allow him to access footage of himself captured on their security cameras.

### **BCCLA REMINDS THE TERRACE RCMP THAT A FREE PRESS INCLUDES NEGATIVE PRESS**

Just like last year in Williams Lake, the BCCLA had to step in to push the Terrace RCMP to provide equal access to press releases to all media – even media they disagree with. The force had taken exception to a news article on [TerraceDaily.ca](http://TerraceDaily.ca) involving a satirical discussion between the mayor and the detachment head



of the RCMP, and had, as a result, cut off that media outlet's access to press releases.

Around the same time, the head of the RCMP in Terrace wrote a letter on RCMP letterhead to support the application of a local television station to merge with a larger broadcaster. The BCCLA's intervention resulted in the withdrawal of the letter of support and the posting of all Terrace RCMP press releases on the RCMP E division website, with equal access for all.

### **LOOSEN UP ABOUT ALCOHOL AT THE MOVIES, BCCLA TELLS BC GOVERNMENT**

The BCCLA supported the Rio Theatre in the venue's fight against nonsensical liquor laws that prevented them from serving alcoholic beverages at their film screenings, even when admission was restricted to those 19 years of age or older. Bizarrely, the very same venue was permitted to serve alcohol during other



sorts of events, such as screenings of hockey games. Were the Rio to acquire a liquor primary license, they

would no longer be able to host all ages events, even if no liquor was sold at these events. The Rio, with the support of the BCCLA, won the first round in forcing the province to permit the venue to screen movies while patrons enjoy a glass of wine or beer, helping to chip away at one of the more arbitrary elements of the province's liquor control and licensing regime.

## LAWFUL ACCESS AND THE “DEATH” OF BILL C-30

One of the biggest civil liberties victories of 2012 was the “death” of Bill C-30. Government officials called C-30 the *Protecting Children from Internet Predators Act*, but since it had nothing to do with children and everything to do with expanding the powers of police and intelligence agencies to conduct surveillance of telecommunications, everyone else called it the ‘online spying bill’.

The bill required telecommunications companies to build vast surveillance capacity into their systems; created a range of new warrants to access customers’ information on a lower legal standard than regular warrants; and, allowed access to some kinds of customers’ information without any warrant at all.

Proposals to expand the “lawful access” powers of the police and intelligence agencies have been around for more than ten years. Similar bills had been proposed in the past and vigorously opposed by the BCCLA, other civil society organizations and every privacy commissioner in the country. Although successive governments had introduced and supported these bills over the years, they were never passed. They kept getting punted out of the queue for elections and prorogues. It was clear that 2012 was the year that the federal government was determined to see the surveillance bill finally pass into law. But that is not what happened.

Instead, we saw a grassroots groundswell of citizen opposition to the bill that built on years of careful legal and policy research by the BCCLA and other privacy organizations. Citizens of

every political stripe voiced their opposition to the bill in person, in print, on air and online. Rallied by OpenMedia’s Stop-Online-Spying Campaign and fueled by extensive public education events and online tools, the momentum of citizens’ opposition surged and the government eventually withdrew the bill.

This is a major victory both for Canadians’ privacy rights and for the democratic power of citizens. But, of course, both these realms are very long games indeed, and no one believes that the ‘death’ of Bill C-30 means that the lawful access proposals are going to remain off the table. In fact, not only do we expect almost everything in C-30 to be reintroduced, we anticipate that it will be done with very little transparency.



In what some are calling ‘the battle for the free internet’ we are seeing an array of mechanisms being used to shroud laws and policies that erode our rights. Tactics range from burying important provisions in obscure regulations (like how surveillance requirements are quietly worming their way into new Industry Canada licensing regulations for internet service providers) to having important aspects of our online rights pop up unexpectedly in secret ‘trade’ deals.

Not only is the battle going to continue, but the terrain is almost certainly going to get more difficult and elusive. As always, the BCCLA has its sleeves rolled up for the next round.

The BCCLA's *Moving Toward A Surveillance Society* report on lawful access legislation is available at [bccla.org](http://bccla.org)

## MEDICAL CANNABIS: AN UNCONSTITUTIONAL PROGRAM THAT IS ABOUT TO GET MUCH, MUCH WORSE



2012 was a frustrating year for reform to the medical cannabis laws. After more than a decade of courts repeatedly finding that Health Canada's Medical Marihuana Access Program is unconstitutional, the federal government announced that it would introduce significant changes. The bad news is that most of the changes will make the already inadequate program even worse.

The proposed changes would see individuals stop having to apply to Health Canada for authorization to use medical marihuana and instead receiving an authorization directly from an authorized health care practitioner. After receiving authorization, an individual could only get a legal supply of marihuana for medical purposes from licensed commercial distributors, as the proposed changes would eliminate the option of growing your own medical cannabis. Personal or designated production is the most cost-effective way to get cannabis for medical purposes and there are no plans to address the

needs of patients who will not be able to afford their medicine under the new commercial supply system.

The government estimates that the average price of medical marihuana in the new commercial supply system will be \$8.80/g. So, patients would be paying from \$17/day (2 g) to \$88/day (10 g). For those patients requiring daily medication, this amounts to between \$500 and \$2,500 a month.

This is an astounding sum for almost any Canadian and for people on a fixed disability income, the cost is a complete bar to access. The current rate for a single person on disability benefits in British Columbia is \$906.42/month. There is *no possibility* that disabled persons on a fixed income could afford medical cannabis in the new system. In other words, the burden is about to fall on the most vulnerable. Here is a summary of what we had to say about the proposed new regulations.

**Patients** must not be restricted to dried medical marihuana; it is an obvious violation of patients' rights to be forced to smoke in order to take medication.

**Patients** must have appropriate patient identification, and Health Canada must consult more extensively to assure patients that the identity proposal will be acceptable to a wide-range of officials to ensure against wrongful arrests and medication seizures.

**Patient** and designate production licenses should be retained in order to provide low-income patients, including those on disability benefits, some means of access to otherwise unaffordable medications. The possibility of some limitation on plant numbers could be explored to address purported safety concerns.

**Patients** should be directly authorized by health care providers to use medical marihuana.

**Patients'** supply of legal medical marihuana cannot be dependent on the formation of an industry that does not currently exist. The proposal must have sufficient flexibility to assure a legal supply to patients.

**Patients** will not achieve "reasonable access" to medical marihuana with the current levels of physician participation, therefore education and other interventions must be targeted to assure significant health care provider participation that is reasonably consistent in all regions of the country.

**Patients** must not be relegated to substandard care by the proposed mail/delivery-only model. The new scheme should incorporate the proven model of community-based dispensaries.

# LITIGATION

## OUR THANKS TO THE LEGAL COMMUNITY

The BCCLA stands poised to challenge laws in the courts through strategic litigation. In 2012, the BCCLA litigated on a broad range of civil liberties issues, including policy accountability, prisoners' rights, voting rights, freedom of expression, and national security. We engaged in high profile interventions at the Supreme Court of Canada and in courts across the country. We litigated ground-breaking lawsuits, including the right to die with dignity for the seriously and incurably ill and a challenge to the use of solitary confinement in Canadian prisons. We continued to press for accountability concerning the rights of detainees in Afghanistan at the hands of the Canadian Forces. The pro bono legal talents of lawyers working on behalf of the BCCLA have been vital to our success in the courts. The following are a selection of our cases from 2012.

### PRESS FREEDOM

#### A.B. V. BRAGG COMMUNICATIONS

Supreme Court of Canada

A.B. was a 15 year old victim of an online cyberbullying campaign that included the creation of an allegedly fake Facebook profile of her. A.B. sued for defamation, but requested that she be allowed to shield her identity and have the allegedly defamatory Facebook contents shielded from the public record.

The BCCLA intervened in the case. The Supreme Court agreed with all of the BCCLA's points. The Court recognized minors as inherently vulnerable, and found that in the context of this case, it was appropriate to shield A.B.'s identity. However, the Court also found that the public's right to open courts and press freedom militated against granting the publication ban over the non-identifying aspects of the Facebook profile, and limited the ban to only the portions of the Facebook profile that would identify the plaintiff.

The BCCLA was represented by **Marko Vesely**, **Chris Sanderson, Q.C.** and **Toby Kruger** of Lawson Lundell.

### NATIONAL SECURITY

#### AFGHANISTAN PUBLIC INTEREST HEARING

Military Police Complaints Commission

The BCCLA appeared as a complainant in the Afghanistan Public Interest Hearing before the Military Police Complaints Commission ("MPCC"). The hearings stemmed from complaints that the BCCLA and Amnesty International Canada filed with the Military Police Complaints Commission in 2007.

On June 27, 2012, the MPCC issued its Final Report. Following a federal court challenge launched by the Department of Justice to the MPCC's jurisdiction to hold a public interest hearing on detainee transfers, the scope of the Commission's work was ultimately limited to the narrow question of whether certain members of the military police had personally failed in their duty to investigate potential misconduct related to the transfer of detainees to Afghan custody.

In its report, the MPCC found the complaints unsubstantiated with respect to the eight named individuals. Nonetheless, the Commission also uncovered some troubling failures

and shortcomings in military police operations that would have hampered efforts to respond thoroughly and effectively to concerns about detainee transfers. While the report makes clear that there was significant information available documenting the risk of detainee torture at the hands of Afghan authorities, it also found significant problems with respect to information sharing, reporting, and accountability within the military police, and between the military police and the Canadian Forces, generally.

Importantly, the report devoted significant attention to the obstacles faced by the Commission in obtaining relevant documents and witness testimony from the government of Canada. The Commission concluded that the government failed to co-operate with the process, blocking access to witnesses and documents and adopting “an overall attitude of antipathy...towards the Commission and its task”.

The BCCLA was represented by **Paul Champ** and **Khalid Elgazaar** of Champ & Associates and **Grace Pastine** and **Carmen Cheung** of the BCCLA.

## RIGHTS OF SEX WORKERS

### BEDFORD V. CANADA

Ontario Court of Appeal, Supreme Court of Canada

In March 2012, the Ontario Court of Appeal issued its decision in this case, which was brought by a group of sex workers challenging the criminal prohibitions concerning prostitution. The BCCLA was an intervener in this case, and argued that the prohibitions deprive sex workers of liberty and security of the person in violation of the *Charter of Rights and Freedoms*. At the Ontario Superior Court, the application judge held that the prohibitions are unconstitutional and must be struck down. The Court of Appeal affirmed, in part. The case is being appealed to the Supreme Court of Canada and the BCCLA will be seeking leave to intervene.

The BCCLA is represented by **Brent Olthuis** of Hunter Litigation Chambers and **Megan Vis-Dunbar**, Barrister and Solicitor.

## ENDING INDEFINITE SOLITARY CONFINEMENT

### BOBBYLEE WORM V. CANADA (A.G.)

BC Supreme Court

The BCCLA filed a lawsuit on behalf of prisoner BobbyLee Worm to end the practice of holding individuals in solitary confinement for months and years at a time. Since the start of her incarceration in 2006, Ms. Worm, who suffered extreme physical, emotional and sexual abuse throughout her childhood and adolescence, has been subjected to extensive periods of solitary confinement. The devastating psychological and physiological effects of solitary confinement, particularly for women who have previously been abused, are well -documented. Human rights bodies have found the practice of prolonged solitary confinement to be either torture or cruel, inhuman and degrading treatment.

Ms. Worm is represented by **Robert Janes**, **Elin Sigurdson** and **Erin Thompson** of Janes, **Freedman Kyle** and **Grace Pastine**, **Carmen Cheung** and **Raji Mangat** of the BCCLA.

## EXPANDING PUBLIC INTEREST STANDING

### CANADA (A.G.) V. DOWNTOWN EASTSIDE SEX WORKERS UNITED AGAINST VIOLENCE SOCIETY, ET AL.

Supreme Court of Canada

This case was about whether Sheryl Kiselbach and the Downtown Eastside Sex Workers United Against Violence Society (SWUAV) have standing to challenge the laws criminalizing sex work. At issue was whether the test for public interest standing should be applied restrictively.

The BCCLA was an intervener and argued that a restrictive reading of the public interest standing test would seriously impact the ability of the BCCLA and other public interest

organizations to remedy constitutional wrongs through litigation. The Supreme Court of Canada, in a unanimous decision, affirmed that a generous approach must be taken to granting public interest standing in order to provide access to justice.

The BCCLA was represented by **Jason Gratl** of Gratl Purtzki and **Megan Vis-Dunbar**.

## POLICE ACCOUNTABILITY

### FLORKOW AND LONDON V. POLICE COMPLAINT COMMISSIONER ET AL

BC Court of Appeal

This case arises from the alleged assault of Yao Wei Wu in 2010 by two members of the Vancouver Police Department. The VPD asked the Delta Chief of Police to conduct an investigation of the incident. The Delta Chief of Police found that the conduct of the two officers did not constitute misconduct. The Police Complaint Commissioner (“PCC”) called a public hearing into the incident.

The BCCLA was an intervener in this case and argued that the *Police Act* gives the PCC discretion to order a public hearing where, as here, the PCC believes that there are flaws in the process of police investigating police. The Court of Appeal determined that the PCC does not have a “stand alone” discretion to initiate a public hearing.

The BCCLA was represented by **Michael Feder** and **Paige Morrow** of McCarthy Tétrault LLP.

## ENSURING THE RIGHT TO VOTE

### HENRY ET AL V. AG CANADA AND CEO

BC Court of Appeal

This case considers whether changes to federal voting laws requiring all voters to show ID and provide proof of residence are constitutional. The changes to the law require voters to show government-approved ID when voting. Those without ID must have another voter with the required ID registered in the same polling division vouch for them before they can vote.

Nothing is more fundamental to our democracy than the right to vote. The BCCLA is a longstanding advocate for democratic rights and is troubled by any action that makes voting more difficult. The BCCLA argued against these changes to voter ID laws from the outset and was an intervener when this case was first heard in 2009. The BCCLA intervened in the appeal and argued that the government has not shown that these voter ID laws are necessary, especially in light of the very serious risk that some citizens may be denied the right to vote altogether. The hearing took place on February 4-6, 2013. Judgment is reserved.

The BCCLA is represented by **Daniel Burnett** of Owen Bird LLP and **Mathew Good** of Hordo, Bennett, Mounter LLP.

## PROTECTING RIGHTS OF WOMEN IN PRISON

### INGLIS ET AL. V. MINISTER OF PUBLIC SAFETY ET AL

BC Supreme Court

This case is a challenge brought by five women and two infants against the warden’s decision at the Alouette Correctional Centre for Women (ACCW) to terminate the institution’s mother-infant program. As a result of the cancellation, infants of single mothers who are incarcerated at ACCW are apprehended by the state. The BCCLA was granted leave to intervene and will argue that removing children from their mother’s care has serious implications for the s. 7 *Charter* rights of both mothers and children. Section 15 equality rights are also implicated in this context, given that the harms caused by the apprehension of children from female inmates has a disproportionate effect on Aboriginal women and children, as Aboriginal women are grossly overrepresented in Canadian prisons. Additional factors leading to a disproportionate effect on Aboriginal women and children include the historical disruption of Aboriginal parenting traditions and the difficulty in finding Aboriginal or culturally appropriate foster homes.

**Janet Winteringham, Q.C.**, of Winteringham Mackay George is counsel for the BCCLA.

## SEARCH AND SEIZURE

R. V. CHEHIL; R. V. MACKENZIE

Supreme Court of Canada

These cases concern sniffer dogs and whether the current standards permitting their use are consistent with the right to be free from unreasonable search and seizure.

In the context of searches by police, s. 8 of the *Charter* has long been understood to require “reasonable and probable grounds” – reasonable grounds to believe that evidence of a crime would be discovered through the search. In 2008, however, the Supreme Court of Canada adopted a “reasonable suspicion” standard for using sniffer dogs, lowering the police’s burden to justify the search. The BCCLA is an intervener in these cases, and argues that the “reasonable and probable grounds” standard applied to all other investigative searches by the police should also govern the use of sniffer dogs. The case was heard in January 2013. Judgment is reserved.

The BCCLA is represented by **Michael Feder** and **Michael Rosenberg** of McCarthy Tétrault.

## JUSTICE IN SENTENCING ABORIGINAL OFFENDERS

R. V. LADUE

Supreme Court of Canada

On March 23, 2012, the Supreme Court of Canada delivered its decision in this case, which deals with the appropriate consideration of the principles set out by the Supreme Court of Canada in *R. v. Gladue*, [1999] 1 S.C.R. 688, on sentencing Aboriginal offenders. At issue is the interpretation of the sentencing provisions in the *Criminal Code* which require a consideration of reasonable alternatives to imprisonment for all prisoners, with particular attention to the circumstances of Aboriginal offenders. The BCCLA was an intervener, and

argued that the trial judge failed to consider alternatives to imprisonment, the unique position of Aboriginal people given their increasing overrepresentation in the criminal justice system, and the importance of considering restorative and rehabilitative principles in the sentencing of all offenders.

The Court forcefully reaffirmed the findings of *Gladue*, holding that sentencing judges must utilize a different method of analysis in determining what is a fit and just sentence for an Aboriginal offender. The decision also reaffirmed that rehabilitation of offenders is one of the core goals in sentencing, even in cases dealing with individuals designated as long-term offenders.

The BCCLA was represented by Professor **Kent Roach** from the University of Toronto and **Kelly Doctor** of Sack Goldblatt Mitchell.

## RIGHTS OF PEOPLE LIVING WITH HIV

R. V. MABIOR AND R. V. D.C.

Supreme Court of Canada

These cases concerned the criminal law relating to non-disclosure of HIV status to sexual partners. Among the critical issues in these cases was the need to update the law in light of major advancements in HIV treatment that significantly reduce the risk of transmission.

The BCCLA was an intervener and argued that the current legal test set out by the Supreme Court of Canada in *R. v. Cuerrier* that requires disclosure where there is “significant risk of serious bodily harm” has led to uncertainty and inconsistency in the criminal law. The BCCLA also argued that sexually transmitted infections should be treated primarily as a public health issue, not as a matter of criminal law.

The Court affirmed the test set out in *Cuerrier*, and established a defence to non-disclosure only in cases where the accused has a low viral load and uses a condom. The Court found that while the test advanced in *Cuerrier* may be

“difficult to apply”, the approach is nonetheless valid.

The BCCLA was represented by **Michael Feder** and **Angela Juba** of McCarthy Tétrault LLP.

## MEDICAL MARIJUANA

### R. V. MERNAGH

Ontario Court of Appeal

This case considered whether the *Medical Marijuana Access Regulations of Canada’s Controlled Drugs and Substances Act* are unconstitutional because they deprived Mr. Mernagh of his right to access medical marijuana for his serious and debilitating illness. The BCCLA was an intervener in this case and argued that the regulations are an empty promise that have failed to live up to their name. They are unconstitutional because they do not provide genuine access to medical marijuana for patients.

The Ontario Court of Appeal determined that the trial judge’s findings of fact were fundamentally flawed. The Court determined that Mr. Mernagh did not bring sufficient evidence to prove that he or any of these witnesses actually fit the criteria for an exemption. In the end, the appeal was allowed and a new trial was ordered.

The BCCLA was represented by **Ryan Dalziel** and **Emily Lapper** of Bull, Houser and Tupper and **Jessica Orkin** of Sack, Goldblatt, Mitchell.

## POLICE SURVEILLANCE

### R. V. TSE

Supreme Court of Canada

This case is about the constitutionality of warrantless wiretaps conducted by police in exigent circumstances. Parliament has included provisions in the *Criminal Code* permitting warrantless wiretapping in certain circumstances. The BCCLA was an intervener in this case.

The Supreme Court of Canada delivered its judgment on April 13, 2012 and unanimously struck down the section because it provides no mechanism for oversight of the police or notice to the people whose conversations were secretly intercepted. The Court suspended its declaration of invalidity for 12 months to allow Parliament to redraft a constitutionally-compliant provision.

The BCCLA was represented by **Peter Hogg**, **Laura Cundari** and **Roy Millen** of Blake, Cassels & Graydon.

## FAIRNESS IN SENTENCING

### WHALING V. AG CANADA

BC Court of Appeal

This case involved the retrospective application of the *Abolition of Early Parole Act, S.C. 2011, c. 11*, which abolished accelerated parole review and accelerated day parole under the *Corrections and Conditional Release Act*. At issue were the post-conviction rights of offenders, fairness in sentencing, and the increasing emphasis on long prison sentences in the criminal justice system.

The BCCLA was an intervener in this case and argued that the retroactive elimination of early parole was unconstitutional. The Court agreed, finding that delaying parole eligibility constituted punishment, and the retroactive elimination of early parole was unconstitutional.

**Michael Jackson, Q.C.** of UBC Law School and **Megan Vis-Dunbar**, Barrister and Solicitor represented the BCCLA.

**WE EXTEND OUR DEEPEST GRATITUDE** to the lawyers who have volunteered their time for the BCCLA in 2012. Our work would not be possible without their contributions.

Robert Anderson, Q.C. Farris, Vaughan, Wills & Murphy LLP	Nadia Khan Murchison Thomson & Clarke LLP
Joseph Arvay, Q.C. Arvay Finlay Barristers	Toby Kruger Lawson Lundell LLP
Colleen Bauman Sack Goldblatt Mitchell LLP	Alison Latimer Arvay Finlay Barristers
Mark Benton, Q.C. Legal Services Society	Lyndsay M. Lyster Moore Edgar Lyster Lawyers
Joost Blom, Q.C. Faculty of Law, UBC	Elder Marques McCarthy Tétrault LLP
Audrey Boctor Irving Mitchell Kalichman s.e.n.c.r.l./LLP	Roy Millen Blake, Cassels & Graydon LLP
Michael J. Bozic Bozic Law Office	Joel Morris Harper Grey LLP
Philip Bryden University of Alberta	Paige Morrow McCarthy Tétrault LLP
Daniel W. Burnett Owen Bird Law Corporation	Andrew Nathanson Fasken Martineau DuMoulin LLP
The Right Honourable Kim Campbell, P.C., C.C., Q.C.	Brent Olthuis Hunter Litigation Chambers
Robert Centa Paliare Roland Rosenberg Rothstein LLP	The Honourable Stephen Owen, Q.C., P.C.
Paul Champ Champ and Associates	Eileen Patel Hunter Litigation Chambers
Gerald Chan Ruby Shiller Chan Barristers	Monique Pongracic-Speier Ethos Law Group LLP
Jill Copeland Sack Goldblatt Mitchell LLP	Susan Precious Branch McMaster LLP
David Crossin, Q.C. Sugden, McFee & Roos LLP	Gregory Pun Alexander Holburn Beaudin & Lang LLP
Laura Cundari Blake, Cassels & Graydon LLP	Micah Rankin Thompson Rivers University
Ryan Dalziel Bull, Housser & Tupper LLP	Kent Roach Faculty of Law, University of Toronto
Tim Dickson Farris, Vaughan, Wills & Murphy LLP	Michael Rosenberg McCarthy Tétrault LLP
Kelly Doctor Sack Goldblatt Mitchell LLP	Clayton Ruby, C.M., Q.C. Ruby Shiller Chan Hasan Barristers
Peter Engelmann Sack Goldblatt Mitchell LLP	Chris Sanderson, Q.C. Lawson Lundell LLP
Michael Feder McCarthy Tétrault LLP	Anu Sandhu Hayward Sheppard Barristers & Solicitors
Michael Fenrick Paliare Roland Rosenberg Rothstein LLP	Elin Sigurdson Janes Freedman Kyle Law Corporation
Elizabeth France Sugden, McFee & Roos LLP	Kristy Sim Access Probono
Fritz Gaerdes Elgin, Cannon & Associates	David Sutherland David F. Sutherland & Associates
Peter A. Gall, Q.C. Heenan Blaikie LLP	Michael Tammen Michael Tammen Law Corporation
David Gibbons Blake, Cassels & Graydon LLP	Joana Thackeray Heenan Blaikie LLP
Andrea Glen Hunter Litigation Chambers	Erin Thomson Janes Freedman Kyle Law Corporation
Mathew Good Hordo Bennett Mounteer LLP	Sheila Tucker Davis LLP
Jason Gratl Gratl Purzki	Gordon Turriff, Q.C. Stikeman Elliott LLP
Frederick Hansford Hansford & Company	Gib van Ert Hunter Litigation Chambers
Nader Hasan Ruby Shiller Chan Barristers	Brendan van Niejenhuis Stockwoods LLP Barristers
Peter W. Hogg Blake, Cassels & Graydon LLP	Marko Vesely Lawson Lundell LLP
Robert Holmes, Q.C. Holmes & King	Megan Vis-Dunbar Megan Vis-Dunbar, Barrister and Solicitor
Claire Hunter Hunter Litigation Chambers	Lorne Waldman Lorne Waldman & Associates
Nitya Iyer Lovett Westmacott	Kylie Walman Borden Ladner Gervais LLP
Michael Jackson, Q.C. Faculty of Law, UBC	A. Cameron Ward A. Cameron Ward & Company
Robert Janes Janes Freedman Kyle Law Corporation	Janet Winteringham, Q.C. Winteringham MacKay George Law Corporation
Craig Jones, Q.C. Ministry of Attorney General, BC	Catherine Wong Martin & Associates
Angela Juba McCarthy Tétrault LLP	

## YOUR MEMBERSHIP

There's strength in numbers, and our members make our work to protect basic rights and freedoms possible. All membership fees and donations receive a charitable tax receipt for the full amount.

With your membership fee, you help:

- Monitor the government and private sector for issues that threaten your civil liberties;
- Educate students and community members across British Columbia on their rights and freedoms;
- Provide assistance to people who are affected by civil liberties violations, such as police and privacy complaints;
- Challenge laws directly in the courts.

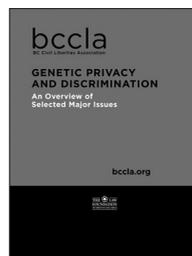
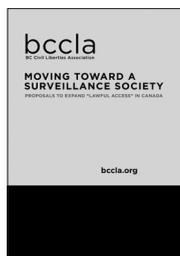
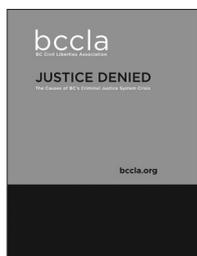
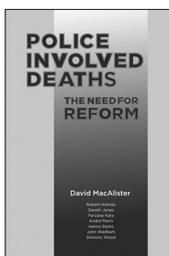
Members of the BC Civil Liberties Association receive our newsletter, annual report, and regular updates on our cases and outreach activity, invitations to special events, and information on how you can get even more involved with our work.

Most of all, you're part of a growing network of people committed to protecting human rights in Canada.

To check the status of your membership, please call Stefanie Ratjen, Development Manager, at 604-630-9750. You can update your membership over the phone or online at [www.bccla.org](http://www.bccla.org)

## BCCLA PUBLICATIONS / NEW IN 2012

The BCCLA produced and published more publications than in any other year in the Association's history. Publications are available in hardcopy or online at [bccla.org](http://bccla.org).



### BCCLA PUBLICATIONS

**Police Involved Deaths:** The Need For Reform

**Justice Denied:** The Causes of BC's Criminal Justice System Crisis

**Moving Toward a Surveillance Society:** Proposals to Expand "Lawful Access" in Canada

**Genetic Privacy and Discrimination:** An Overview of Selected Major Issues

**Blueprint For an Inquiry:** Learning from the Failures of the Missing Women Commission of Inquiry

**HIV Testing Handbook:** A Guide To Your Rights

# COMMUNITY

## VOLUNTEERS & INTERNS

Mona Alasmari  
Taruna Arora  
Stefan Avlijas  
Sandra Bauer  
Angelica Buggie  
Hillary Cheung  
Christine Chipperfield  
Gelare Dabirir  
Raj Dhatt  
Bobby Farshi  
Victoria Formosa  
Joe Fortt  
Rachel Gamboa  
Robyn Gifford\*  
Inder Gill  
Muriel Groves

Sydney Gustafsen  
Amber Harder  
Jacob Hunter  
Roha Imran  
Fabian Jankovic  
Am Johal  
Timothy Johnson  
Alison Jones  
Tasneem Karbani\*  
Charlotte Kingston  
Clinton Lee  
Jay Lee  
Matthew Longay  
George Maltais  
Michael Manhas  
Andrea Marston

David Mayoh  
Debbie McCall  
James Mencil  
Rasmeet Mohar  
Sachin Mohindra  
Avnish Nanda\*  
Krista Nerland\*  
Virginia Patrick  
Brent Pinkney  
Justin Raycraft  
Sonya Reid  
Addison Riddle  
Jessica Rose  
Alain Saint-Onge  
Meghan Sali  
James Salimi

Tom Sandborn  
Paria Saremi  
Steven Savitt  
Kaen Seguin  
Barry Shantz  
Corinne Shortridge  
Jeanie Smith  
Melanie Sommerville  
Farran Sutherland  
Trish Telawsky  
Lynda Tierney  
Danica Vance-Grimard  
Julie Van Ooyen  
Lesley Winterhalt  
Eric Wyness  
\*Legal intern

## BCCLA STAFF



Back row from left: Grace Pastine, Stefanie Ratjen, Josh Paterson (from January 2013), Jim Braunagel.  
Front row: Caily DiPuma (from April 2013), Raji Mangat, Alyssa Stryker, Charlotte Kingston, Margaret Dudgeon  
and Micheal Vonn. Missing: Carmen Cheung

## PUBLIC EDUCATION / REACHING OUT

In 2012, the BCCLA spoke to over 3800 people at over 60 events across Canada. Addressing a range of topics and audiences, here are just a few examples of the presentations and workshops that the BCCLA was a part of.

### **VICTORIA:**

#### **ABORIGINAL AIDS AWARENESS WEEK: CELEBRATING ABORIGINAL WOMEN**

Micheal Vonn spoke about the issue of HIV disclosure laws and the privacy rights of individuals in the context of HIV/AIDS testing.

### **VANCOUVER:**

#### **LEARNING FROM THE MISSING WOMEN'S COMMISSION OF INQUIRY**

David Eby discussed the controversy surrounding the Missing Women's Commission of Inquiry.

### **KELOWNA:**

#### **CELEBRATION OF THE 30TH ANNIVERSARY OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

Micheal Vonn gave keynote address on victories for rights under the *Charter*.

### **VICTORIA:**

#### **ON THE RADAR: DISCUSSION OF SOCIAL PROFILING AND POLICE ACCOUNTABILITY**

David Eby joined a panel to discuss the disproportionate police ticketing, stops and searches of people living extreme poverty.

### **ABBOTSFORD:**

#### **PUBLIC LIVES: WHAT ERODING PRIVACY MEANS FOR DEMOCRACY**

Micheal Vonn delivered a public lecture and discussed some of the key arenas in which citizens' privacy rights are being eroded and the resistance to that erosion.

### **VANCOUVER:**

#### **INDEPENDENT INVESTIGATIONS: POLICE ACCOUNTABILITY IN BC**

The BCCLA, along with Pivot Legal Society and SFU's Office of Community Engagement held a public forum on the state of police accountability in BC.

### **TORONTO:**

#### **THE POLITICS OF SURVEILLANCE WORKSHOP**

The BCCLA participated in a workshop which brought together surveillance/privacy advocates and academics to review the status of current policy issues related to surveillance in Canada.

### **TORONTO:**

#### **INDETERMINATE PUNISHMENT**

Micheal Vonn discussed the impact that access to non-conviction information during police record check has had on citizens.

### **TORONTO:**

#### **SURVEILLANCE AND PRIVACY**

Micheal Vonn gave a talk at York University focussing on online surveillance and privacy.

### **VANCOUVER:**

#### **CANADIAN BAR ASSOCIATION**

#### **MEMBERS EVENT: R. V. MABIOR PANEL DISCUSSION**

Micheal Vonn was a part of the panel discussion on the recent companion cases from the Supreme Court of Canada on non-disclosure of HIV to sexual partners.

### **VANCOUVER:**

#### **8TH ANNUAL YOUTH, CIVIL LIBERTIES, AND CITIZENSHIP FORUM**

The BCCLA held a conference targeted at high school students which showcased a variety of speakers and workshops on topics ranging from the BCCLA's recent challenge to Canada's prohibition on medically-assisted dying to emerging internet privacy issues to youth and the criminal justice system.

### **VICTORIA:**

#### **SURVEILLANCE, SECURITY, & CIVIL LIBERTIES: PUBLIC FORUM**

Micheal Vonn participated in this public forum on surveillance, security, and civil liberties.

### **PRINCE GEORGE:**

#### **HIV TESTING AND PATIENTS' RIGHTS**

Micheal Vonn spoke on informed consent and privacy and the new Supreme Court of Canada decision on disclosure obligations.

### **MONTREAL:**

#### **RIGHTS WATCH 2012 – CIVIL LIBERTIES: PEOPLE POWER, PROTEST**

David Eby spoke on police oversight and accountability alongside our board member, Professor Kent Roach at McGill University.

## TREASURER'S REPORT / ALAN ROWAN



Amid continued financial uncertainty across Canada, the BCCLA remains fortunate to have a strong financial footing to carry on its work. For this, we have the Law Foundation of BC especially to thank, whose generous

contribution, year after year, represents a substantial and sustaining part of our overall budget. The Law Foundation, through their vision of protecting access to justice and their support for legal research, education, legal aid and law reform, plays an indispensable role in the ongoing success of the BCCLA and we are grateful for that unswerving support.

We are also very fortunate to benefit from the generosity of our members and supporters, who went above and beyond in 2012 to contribute to our work. In late 2012, a generous anonymous donor promised us \$40,000 to support the BCCLA's death with dignity legal challenge, spurring a matching fundraising drive. Our committed supporter base came through and matched that amount, resulting in roughly \$80,000 of additional support. A generous \$100,000 donation to our capital fund will help in our quest to find a new office space to accommodate our organization permanently. This donation, received in 2012 but being saved for use when we find an appropriate space, resulted in what appears to be a significant surplus in our financial statements. Setting that reserved money aside and looking only at our regular operational revenues and expenses, we have ended the year with a more modest surplus of just over \$7000.

We are able to be a leader for human rights and freedoms in Canada because of the commitment of our members and supporters to ensuring that we have a stable financial foundation. Whether it is long-time supporters who remember us in their wills or life insurance policies, or supporters new and longer term who generously think of our cause when they make their charitable

donation decisions, all of these supporters are integral to the fight to protect fundamental rights in this country. Of course, our work has also benefited from the many hundreds of pro bono hours contributed by dedicated legal counsel. In 2012 we were able to take advantage of this support by hiring an additional lawyer to expand our capacity in both litigation and policy advocacy, and a new coordinator for community outreach to ensure that BCCLA connects even better to the communities that we serve. We were also able to make much-needed investments in a new computer server and a new website, to ensure that we are able to communicate about work in the most effective way possible.

With your support, we intend to continue investing in the fight for civil liberties for years to come. Donations from our supporters enable us to make sure we have a well-trained, dedicated staff and effective tools to educate the public, to provide assistance to those who need our support all over BC, to litigate on the most important human rights issues of the day, and to conduct cutting-edge research and advocacy to ensure that governments and law-makers act and create laws and policies that further the protection of fundamental rights and freedoms.

Please seriously consider including the Association in your will or in a life insurance policy. You can insert a codicil into your will without having to visit a lawyer, and insurance policy contributions can be eligible for tax receipts. Just contact our Director of Development Stefanie at 604.630.9750 for details on either of these unique forms of legacy donation, and to give us instructions on how you want your contribution memorialized.

Thank you again for your continuing support. Our Association is only as strong as our members. Please make sure to renew your membership, and to sign up friends and family members to ensure that our rights and freedoms are protected well into the future.

# FINANCIAL STATEMENTS

British Columbia Civil Liberties Association

STATEMENT OF OPERATIONS AND CHANGES IN FUND BALANCES for the year ended December 31, 2012

	2012			2011	
	GENERAL FUND	STABILIZATION FUND	TRUST FUND	TOTAL 2012	TOTAL 2011
<b>REVENUE</b>					
Membership & donations	482,205	—	—	482,205*	199,347
Law Foundation of BC - operating grant	313,600	—	—	313,600	313,600
Specified grants earned	150,818	—	—	150,818	156,614
Miscellaneous and special events	60,637	—	—	60,637	4,960
Gaming revenue earned	49,481	—	—	49,481	49,859
Investment income	571	5,511	25,969	32,051	24,404
Realized gains (losses) on sale of investments (net)	—	2,226	(8,226)	(6,000)	13,026
Adjustment of investments to market value	—	(409)	32,702	32,293	(13,260)
CLE registrations	8,240	—	—	8,240	19,875
Amortization - deferred capital grants	4,131	—	—	4,131	4,131
Endowment distributions	4,035	—	—	4,035	3,673
Bequests	—	—	—	—	370,148
Court awarded costs	—	—	—	—	(2,783)
	1,073,718	7,328	50,445	1,131,491	1,143,594
<b>EXPENSES</b>					
Salaries & benefits	630,590	—	—	630,590	547,462
Office operating	61,669	—	—	61,669	39,526
Rent & utilities	58,100	—	—	58,100	43,110
Architectural costs	45,601	—	—	45,601	
Travel and accommodation	33,283	—	—	33,283	15,588
Litigation costs	31,718	—	—	31,718	56,123
Professional fees	26,079	449	1,578	28,106	22,000
Conference	26,228	—	—	26,228	
Meetings, publications, events	25,094	—	—	25,094	14,481
Contracting	23,979	—	—	23,979	46,486
Fundraising	22,593	—	—	22,593	11,078
Amortization	16,094	—	—	16,094	4,436
Newsletter	13,363	—	—	13,363	9,110
Bank charges	6,130	—	—	6,130	3,960
Insurance	1,662	—	—	1,662	1,516
	1,022,183	449	1,578	1,024,210	814,876
Excess of revenue (expenses) for year	51,535	7,157	48,867	107,281*	328,718
Fund balances, beginning of the year	19,785	423,470	549,631	992,886	664,168
Inter-fund transfers	58,703	(267,140)	208,437	—	—
Fund balances, end of year	130,023	163,209	806,935	1,100,167	992,886

\* This amount includes a \$100,000 donation to our capital fund to support a future new office for the BCCLA. Based on our regular in-year revenue and expenses, our excess of revenue is \$7,281.

The complete 2012 BCCLA audited financial statements are available at [www.bccla.org](http://www.bccla.org).

This statement is subject to final audit approval and adoption by our members at the 2013 Annual General Meeting.

# COMMUNITY EVENTS

From panels on police accountability to marching in the Pride parade to forums on security and surveillance, the BCCLA's members and supporters make our work possible. Here are just a few snapshots from our events in 2012:



AUGUST – BCCLA MEMBERS TAKE TO THE STREETS IN THE 2012 VANCOUVER PRIDE PARADE



FEBRUARY 2013 – HELLO GOODBYE RECEPTION: OUTGOING EXECUTIVE DIRECTOR DAVID EBY, PRESIDENT LINDSAY LYSSTER, AND EXECUTIVE DIRECTOR JOSH PATERSON WITH DAUGHTER.



AUGUST – RECEPTION WITH JAMEEL JAFFER, DEPUTY LEGAL DIRECTOR OF THE ACLU: GRACE PASTINE, CARMEN CHEUNG, JAMEEL JAFFER, RAJI MANGAT, MARGARET DUDGEON



OCTOBER – AN APPLIANCE IS A COMPUTER WITH SPYWARE OUT OF THE BOX: A LECTURE WITH CORY DOCTOROW



JUNE – 50TH ANNIVERSARY ALUMNI RECEPTION: LIL WOYWITKA, WILLIAM DEVERELL, LINDA HIRD



JUNE – ROBYN GERVAIS, 2012 REG ROBSON AWARD RECIPIENT



JUNE – CAMERON WARD, 2012 REG ROBSON AWARD RECIPIENT



JUNE – 50TH ANNIVERSARY GALA: CHARLOTTE KINGSTON, ROBYN GIFFORD, KRISTA NERLAND, RACHEL GAMBOA, TASNEEM KARBANI



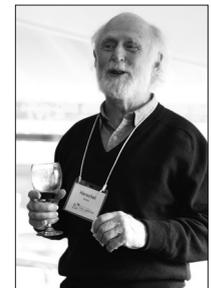
JUNE – MARTINA JEFF AND JAMIE HALLER, 2012 LIBERTY WARD FOR YOUTH ACTIVISM RECIPIENT



JUNE – GUESTS AT 50TH ANNIVERSARY GALA



APRIL - 50TH ANNIVERSARY ALUMNI REUNION – ALAN ROWAN, NEIL BOYD, AND BCCLA'S FIRST PRESIDENT, REV. PHILLIP HEWETT



APRIL – 50TH ANNIVERSARY ALUMNI REUNION: HERSCHEL HARDIN

# ENGAGEMENT

## SUPPORTING THE BCCLA FOR GENERATIONS TO COME

Protecting freedom requires vigilance. Long after the headlines have faded, the BC Civil Liberties Association continues to work proactively on issues of importance to all Canadians, such as police accountability, patients' rights, privacy, and freedom of speech.

Enhancing and protecting civil liberties in a democratic society requires not only dedication but also financial resources.

The BCCLA depends upon its members and donors for financial support and there are many ways you can contribute to the Association, including a donation of cash, securities (stocks), other property, pro bono professional services, community fundraising events, monthly giving or by including the BCCLA in your will. Here are just a few examples of how you can help protect and promote freedoms today, and into the years ahead.

### MONTHLY GIVING

Help us plan ahead with a scheduled donation to the BCCLA. Many of our members and supporters have already made this decision to sign up to donate a pre-designated amount each month. It's also one of the most efficient options, meaning that more of your donation goes towards our educational programming, and less on administration.

### MATCH YOUR GIFT

Did you know you could double your gift to BCCLA through a matching gift program? Many employers have matching gift programs in place. Before you make a gift to BC Civil Liberties Association, check our list at [bccla.org/take-action/donate](http://bccla.org/take-action/donate) to see if your employer has a program.

### HOST AN EVENT

Invite friends and family over to your home for a dinner, birthday celebration, to watch the Stanley Cup play-offs, game night or a movie marathon – the possibilities are endless. Instead of guests providing gifts for the host/hostess or food for a potluck, ask them to donate to the BCCLA. Good company, for a good cause!

### LEAVE A LEGACY

Planned giving offers you an opportunity to provide long-term support for the causes most important to you. If you have ever considered leaving the BCCLA a bequest, the BCCLA is glad to offer information, including clauses that can be added to existing wills without difficulty, to make this type of lasting legacy gift easy to give.

If you have any questions about any of these options, please contact Stefanie Ratjen at [stefanie@bccla.org](mailto:stefanie@bccla.org) or 604.630.9750.



# LIBERTY AWARDS GALA

**AN EVENING WITH DR. DAVID SUZUKI,  
HONOURING EXCEPTIONAL PEOPLE AND CONTRIBUTIONS  
TO HUMAN RIGHTS AND CIVIL LIBERTIES IN CANADA**

Tickets available at [bccla.org](http://bccla.org) or  
604.630.9750

**Early Bird to May 1**

Individual – \$95  
Table (10) – \$950

**Regular**

Individual – \$110  
Table (10) – \$1100

**WEDNESDAY, JUNE 12, 2013  
PERFORMANCE WORKS ON GRANVILLE ISLAND  
1218 CARTWRIGHT ST, VANCOUVER**

Event Sponsorship Opportunities Available – Contact [Stefanie@bccla.org](mailto:Stefanie@bccla.org)



B.C. Gaming Policy and Enforcement  
Branch of the Ministry of Public  
Safety and Solicitor General