

2011 Annual Report



BC CIVIL LIBERTIES ASSOCIATION
ANNUAL GENERAL MEETING
FRIDAY, JUNE 1 / 12:45 PM
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SEE PAGE 21 FOR DETAILS

50 YEARS OF
RIGHTS AND FREEDOMS

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The Democratic Commitment is a publication of the British Columbia Civil Liberties Association. The Association was established in 1962 and is the oldest continuously active civil liberties association in Canada. Its mandate is to preserve, defend, maintain and extend civil liberties and human rights in British Columbia and across Canada.

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PRESIDENT'S REPORT / ROBERT HOLMES



The B.C. Civil Liberties Association passes the 50 year milestone this year. We have much to celebrate with our record of achievement in educating people about and promoting a principled view of human rights and liberty.

From the BCCLA's inception as a small gathering of like-minded individuals in the living room of a Vancouver apartment in the early 1960's, we have travelled far. Our current status as an organization is marked by a membership of more than 1000, a Board of Directors of more than 30, a professional staff of highly qualified and dedicated permanent employees, a complement of volunteers, interns, helpers, contributors, donors, pro bono lawyers and a cast of thousands more sympathizers and fellow-travellers. Our solid, working relationship with the legal community, including, most particularly, the sponsorship of our work by the Law Foundation of B.C., underscores how much an engine of engagement our association has become. It is no overstatement that we are rightly seen as a key participant in debate over how law can and does protect liberty.

Our reputation for being on the cutting edge of civil libertarian issues in Canada is unrivalled. Our willingness to stand up for individuals whose rights may have been violated or compromised is well known. That we do so often in circumstances involving unpopular and controversial causes and persons reminds people that the liberty they want for themselves is only a reality if they accord respect for the liberty of others. Our initiatives to further legal and policy recognition of a full measure of

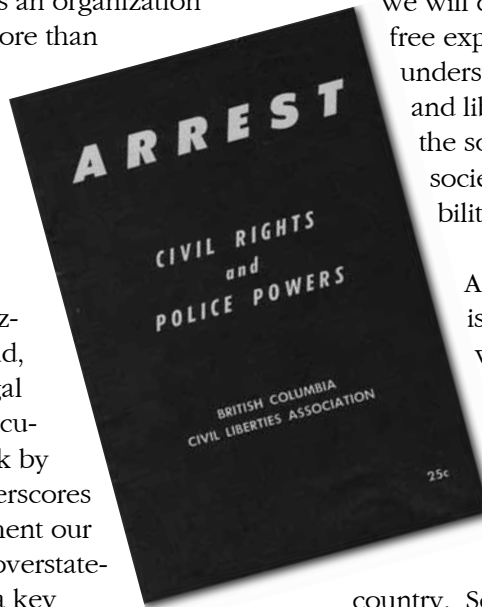
respect for individual autonomy continue to engage the public and the authorities.

We are an organization that continually calls on all members of society, from the most powerful to the weakest, to recognize the inherent dignity of every individual. Hopefully, the voice people hear from us is, to borrow a phrase from Lincoln, that of the "better angels" of human nature. Hopefully, as well, we will continue to engender respect for free expression, continue to broaden understanding and appreciation of rights and liberties, and continue to encourage the sovereign people in our democratic society to take seriously their responsibilities as citizens.

As we celebrate this anniversary, it is perhaps helpful to call to mind what John Stuart Mill referred to long ago as the "original justice or reasonableness of the claims of the Canadians", when he wrote supportively about Lord Durham's recommendations for responsible government in this

country. Self-government in a democratic society was a long time coming here. That we realized it relatively peacefully, in our own way and in our own time and continue to work on the "justice and reasonableness" of guarantees of rights and liberty through the laws framed for our governance, is a tribute to our country. As a mature society, we recognize that our incremental development means that there must be an ongoing renewal of our principled commitment to rights and liberty. And that confirms that the work of our organization is not done and the need for our voice will go on.

Pictured is the original Arrest Handbook which has been updated and reprinted a number of times. It is the Association's most requested publication.



ABOUT THE BCCLA / 2011 BY THE NUMBERS

Year after year, the impact of the Association's work continues to grow, thanks to the support of our members and funders. Here's how things have changed since last year:

1

new volunteer Chapter established in Prince George, British Columbia, to serve Northern B.C. Our proud volunteers there have just opened their own office!

500%

increase in our membership in Northern B.C.

2.5 million

hits on the BCCLA website, up 20%.

29%

more copies of our publications distributed in hard copy (over 4,500), which was itself an increase of 29% over the previous year.

74

lawyers bringing BCCLA cases before the courts, with more than 100 lawyers volunteering with the Association, stretching your donation's impact.

150%

more followers on our Twitter account (3,062), getting bite-sized civil liberties updates from our staff.

349

people per month attending events with BCCLA speakers, every month.

15%

more people receiving the assistance of the BCCLA over 2010, with over 2,300 people calling for help.



BCCLA Executive Director David Eby at far right with volunteers of the recently formed Prince George chapter of the BCCLA.

Thanks to our aggressive 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:

A VICTORY YEARS IN THE MAKING: THE END OF POLICE SELF-INVESTIGATION IN BC



RICHARD ROSENTHAL

When the news came that B.C. was ending our province's troubled system of police self-investigation, the BCCLA staff celebrated with a bottle of champagne – it was a victory more than five years in the making for our organization, members and supporters. Richard Rosenthal, B.C.'s first

civilian investigation body will be opening the doors of his new agency to investigate police-involved deaths in the second half of 2012.

While he will not be looking at past cases like Paul Boyd, Ian Bush, Clayton Alvin Willey, Fred Quilt, Robert Dziekanski, Kevin St. Arnaud, Alvin Wright, Kyle Tait, and so many others whose cases cry out for justice, we wish him luck in this project to reduce B.C.'s police-involved deaths to levels approaching other provinces in Canada, and to ensure public confidence in investigations of police conduct.



GLORIA TAYLOR

MADE THE ISSUE OF DEATH WITH DIGNITY A NATIONAL FOCUS

The BCCLA's partnership with lawyers Joseph Arvay, Q.C., Sheila Tucker, Alison Latimer and brave Lou Gherig's Disease sufferer Gloria Taylor, resulted in national headlines when Ms. Taylor

and others filed a lawsuit claiming a constitutional right to assisted dying for the terminally ill. We expect a decision in the case in 2012.

SUCCESSFULLY HELD BACK THE FEDERAL INTERNET SURVEILLANCE BILL

The BCCLA took a leading role in coalition efforts that brought massive public awareness and media attention to the "lawful access" proposals to expand government surveillance of your internet use. We researched and wrote the most extensive legal and policy analysis of the lawful access proposals to date. Our report is now the basis of public education and law reform efforts across the country.

SAFEGUARDING THE PRIVACY RIGHTS OF DRIVERS LICENSE HOLDERS

We immediately spoke out against ICBC's offer to allow the police, without a warrant, to search the database of driver's license photos using facial recognition technology. We pointed out that this use of the technology was a violation of the *Freedom of Information and Protection of Privacy Act*, and the proposal was dropped.

JUSTICE FOR JAMIE HALLER



JAMIE HALLER

When Jamie, a 17 year-old Indigenous girl from Williams Lake, got in touch with the Association through her lawyer George Wool, she was facing an investigation for assaulting police. After our advocacy work established an independent investigation into her allegation that she'd been punched in the face while handcuffed in the back of a police car, she was cleared of all allegations and the police officer, who had a history of misconduct, was criminally charged. He'll face trial in 2012.

DEMOCRATIC RIGHTS FOR CAMPAIGNING SCHOOL TRUSTEES

Our quick work in Victoria helped ensure that aspiring school trustees in the city were able to access the voters who care most – parents of children in the school system. The sitting school board had tried to ban campaigning candidates from accessing public sidewalks outside schools.

REFORM OF PUBLIC ORDER POLICING IN THE CITY

The BCCLA's work around the Olympics continued to pay dividends in the form of patient and restrained public order policing by the VPD. We congratulated the VPD for their restraint during Occupy Vancouver protests and the Stanley Cup riot, both of which had great potential for injury to members of the public, protesters, and police if they had taken confrontational approaches.

ENSURED BETTER INDIGENOUS REPRESENTATION ON JURIES IN B.C.

Our exposing that the jury system in B.C. regularly failed to obtain updated lists of residents on reserves led the province to reform how these lists are com-

plied. Now First Nations defendants have a better chance of a trial with a jury that looks more like the community they live in.

ENDED POLICE DOG TRAINING IN NANAIMO BACKYARDS

The BCCLA's quick action ended RCMP dog training in people's backyards in Nanaimo without officers obtaining the permission of property owners, or notifying them that the training was going to take place. After media statements by Nanaimo RCMP reflected a shockingly poor understanding of Canadian law, the BCCLA stepped in and our work resulted in a national policy for dog training consistent with the *Charter*.

REVERSED THE "SAFETY INSPECTION" PROGRAM IN MISSION BC

When the District of Mission municipal council failed to heed our warnings about the program of "safety inspections" fining people thousands of dollars for non-existent grow-ops, we supported the citizens of Mission in launching a class-action lawsuit against the District. The program is, as a result, now on hold.

LEAVING A LEGACY

Supporting the BCCLA for Generations to Come

Designating the BCCLA as a beneficiary in your will or in a life insurance policy gives you the opportunity to make a real difference in protecting civil liberties and human rights in Canada that will have ripple effects for generations to follow. 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.

While bequests are private and between you, your family and your financial advisor, if you let us know your intentions we can make sure to direct your gift in the way that you prefer – ensuring that your legacy funds the work that matters most to you. Any information you provide will be treated in complete confidence.

To learn more about planned giving,
contact Stefanie Ratjen, BCCLA Development Coordinator, at 604.630.9750



OUR ALUMNI

On April 4th, 2012, some of the BCCLA staff and alumni gathered to share memories of the founding of the Association and to talk about how far we've come.

PICTURED BOTTOM ROW LEFT TO RIGHT

Stefanie Ratjen (Development Coordinator), Alyssa Stryker (Caseworker),
Eric Wyness (Director), Norman Epstein (Founder)

SECOND ROW

Louise Alden (Member), Herschel Hardin (Member), Joan Mitchell (Member), Lil Woywitka
(former Membership Secretary), William Bruneau (Member), Alan Rowan (Treasurer)
Mary Rawson (Member)

THIRD ROW

Raji Mangat (Associate Counsel), Kate Milberry (Project Manager), John Lenaghan (Member),
Win Zacherl, (Member), Sandra Bruneau (Member) Alister Browne (Director)

FOURTH ROW

Neil Boyd (Member), Bill Deverell (Founder), Tom Sandborn (Director),
Rev. Phillip Hewett (Founder), Bill Black (Member), Lynda Hird (Member)

BACK ROW

David Eby (Executive Director)

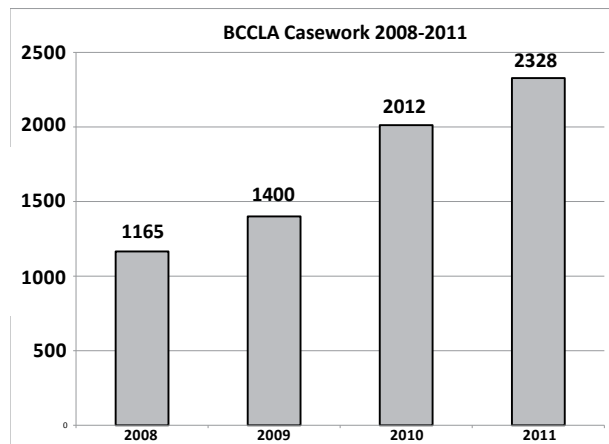
**JOIN US IN CELEBRATING 50 YEARS OF FREEDOM AT OUR GOLDEN ANNIVERSARY
WEEKEND ON JUNE 1 & 2. SEE PAGES 20-21 FOR DETAILS**

CASEWORK

COMPLAINT ASSISTANCE / HELPING PEOPLE

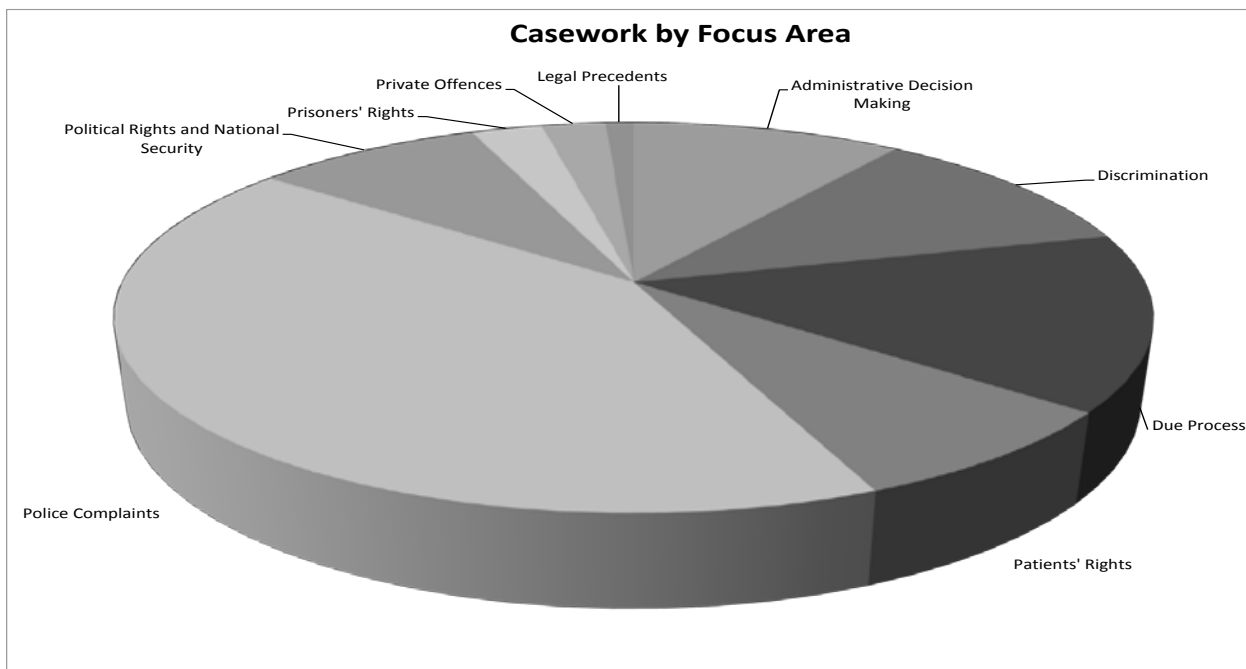
If we didn't walk our talk, nobody would listen. That's why we prioritize being a resource for people needing assistance on civil liberties issues in Canada.

In 2011, the BCCLA was a resource for over 2,300 individuals seeking assistance or direction with their civil liberties concerns. While the majority of these requests came from within British Columbia, they also included 65 requests from other parts of Canada and six international requests. The number of casework inquiries that we receive has been growing steadily (1,165 in 2008, 1,400 in 2009, 2,012 in 2010 and 2,328 in 2011) reflecting the organization's growing community profile. People are increasingly turning to us for help.



These cases involved everything from providing people with referrals to other organizations better able to meet their needs to providing extensive assistance with formal complaints or writing letters of support for individuals to make use of while

advocating on their own behalf. These cases spanned every conceivable area of our civil liberties mandate, from police issues to patients' rights



CASEWORK

"The BCCLA serves a vital role in Canada's democratic society by speaking out for those who find themselves unfairly treated by police. It levels the playing field for honest, private citizens, who would otherwise be victims and unable to challenge the vast resources of the state. By advocating for justice for those who dare to seek accountability from those government agents who are meant to serve them, it provides one of the very few, precious checks on the unfettered use of power by the government's agents on Canadians. It makes a difference for the people." – *Tony*

to access to information and privacy. While some complaints were not easily placed into a discreet grouping, the chart on page 9 provides a general idea of the distribution of these issues.

While we try our best to assist all the individuals who contact us with civil liberties concerns, a significant number of the requests we receive are 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 B.C.'s most vulnerable, and that access to justice is currently a luxury from which many are excluded.

FROM OUR PAST



The first issue taken on by the BCCLA in 1962 was the legal defence of the Sons of Freedom, Doukhobors in B.C. who were incarcerated without trial or a lawyer.

2011 also saw a change in personnel overseeing the BCCLA's casework portfolio. Jesse Lobdell left the organization in August, and the Caseworker position was taken over by Alyssa Stryker, who has previously volunteered with the organization as Legal Observer. We would like to offer our thanks to Jesse for his years of hard work on the front lines for the Association, and to welcome Alyssa to our staff.

POLICE RECORDS

The BCCLA has discovered 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 criminal 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. The sorts of interactions with police that are being recorded as "negative contact" include a wide variety of encounters, many of which are not only entirely legal but also do not in the least reflect negatively on the individuals involved. The BCCLA has had reports from individuals who have reported a crime to 911 or served as a witness during a police investigation who have been tagged with "negative contact." It is difficult if not impossible to remove or alter incorrect information. The BCCLA continues to work for reform on this ongoing rights violation that affects, literally, thousands of people across Canada.

FREE SPEECH

The BCCLA acted on complaints from a number of individuals and spoke out against the actions

"I appreciate that the BCCLA stepped up to give help in the work I'm doing against the policing of poverty and the unfortunate reality of police misconduct and brutality. Fighting corruption and the erosion of our Charter Rights is a daily battle; thanks for fighting the good fight!" – *Jocelyn*

of city officials in Vancouver, Pitt Meadows and Chilliwack who were removing citizens' political signs about the Harmonized Sales Tax referendum from public property like boulevards and meridians. The BCCLA wrote to the mayors of these municipalities urging them to refrain from removing political signs, and many cities did, reversing their policies.

"Our family is extremely grateful for the services the BCCLA was able to extend to us. In a very difficult time for my family, and when we were at a loss as to how to navigate through the police system, the BCCLA, without hesitation, generously spent time reviewing draft letters and accompanying us to meetings, while providing advice and guidance as to how to proceed with our struggles with the police. These services were essential for my family." – C.

MARIJUANA GROW-OP INSPECTIONS

The BCCLA has kept a close watch on the enforcement of municipal bylaws related to marijuana grow operations in several BC communities. In 2011 we supported residents of the District of Mission who launched a class-action lawsuit against the District for violations of their rights under the District's Controlled Substance Property Bylaw. The bylaw permits safety inspectors to enter private homes to look for marijuana grow operations. However, many Mission residents have been found in violation of the bylaw despite having no marijuana grow operation. The BCCLA also took several complaints from individuals in Surrey who had been singled out by the municipality as suspected of running grow operations on the basis of hydro consumption deemed "higher than average," and subjected to invasive inspections. We helped these individuals to go public with their stories, putting pressure on Surrey to revisit these policies.

POLICE ACCOUNTABILITY

Police accountability continues to be one of our most active casework areas. One example of our 2011 work on this issue involved RCMP policies related to training police dogs on private prop-

"The British Columbia Civil Liberties Association has proven itself to be a worthy advocate in preserving our most precious fundamental freedoms." – Laurie

erty. The BCCLA was notified by Nanaimo-area residents that RCMP officers from the Nanaimo detachment were entering private backyards during police dog training exercises, without giving warning to or getting permission from the property owners, violating their privacy as well as putting children and family pets at risk. We filed a formal complaint against the RCMP and publicized the issue through the media. The RCMP subsequently revised their dog training policy, requiring dog handlers to get property owners' permission to use their yards during training exercises.

PRIVACY

We provided several individuals with assistance dealing with landlord-tenant privacy issues, including the excessive use of security cameras on rental properties and overly invasive unit inspections. We supported an individual filing a complaint with the Office of the Information and Privacy Commissioner for B.C. about their landlord's habit of casually entering their apartment, and wrote a letter to a building manager reminding him of his tenants' right to reasonable privacy when a security camera was positioned immediately outside the door to a particular apartment.

FROM OUR PAST



Hundreds of youths converged on Maple Tree Square in Gastown in downtown Vancouver in the summer of 1971. Many were there to protest drug laws and recent drug raids in the area. Four policeman on horseback with riding crops were ordered to disperse the throng. They were followed by police officers in riot gear supported by plain clothes officers scattered among the crowd.

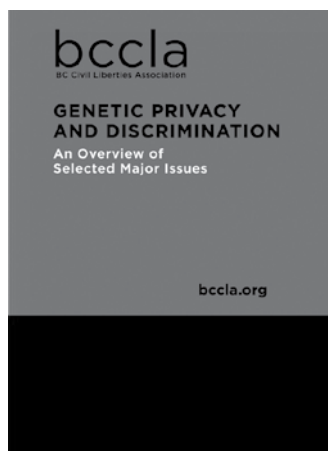
Genetic Privacy and Discrimination

Like advances in many fields, those involving genetics bring both benefits and dangers to society. Right now we are on the verge of what some are claiming will be a ‘revolution’ in the use of genetic information in medicine. “Personalized medicine” hopes for huge advances on the basis of medical interventions customized for our unique, personal genomes. The irony is that while the promise of personalized medicine is being realized only partially and slowly, the dangers are advancing full bore and at high speed.

In countries all over the world we are seeing a push for genetic information to be banked with citizens’ electronic health records to create vast national repositories of biomedical information to be used for secondary purposes, like research and marketing. Canadians are right now only slowly coming to grips with the

loss of control implicit in electronic health records, with the Canadian Medical Association very late in the day admitting that physicians are obliged to inform patients that they cannot guarantee medical confidentiality when information flows into an electronic health record. Add DNA to the mix and you have a formula for a privacy disaster.

This is the timely warning of our new report on Genetic Privacy and Discrimination. This report overviews genetic rights issues in both forensic and medical applications and argues that our laws urgently need to catch up with technological developments and that Canada needs to address yawning gaps in laws relating to all aspects of DNA, including genetic discrimination in employment and insurance. Our concise and readable report is available at www.bccla.org



Is Your Information Safe When You Cross The Border?

Many people now carry the equivalent of a filing cabinet full of personal information around with them in their back pockets, thanks to ever more sophisticated smart phone technology. Photos, text messages, e-mails, passwords and ID numbers, lists of contacts, and so much more is stored on these tiny devices.

Lawyer Greg McMullen, former BCCLA articulated student, has written a handbook for the BCCLA, funded by the Law Foundation of B.C., that provides key information on how to keep your information secure when you’re dealing with the Canadian Border Services Agency. The handbook has a companion

in the Electronic Frontier Foundation privacy handbook that educates people about their rights with the American border service.

The handbook tells you:

- How to choose an unbreakable password;
- What your rights are in dealing with border guards; and,
- What software and services are available to help you keep your information encrypted and secure.

The Electronic Devices Handbook is available in hard copy from our office, along with a quick reference card. It’s also available online at our website, for free at www.bccla.org



Moving Towards a Surveillance Society: Proposals to Expand “Lawful Access” in Canada



Bills have come and bills have gone. Canada has seen many years of legislative proposals to expand police surveillance powers over telecommunications, but the bills have all died on

the order paper for one reason or other. Canada's current government says that it is committed to expanding the surveillance powers of the police, and yet, as the BCCLA and Canada's privacy commissioners have pointed out, police have not shown any compelling evidence for why these new powers are needed. For ten years Canadian privacy advocates have been calling, “Where's the evidence?” And answer came there none.

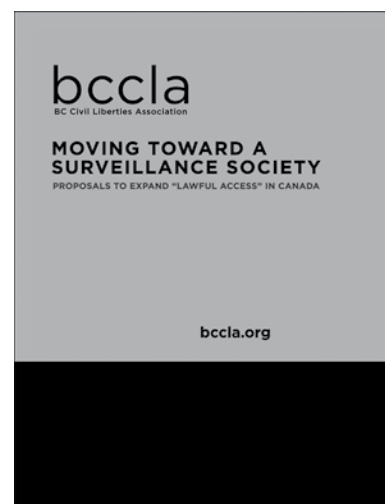
Knowing that the next iteration of the bills was likely to be heard by Committee, and expert witnesses invited, we decided that somebody better have some evidence in hand. And so we went out to gather that evidence, and we found it. In other jurisdictions where these measures have been introduced we see no indications of an improved clearance rate of crime and real evidence of increased surveillance and abuse.

During 2011, we worked with University of Victoria Ph.D. candidate Christopher Parsons, who amassed the evidence of harms from jurisdictions that had expanded surveillance of telecommunications, and with tech-savvy lawyer Philippa Lawson, who wrote our report, which includes an extensive constitutional analysis of the proposals. Considered the most comprehensive report of

its kind, *Moving Towards a Surveillance Society* has been lauded by privacy advocates across the country and has been a crucial tool in the massive public education campaign that has created unprecedented public awareness and opposition to “online spying”. As we say in the report:

At a time when technology and social practices are providing [law enforcement agencies] with vastly greater amounts and richer types of data for investigations and intelligence-gathering, these reforms would provide such agencies with powerful new tools by which to tap this growing source of investigational data, and would do so on the basis of lower evidentiary standards – or in the case of subscriber data, no evidentiary standards at all. Individual privacy is already under siege as a result of new technologies and business practices; these reforms would further erode the fragile framework of privacy protection that we have constructed to control state surveillance.

Our report is available at www.bccla.org



BCCLA'S 50TH ANNIVERSARY

LIBERTY AWARD RECIPIENT – LEGAL ADVOCACY: **JOSEPH ARVAY, Q.C.**

Joseph Arvay, Q.C., is one of the BCCLA's most precious resources – a lawyer who is expert in constitutional legal issues, and has an enduring commitment to ensuring that the *Charter of Rights and Freedoms* comes to life and protects vulnerable, marginalized and often unpopular groups. He's also the winner of our 50th Anniversary Liberty Award for legal advocacy, and for good reason.

Joe's work with the Association started in the 1990s in our partnership to take litigation forward with Little Sisters, a gay and lesbian bookstore in Vancouver. Little Sisters often found that books and magazines they were importing were banned by customs as "obscene", even though the same books and magazines were imported without difficulty by retailers that served heterosexual audiences. Joe's work with the Association and Little Sisters lasted more than a decade, and rewrote the rules around how the Canadian Border Services Agency can operate when dealing with gay and lesbian books and magazines.

Since then, Joe and the lawyers and staff at his firm have dedicated hundreds of hours to protecting the rights and freedoms of British Columbians, up to the Supreme Court of Canada and back. His cases are studied by law students and lawyers looking to read the latest developments around the *Charter of Rights and Freedoms*.

Currently, Joe is engaged in another battle that will likely take us to the Supreme Court of Canada again. This time, he's supporting Gloria Taylor

and Lee Carter and her husband Hollis Johnson in their fight to ensure that the terminally ill have the right to a death with dignity. With Canadian opinion polls, the BCCLA and Joe Arvay backing them, Gloria, Lee and Hollis are awaiting the trial decision from Madam Justice Lynn Smith of the B.C. Supreme Court – it should be out any day. Joe's donation, and the donation of the hard



JOE ARVAY AND GLORIA TAYLOR

working lawyers and staff from his office, to the Association in this case alone amounts to hundreds of thousands of dollars of free legal work.

There's no doubt that Joseph Arvay, Q.C., is a credit to the legal profession and the development of Canadian human rights law. But more than that, he is one of the reasons the Association is as successful as it has been, and we are incredibly grateful to him for his exceptional contribution to our organization. **Congratulations Joe, and thank you.**

THE RECIPIENTS OF THE LIBERTY AWARDS AND THE REG ROBSON AWARD ARE BEING HONOURED AT THIS YEAR'S GOLDEN ANNIVERSARY GALA. YOU'RE INVITED! SEE PAGE 21.

LITIGATION

OUR THANKS TO THE LEGAL COMMUNITY

The Association was directly involved as a party or intervener in 25 pieces of litigation in 2011 (2010 – 30; 2009 – 30). The Association is putting increased resources in launching test case litigation rather than limiting our work to interventions, which means that while our workload may have increased, the number of cases we are involved in has slightly decreased.

DEFENDING INDIVIDUAL AUTONOMY

CARTER ET AL V. CANADA

DEATH WITH DIGNITY

BC Supreme Court

In April, the BCCLA launched a monumental lawsuit to challenge the laws that make it a criminal offense to assist seriously ill individuals to die with dignity. The challenge seeks to allow mentally competent adults suffering from serious, incurable illnesses the right to receive medical assistance to hasten death under certain specific safeguards. The lead plaintiff is Gloria Taylor, 64, of Westbank, B.C., who is terminally ill with ALS, a fatal neurodegenerative disease with no known cure or effective treatment. Gloria began to experience the early symptoms of ALS in 2003. Other plaintiffs include Lee Carter and her husband Hollis Johnson, who accompanied Lee's 89 year-old mother, Kay Carter, to Switzerland in January 2010 to end her life. Kay suffered from a degenerative condition which confined her to a wheelchair, while being unable to feed herself and suffering from chronic pain. Dr. William Shoichet and the BCCLA are also plaintiffs in this case.

The lawsuit claims that *Criminal Code* provisions against physician-assisted dying are unconstitutional because they deny individuals the right to have control over choices that are fundamental to their physical, emotional and psychological dignity and restrict the liberty of physicians to deliver end

of life care to incurably ill patients. A decision is expected in 2012.

The BCCLA is represented by **Joseph Arvay, Q.C.** and **Alison Latimer** of Arvay Finlay Barristers, **Sheila Tucker** of Davis LLP and **Grace Pastine** of the BCCLA.

THE RIGHTS OF THE VULNERABLE

BOBBYLEE WORM V. ATTORNEY GENERAL OF CANADA

SOLITARY CONFINEMENT IN CANADIAN PRISONS

BC Supreme Court

In March, the BCCLA launched a lawsuit challenging the use of prolonged and indefinite solitary confinement in Canadian prisons. The BCCLA's lawsuit seeks to ensure that solitary confinement in Canada is applied only as a last resort, for limited periods, and with robust oversight.

This case is brought on behalf of BobbyLee Worm, a 25 year old Aboriginal woman originally from Saskatchewan. BobbyLee is a first-time offender who has served the majority of her sentence in solitary confinement. While in solitary confinement, BobbyLee was confined to a cell 10-by-8 feet in size and deprived of meaningful human contact for up to 23 hours a day, for months at a time.

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

BEDFORD V. CANADA

Ontario Court of Appeal

This case was brought by a group of sex workers challenging the criminal prohibitions concerning prostitution. The BCCLA has long advocated for sensible and compassionate legal responses to issues surrounding sexuality and sexual identity. Sex workers are often comprised of a cross section of some of the most disadvantaged members of society – women, racial minorities, sexual minorities and the poor.

The case was heard by the Ontario Court of Appeal in June. The BCCLA was an intervener in this case. The BCCLA argued that while there are ways of conducting prostitution that could significantly reduce the risk of violence towards prostitutes, the challenged provisions make many of these safety-enhancing methods illegal. The criminal prohibitions deprive sex workers of liberty and security of the person, in violation of s. 7 of the *Charter of Rights and Freedoms*.

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

ENSURING GOVERNMENT ACCOUNTABILITY

FRANK PAUL INQUIRY

B.C. Provincial Inquiry



FRANK PAUL

The final phase of the Frank Paul Inquiry's probe into the freezing death of Frank Paul, a 47 year-old Mi'kmaq man, concluded in 2011. The BCCLA participated in the public inquiry. The final report was issued in May, and

deals with the response of the Criminal Justice Branch to Mr. Paul's death. Crown prosecutors made five charge approval assessments in the Frank Paul matter and decided that no charges should be laid against the police officers that were involved in Frank Paul's death.

The BCCLA celebrated another victory in the case when Inquiry Commissioner William Davies recommended that B.C.'s Criminal Justice Branch no longer review criminal investigations of police in the province. Unfortunately, the Commissioner did not adopt the BCCLA's more far-reaching recommendations, deciding instead to allow the investigations to be conducted by prosecutors in other provinces.

The BCCLA was represented at the second phase of the Frank Paul Inquiry by **Michael Tammen** of Michael Tammen Law Corporation, and **Grace Pastine** and **Carmen Cheung** of the BCCLA.

DEFENDING FREE EXPRESSION

CROOKES V. NEWTON

Supreme Court of Canada

In October, the Supreme Court of Canada released its landmark judgment in *Crookes v. Newton*. At issue in the case was whether hyperlinking to defamatory material – that is, material hosted by someone else, elsewhere on the internet – amounts to publication for the purposes of a claim in defamation. The BCCLA was an intervener in the case and urged the Court to protect freedom of expression in the context of internet communications. The BCCLA argued that if hyperlinking was treated as publication for the purposes of a defamation claim, it would have a “chilling effect” and radically discourage the interlinking that gives the internet its vitality. In its judgment, the majority of the Court concluded that creating a hyperlink to defamatory material is not an act that constitutes publication.

The BCCLA was represented by **Roy Millen, Paul Schabas** and **Jonathan Goheen** of Blake, Cassels & Graydon LLP.

BREEDEN V. BLACK

Supreme Court of Canada

The BCCLA appeared as an intervener before the Supreme Court of Canada in March in these cases. In *Breeden v. Black*, the Supreme Court of Canada will determine whether Mr. Black's six libel cases against individuals associated with Hollinger International, the publishing empire he once presided over, can proceed. The defendants argue that Ontario has no jurisdiction over the cases because the defendants, almost all of whom are American, have no connection to Ontario. The allegedly defamatory statements were made in the U.S. but were accessed over the internet in Canada and republished by Canadian news outlets.

In *Les éditions Écosociété Inc., et al. v. Banro Corporation*, the Court will determine if Banro Corporation, a global mining corporation, can sue the publishers and authors of an allegedly defamatory book in Ontario. The publishers and authors of the book argue that the case should be heard in Quebec. The book was published in Quebec, and was then released to bookstores in Quebec, Ontario and elsewhere in Canada.

In both cases, the BCCLA presented arguments concerning how constitutionally protected values of freedom of expression, access to justice, and democratic governance ought to work together in relation to defamation cases.

The BCCLA was represented by **Robert Holmes, Q.C.** of Holmes and King and **Jason Gratl** of Gratl and Company.

CANADIAN HUMAN RIGHTS COMMISSION V. WARMAN, AG CANADA & MARC LEMIRE

Federal Court

This case concerns the constitutionality of the hate speech provisions of the *Canadian Human Rights Act*. The BCCLA appeared as an intervener before the Federal Court in December 2011, arguing that extending hate speech provisions to the internet would unduly infringe freedom of expression. The BCCLA took the position that the internet is

a democratic medium where hateful expression *should* be published so as to provide a forum for its refutation and denunciation.

The BCCLA was represented by **Jason Gratl** of Gratl and Company.

FIGHTING FOR DRUG POLICY REFORM**PHS COMMUNITY SERVICES V. CANADA AND VANDU V. CANADA**

Supreme Court of Canada

These two cases deal with the legality of the continued operation of Insite, Vancouver's supervised injection site. In September, the Supreme Court of Canada issued a 9-0 decision striking down the federal government's 2008 decision to deny Insite a special exemption from criminal law, determining that the refusal to grant the exemption was unconstitutional because it compromised the health and safety of drug users in Vancouver's Downtown Eastside. The BCCLA was an intervener in this case and argued that Insite is an essential health service, and that preventing Insite from operating legally would be a violation of Insite's patients' *Charter* rights.

The BCCLA has been involved as an intervener in the cases since they were before the BC Supreme Court in 2008 and the BC Court of Appeal in 2009. In January 2010, the BC Court of Appeal upheld the decision of the BC Supreme Court, finding that the constitution does not permit the government to criminalize the use or operation of Insite.

The BCCLA was represented by **Ryan Dalziel** and **Daniel Webster, Q.C.** of Bull, Housser & Tupper LLP.

FAIRNESS IN SENTENCING**R. V. LADUE**

Supreme Court of Canada

Mr. Ladue, an Aboriginal man, was sentenced to three years imprisonment for breaching a

long-term supervision order. At issue is the interpretation of section 718.2(e) of the *Criminal Code* which requires a consideration of reasonable alternatives to imprisonment for all prisoners, with particular attention to the circumstances of Aboriginal offenders. The case deals with the appropriate consideration of the principles set out by the Supreme Court of Canada in *R. v. Ladue* on sentencing Aboriginal offenders.

This case was heard by the Supreme Court of Canada in October. The BCCLA was granted leave to intervene in this case. The BCCLA 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 all offenders.

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

PROTECTING PRIVACY

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 at the Supreme Court of Canada, where it argued that the warrantless wiretapping provisions are too broad and clear limits are necessary to ensure accountability. The BCCLA argued that only police officers should be allowed to conduct wiretaps; currently, the statute allows everyone from mayors to fisheries guardians to conduct invasive surveillance.

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

R. V. MABIOR; R. C. D.C.

Supreme Court of Canada

These cases concern the criminal law relating to non-disclosure of HIV status to sexual partners. Among the critical issues in these cases is the need to update the law in light of major advancements in HIV treatment that have greatly reduced the possibility of people on treatment being infectious.

The BCCLA was an intervener at the Supreme Court of Canada, where it argued that the current legal test set out by the Supreme Court of Canada in *R. v. Cuerrier* of “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 BCCLA filed its factum in 2011. The hearing was held in early 2012.

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

FROM OUR PAST



In 1994, the Straight cover featured the case that brought the BCCLA, along with a small gay and lesbian bookstore, to the Supreme Court of Canada twice, in the process redefining Canada's equality laws.

WE EXTEND OUR DEEPEST GRATITUDE to the lawyers who have volunteered their time for the BCCLA in 2011. Our work would not be possible without their contributions.

Joseph Arvay, Q.C. Arvay Finlay Barristers	David M. Layton David M. Layton Law Corporation
Catherine Boies Parker Underhill, Boies Parker Law Corporation	George Macintosh, Q.C. Farris, Vaughan, Wills & Murphy LLP
Ward Branch Branch MacMaster LLP	Jodi Martin Paliare Roland Rosenberg Rothstein LLP
Susan J. Brown Ministry of Attorney General for B.C.	Brock Martland Smart, Harris & Martland Barristers
Rob Centa Paliare Roland Rosenberg Rothstein LLP	Stephanie McHugh Hunter Litigation Chambers
Paul Champ Champ and Associates	Greg McMullen Branch McMaster LLP
Gerald Chan Ruby Shiller Chan Barristers	Roy Millen Blake, Cassels & Graydon LLP
John Conroy, Q.C. Conroy & Company	Thomas Moran Bull, Housser & Tupper LLP
David Crossin, Q.C. Sugden, McFee & Roos LLP	Matthew Nathanson Matthew Nathanson Law
Laura Cundari Blake, Cassels & Graydon LLP	Brent Olthuis Hunter Litigation Chambers
Ryan Dalziel Bull, Housser & Tupper LLP	Normand Painchaud Sylvestre Fafard Painchaud Avocats
Greg P. DelBigio, Q.C. Greg P. DelBigio Law Corporation	Monique Pongracic-Speier Ethos Law Group LLP
Tim Dickson Farris, Vaughan, Wills & Murphy LLP	Susan Precious Branch McMaster LLP
Kelly Doctor Sack Goldblatt Mitchell LLP	Anthony Price Murdy & McAllister, Barristers and Solicitors
Jocelyn Downie Dalhousie University	Micah Rankin Thompson Rivers University
Joe Doyle Johnson Doricic Doyle Sugarman	Owen Rees Stockwoods Barristers
Khalid Elgazzar Champ and Associates	W. Paul Riley Public Prosecutions Service of Canada
Frank Falzon, Q.C. Frank A.V. Falzon Law Corporation	Kent Roach Faculty of Law, University of Toronto
Joey Fearon Stevens Virgin	Chris Sanderson, Q.C. Lawson Lundell LLP
Michael Feder McCarthy Tétrault	Anu Sandhu Hayward Sheppard Barristers & Solicitors
The Honourable Justice David Frankel British Columbia Court of Appeal	Howard Shapray, Q.C. Shapray Cramer LLP
Fritz Gaerdes Alexander Holburn Beaudin & Lang, LLP	Elin Sigurdson Janes Freedman Kyle Law Corporation
Melissa A. Gillespie, Q.C. Ministry of Attorney General for B.C.	Kristy Sim Access Probono
The Honourable Justice Ellen Gordon Provincial Court of B.C.	Michael Tammen Michael Tammen Law Corporation
Jason Gratl Gratl and Company	Joana Thackeray Heenan Blaikie LLP
Nader Hasan Ruby Shiller Chan Barristers	Sheila Tucker Davis LLP
Peter Hogg, Q.C. Blake Cassels & Graydon LLP	Megan Tweedie Blake, Cassels & Graydon LLP
Robert Holmes, Q.C. Holmes & King	Marko Vesely Lawson Lundell LLP
Robert Janes Janes Freedman Kyle Law Corporation	Megan Vis-Dunbar Megan Vis-Dunbar
Angela Juba McCarthy Tétrault LLP	Kylie Walman Borden Ladner Gervais LLP
Nadia Khan Murchison Thomson & Clarke LLP	Daniel Webster, Q.C. Bull, Housser & Tupper LLP
Michael Klein Michael Klein Law Corporation	The Honourable Justice James Williams Supreme Court of B.C.
Toby Kruger Lawson Lundell LLP	Janet Winteringham, Q.C. Winteringham MacKay George Law Corporation
Alison Latimer Arvay Finlay Barristers	James Wishart Fraser Milner Casgrain LLP
	Catherine Wong Martin & Associates
	Robert Wright, Q.C. Ministry of Attorney General for B.C.

You're invited
to our
50th
anniversary
celebration!

The BCCLA has two days of events planned on June 1st and 2nd to help us celebrate our 50th Anniversary, and there's something for everyone.

For lawyers, there's a continuing professional development course featuring the Chief Justice of British Columbia and Yukon and the Chief Justice of the Supreme Court of British Columbia.

For students and the general public, there's a day-long conference featuring some of the highest profile civil liberties defenders in Canada, including Alex Neve from Amnesty International and Michael Geist from the University of Toronto.

For our friends and supporters, there's a special birthday party gala featuring lawyer Clayton Ruby and *Toronto Star* publisher John Cruickshank.

If you're not able to come to any of our events, please consider sponsoring a Gala ticket for someone who might otherwise not be able to attend.

Visit www.bccla.org for more info.

SATURDAY JUNE 2 GOLDEN ANNIVERSARY GALA & LIBERTY AWARDS

Coast Coal Harbour Hotel, 6:00 pm. Dinner at 6:30 pm

You only turn 50 once! And we mean to make our Golden Anniversary Gala a night to remember. This formal dinner event features the finest in Westcoast cuisine and regional wines. Welcome remarks from acclaimed human rights lawyer **Clayton Ruby** will be followed by a keynote address by **John Cruickshank**, publisher of the *Toronto Star*. This year's Reg



JOHN CRUICKSHANK

Robson Award winners are **Robyn Gervais** and **Cameron Ward**. We will also hand out the inaugural Lifetime Achievement Award as well as the prestigious Liberty Awards in Legal Advocacy, Art and Youth Activism. This fundraising event also features a showcase of the BCCLA's legacy, as well as a silent auction. We hope you can join us!



CLAYTON RUBY

Tickets: \$150 single / \$250 pair / \$1350 table (10)

Reservations: 604.630.9750 or www.bccla.org

FRIDAY JUNE 1

FIFTY YEARS OF FREEDOM – 50TH ANNIVERSARY SPEAKERS SERIES & AGM

SFU Woodward's – Goldcorp Centre for the Arts, Vancouver, 9 am – 4 pm

For five decades, the BC Civil Liberties Association has been a vanguard in the fight for civil and human rights in Canada, a voice of progress and justice in the most critical social debates of our time. To celebrate this legacy, we're hosting a day-long speakers series highlighting historic and contemporary civil liberties struggles. The powerful lineup features leading human rights and civil liberties advocates from across Canada, including:



CINDY BLACKSTOCK

Cindy Blackstock, the Executive Director of First Nations Child and Family Caring Society of Canada and Associate Professor at the University of Alberta. A member of the Gitksan Nation, she has worked in the field of child and family services for over 20 years. An author of over 50 publications, her key interests include exploring and addressing the causes of disadvantage for Aboriginal children and families by promoting equitable and culturally-based interventions.

Michael Geist, a law professor at the University of Ottawa. He is Canada's leading commentator on civil rights in the cyber-age, including copyright, net neutrality and lawful access. Geist runs a popular blog and is an internationally syndicated columnist on technology law issues, with a regular column in the *Toronto Star* and *Ottawa Citizen*.



MICHAEL GEIST



ALEX NEVE

Alex Neve, the Secretary General of Amnesty International Canada. He is a member of the Board of the Canadian Centre for International Justice, which is dedicated to ensuring that war criminals and those guilty of crimes against humanity are appropriately prosecuted in Canada.

Kim Pate, an internationally recognized advocate for marginalized, victimized and criminalized women. She is the Executive Director of the Canadian Association of Elizabeth Fry Societies. Pate led a national campaign to re-examine cases of battered women convicted of homicide, resulting in the ground-breaking *Self-Defence Review* in 1997.

Maureen Webb, a Canadian human rights lawyer and author of *Illusions of Security: Global Surveillance and Democracy in the Post 9-11 World*, a book that details the Maher Arar national security scandal. She was a litigator for some of Canada's first *Charter* cases, including the landmark *Lavigne* case and a case challenging the powers for the newly instituted Canadian Security Intelligence Service. She was also an advisor to Members of Parliament on the review of the *Anti-terrorism Act* and the revision of the security certificate regime.



MAUREEN WEBB

The Fifty Years of Freedom Speakers Series is open to the public by donation and FREE with a current membership. For tickets call 604.630.9750. Visit www.bccla.org for full program details.

2011 REG ROBSON AWARD

For 2011, the BCCLA Board selected not one, but two winners of our Reg Robson Award: Cameron Ward and Robyn Gervais. These award winners have in common that they are both lawyers, one senior, one junior, and both participated in the Missing and Murdered Women Commission of Inquiry. Both were selected for very different reasons, but for the same reason as far as their commitments to equality and rights and freedoms are concerned.

CAMERON WARD

25 YEARS OF CHAMPIONING RIGHTS AND FREEDOMS

Cameron Ward's career has been defined by a commitment to rights and freedoms for all. Milestones include: representing students who protested APEC at UBC, (including a young Craig Jones, Q.C., who later become the President of the BCCLA), at the public inquiry into the policing tactics used at that event; the "riot" at the Hyatt where police on horseback charged into a crowd of demonstrators, and culminating in his own case, *Ward v. Vancouver*, where he established that people can be awarded monetary damages by Courts if their *Charter* rights are violated. Cameron's life's work has created a beacon of hope for those treated badly by authorities.

As a lawyer Cameron contributed in a significant way to the end of police self-investigation in B.C. Participat-

ing in coroner's inquests across the province, as well as civil suits against police for various allegations of misconduct, Cameron's work with families like the family of Rodney Jackson, Jeff Berg, Kyle Tait and so many others helped raise public awareness of the need to end police self-investigation in BC.

Cameron is currently acting for family members at the Missing Women Commission of Inquiry, where his work with Neil Chantler, his junior, has resulted in many issues being canvassed that would have otherwise been ignored or brushed under the carpet. British Columbia and Canada have profited significantly from Cameron Ward's work as lawyer and his unwavering commitment to justice.

ROBYN GERVAIS

REMARKABLE BRAVERY ON BEHALF OF VULNERABLE WOMEN

Robyn Gervais is a very junior lawyer, but that didn't stop her from taking a strong stand to demand an end to injustices she saw happening at the Missing Women Commission of Inquiry. While Cameron Ward's Reg Robson award recognizes a 25 year career in the law, Robyn's recognition comes for her incredible bravery in delivering a 25 minute speech to the Missing Women Commission of Inquiry explaining why she was compelled to leave her work with the Inquiry.

Enduring months of testimony from police officers, and the absence of a single First Nations witness to speak about the issues First Nations women have in bringing information to the police, Robyn, who had been hired to ensure First Nations voices were heard, requested four days for First Nations witnesses she wanted called. In response, she says Commission staff told her that she could have only one day. For Robyn, it was the last straw.

"Given that these hearings are largely about missing and murdered aboriginal women, I didn't think that I should have to fight to have their voices heard... As I leave this inquiry, I regret that I cannot find a way to bring the voices of the missing and murdered Aboriginal women into the room."

Robyn Gervais statement to the Missing and Murdered Women Commission of Inquiry, March 6, 2012

With her departure, Robyn single-handedly raised the profile of the increasingly concerning conduct of the Inquiry to a national level. After she left, former Commission staff found the courage to come forward with allegations about what they believed to be racist and sexist activities behind the scenes at the Commission. These allegations are still being investigated.

continued on page 23

THE RECIPIENTS OF THE REG ROBSON AWARD ARE BEING HONOURED AT THIS YEAR'S GOLDEN ANNIVERSARY GALA. YOU'RE INVITED! SEE PAGE 20 FOR DETAILS.

TREASURER'S REPORT / ALAN ROWAN



While many other organizations have been struggling financially with the economic downturn, the BCCLA has been incredibly fortunate to be on firm financial ground. This is due, in no small part, to our continuing partnership with the Law

Foundation of BC and their commitment to our core program funding.

But our stability is also due to those members and supporters who remember us in their wills, or with life insurance policies, members who want their decades of service and contribution to our Association to be more than just a donation. They want to leave a legacy of rights and freedoms.

A major gift in 2011 from a member who remembered us in his will, but who wishes to remain anonymous, has put the Association on firm financial ground for the foreseeable future. His gift is one in a line of legacy gifts given by our members and supporters that will help ensure that their children, and their children's children, enjoy the rights and freedoms that many of us take for granted through a strong and vibrant BCCLA.

Our successful financial year made it possible for our Board to approve a number of key infrastructure upgrades, including a new server for our computer network, an updated website, a small budget for our Northern B.C. Chapter volunteers

to establish an office in Prince George, and also gave us the capacity to increase our travel, research and publications budgets so that we can be effective across the province and not have to wait for specified grant money to take on a breaking issue immediately.

We simply could not take on these essential fixes and expand our reach in this way without the generosity of our supporters, and when we say that, we mean people like you, the person reading this annual report.

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 for another fifty years.

REG ROBSON AWARD

continued from page 22

Robyn's brave stand is symbolic of the many important concerns that have been raised about the troubled Missing Women Commission of Inquiry, but is also symbolic of the brave stand taken by Indigenous and Downtown Eastside women every February 14 as they march for justice for the murdered and missing women. It took incredible courage to point out to the Commissioner, in front of countless reporters and 25 of the most senior

lawyers in B.C., that this Inquiry itself has come to embody the very exclusion of women it was called on to investigate.

For that courage, Robyn will receive her Reg Robson Award, in trust for all who have worked for justice for women on this issue.

INDEPENDENT AUDITOR'S REPORT

To the Members

British Columbia Civil Liberties Association

Report on the Financial Statements

We have audited the accompanying financial statements of the British Columbia Civil Liberties Association, which comprise the statement of financial position as at December 31, 2011, and the statements of changes in net assets, operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principles, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis for Qualified Opinion

In common with many charitable organizations, the Association derives revenue from memberships and donations, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the Association and we were not able to determine whether any adjustments might be necessary to memberships and donations, excess of revenue (expenses), assets and net assets.

Qualified Opinion

In our opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion paragraph, these financial statements present fairly, in all material respects, the financial position of the British Columbia Civil Liberties Association as at December 31, 2011, and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Report on Other Legal and Regulatory Requirements

As required by the British Columbia Society Act, we report that the accounting principles used in these financial statements have been applied on a basis consistent with that of the preceding year.

TOMPKINS, WOZNY, MILLER & CO. CHARTERED ACCOUNTANTS

Vancouver, Canada

FINANCIAL STATEMENTS

British Columbia Civil Liberties Association

STATEMENT OF OPERATIONS AND CHANGES IN FUND BALANCES

For the year ending December 31, 2011

	2011			2010	
	GENERAL FUND	STABILIZATION FUND	TRUST FUND	TOTAL 2011	TOTAL 2010
REVENUE					
Membership & donations	199,347	—	—	199,347	230,465
Bequests	370,148	—	—	370,148	—
Law Foundation of BC - operating grant	313,600	—	—	313,600	313,600
Specified grants earned	156,614	—	—	156,614	176,929
Gaming revenue earned	49,859	—	—	49,859	49,849
Investment income	447	5,922	18,035	24,404	19,651
Realized gains (losses) on sales of investments (net)	—	7,216	5,810	13,026	11,314
Adjustment of investments to market value	—	795	(14,055)	(13,260)	53,477
Endowment distributions	3,673	—	—	3,673	4,137
Court awarded costs	(2,783)	—	—	(2,783)	28,033
CLE registrations	19,875	—	—	19,875	8,300
Miscellaneous and special events	4,960	—	—	4,960	4,375
Amortization - deferred capital grants	4,131	—	—	4,131	9,652
	1,119,871	13,933	9,790	1,143,594	909,782
EXPENSES					
Salaries & benefits	547,462	—	—	547,462	604,570
Contracting - publications	46,486	—	—	46,486	24,439
Rent & utilities	43,110	—	—	43,110	47,442
Office operating	39,526	—	—	39,526	58,198
Accounting and audit	19,785	634	1,581	22,000	19,823
Insurance	1,516	—	—	1,516	1,272
Bank charges	3,960	—	—	3,960	3,443
Fundraising	11,078	—	—	11,078	15,603
Litigation costs	56,123	—	—	56,123	23,449
Newsletter	9,110	—	—	9,110	16,288
Meetings, publications, events	14,481	—	—	14,481	23,449
Travel and accommodation	15,588	—	—	15,588	23,127
Amortization	4,436	—	—	4,436	10,467
	812,661	634	1,581	814,876	871,570
Excess of revenue (expenses) for year	307,210	13,299	8,209	328,718	38,212
Fund balances, beginning of the year	128,575	(1,829)	537,422	664,168	625,956
Inter-fund transfers	(416,000)	412,000	4,000	—	—
Fund balances, end of year	19,785	423,470	549,631	992,886	664,168

The complete 2011 BCCLA audited financial statements are available at www.bccla.org

BCCLA PEOPLE

BCCLA MEMBERSHIP					
	2011	2010	2009	2008	2007
Senior	268	294	257	225	188
Student	57	121	126	112	78
Individual	509	596	522	444	320
Family	294	322	334	292	226
Organization	3	2	3	5	4
Total memberships	1131	1335	1242	1078	816
Donors only	432	229	169	179	186
Total supporters	1563	1564	1411	1257	1002

From promoting the civil liberties at community events to hosting fundraisers for the Association, volunteers help further the BCCLA's efforts to protect and promote freedoms in Canada. Thank you!

NORTHERN BC CHAPTER STEERING COMMITTEE

Heather Elliott
Carlene Keddle
Tara Kirkpatrick
Diane Paquet
Sandra Nadalin

NORTHERN BC CHAPTER VOLUNTEERS

Florence Schultz
Steve Butte
Francisco Cabanas
Don Callaghan
Carolyn Kendall
Teuvo (Tab) Jakonen

VOLUNTEERS

Sean Antrim	Joan Mitchell
Oscar Astete	Bill Mugford
Amber Batho	Nima Nassefat
John Bermingham	Robert Neubauer
Oonagh Berry	Larry Ogradnik
Joanna Blake	Virginia Patrick
Millie Bojic	Katie Raso
Sue Brown	Erin Reddekopp
Angelica Buggie	John Ricketts
Romi Chandra Herbert	Martha Roth
Paolo DiPersico	Jim Sayres
Christina Doris	Ingrid Schechter
Stephanie Frigon	Kaen Seguin
Lauren Gill	Nicole Seguin
Savitri Gordian	Samantha Thompson
Brent Heska	Forrest Wakarchuk
Fleurie Hunter	Julius Walcynski
Am Johal	Aerlyn Weissman
Rebecca Lee	Andrew Witt
Yong Hee Lee	Win Zacherl
Tristan Markle	Frances Zago

INTERNS

Taruna Arora	Natasha Lesnikova
Edward Chin	Michael Manhas
Rebecca Coad	Rachel Nelems
Nathan Crompton	Esther Oh
Margaret Dudgeon	Vito Pun
Rachel Gamboa	Michele Reinhart
Hughie Gawley	Jessica Rose
Catherine Hart	Rick Toor
Amanda Kanbari	Martin Twigg
Haidee Kongpreecha	



BCCLA staff, interns and friends celebrate at the 2011 Pride Parade

THE FIRST NEWSLETTER OF THE B.C CIVIL LIBERTIES ASSOCIATION

No.1

February 1963

B. C. C I V I L L I B E R T I E S N E W S L E T T E R - - - - -

FOUNDING MEETING

On December 9, 1962, 81 men and women met at UBC's International House for a day of discussion on the state of civil liberties in B.C., and the need for an organization to defend and extend these liberties. It was decided to form a B.C. Civil Liberties Association, a constitution was adopted, and the following directors were elected:

<u>For a 3-year term</u>	<u>For a 2-year term</u>	<u>For a 1-year term</u>
Michael Audain	Dr. Werner Cohn	Mr. Fritz Bowers
Dr. James Foulks	W.G. Dixon	Margaret Erickson
Rev. Phillip Hewett	Gordon Dowding	Dr. Stan Lyman
Alex Macdonald	Tony Emery	Adrian Marriage
Pat O'Neal	John Fornataro	Dr. J.S. Tyhurst

ORGANIZATION

The Association is now being incorporated under the Societies Act. The Board of Directors has met twice to plan the organization of the group, to prepare an immediate programme, and to elect the following:

President: Phillip Hewett; Vice President: John Fornataro;
Executive Secretary: Michael Audain; Recording Secretary:
Margaret Erickson; Treasurer: Fritz Bowers.

Invitations to become Honorary Directors have been sent to a number of prominent citizens.

The Civil Liberties Association will strive to be as flexible as possible. Topical problems will be tackled as they arise with the aid of ad hoc committees. Two issues are now being tackled:

- Dr. Werner Cohn chairs a committee which is studying the trials and convictions of the Sons of Freedom incarcerated at Agassiz. The committee seeks to determine whether there has been a violation of civil rights in the absence of legal counsel.

- Mr. T.G. Ison of the UBC Law Faculty heads a committee to recommend possible action for our association concerning the issue of legal aid or public defense.

A Processing Committee (Gordon Dowding, lawyer; Stan Lyman, sociologist; and Adrian Marriage, social worker) has been established. This committee will handle complaints and requests for advice from individuals in the community. Where appropriate it will arrange for individuals the expert advice of a lawyer or social worker. Where a clear violation of civil liberties is involved, a recommendation for action will be made to the Board of Directors. Individuals with grievances should contact a member of this committee or the Executive Secretary.

BC Civil Liberties Association

Anniversary Gala

and

LIBERTY AWARDS



CELEBRATING OUR

50TH ANNIVERSARY

John Cruickshank

PUBLISHER OF THE TORONTO STAR

Clayton Ruby CM, QC

RENOWNED HUMAN RIGHTS LAWYER

FEATURING THE RIGHT HONOURABLE KIM CAMPBELL

Food: Westcoast Cuisine

Dress: Fabulous

Door: 6:00 pm / Dinner: 6:30 pm

Tickets: \$150/single

\$250/pair

\$1350/table (including tax receipt for charitable portion)

Contact 604.630.9750

SATURDAY, JUNE 2, 2012

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1180 West Hastings Street

Vancouver

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