

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA)

B E T W E E N :

IVAN WILLIAM MERVIN HENRY

Appellant
(Respondent)

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA, AS REPRESENTED BY THE ATTORNEY GENERAL OF
BRITISH COLUMBIA**

Respondent
(Appellant)

-and-

THE ATTORNEY GENERAL OF CANADA

Respondent
(Respondent)

-and-

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I. OVERVIEW

1. An individual prosecutor's state of mind is irrelevant to the availability of damages under section 24(1) of the *Charter*. The malice requirement in the tort of malicious prosecution reflects the historical reluctance to attach liability to individual prosecutors for discretionary decision-making, but a Crown prosecutor never has the discretion to breach the *Charter*.

2. Requiring malice to establish tort liability in malicious prosecution is irrelevant to whether damages constitute a just and appropriate remedy for state conduct that has already been determined to violate the *Charter*. Such an approach conflates a private law cause of action with a public law remedy, and fails to recognize the distinct features of private tort actions and public law claims for *Charter* damages, which include: different defendants; the difference in the need to show fault in establishing liability; and the separate purposes furthered by the remedies provided in each case. These differences support the conclusion that a malice requirement is both unnecessary and inappropriate to the assessment of the availability of *Charter* damages, even those that involve allegations of prosecutorial misconduct.

3. The David Asper Centre for Constitutional Rights and British Columbia Civil Liberties Association ("AC/BCCLA") accept the pleadings as true for the purposes of this appeal.

II. INTERVENERS' POSITION ON QUESTIONS IN ISSUE

4. AC/BCCLA submit that s. 24(1) of the *Charter* authorizes a court of competent jurisdiction to award damages against the state for *Charter*-infringing prosecutorial misconduct absent proof of malice on the part of the individual prosecutor.

III. STATEMENT OF ARGUMENT

5. When a criminally accused person is not provided with relevant disclosure by the prosecutor, his or her *Charter* rights have been breached by the state. This appeal must determine whether malice has any appropriate place in determining the availability damages as a remedy. AC/BCCLA respectfully submit that (1) importing malice into the assessment of the availability of *Charter* damages to remedy prosecutorial misconduct conflates a private law cause of action with a public law remedy; and (2) *Charter* damages are uniquely equipped to fulfil the remedial functions of compensation, vindication and deterrence, by virtue of their monetary character. Importing a malice requirement into s. 24(1) damages claims would create a significant lacunae

in the remedial powers of the courts, and effectively insulate the *state* from any true responsibility for violating the *Charter*.

A. THE FUNDAMENTAL DIFFERENCES BETWEEN THE TORT OF MALICIOUS PROSECUTION AND PUBLIC LAW *CHARTER* LITIGATION

(i) The Concept of Fault Is Foreign to *Charter* Liability

6. The position of the Attorneys General of Canada and British Columbia treads very closely to conflating the tort of malicious prosecution and the availability of damages for a *Charter* breach by introducing malice by analogy to their s. 24(1) analysis. Their position is unclear as to whether they are arguing that malice must be proven in order to establish a breach of a person's constitutional rights by a prosecutor, or if malice must be proven only at the remedial stage. This position is not open on this appeal, since the constitutional question posed by this Court presupposes a *Charter* violation. The position that malice must be considered when the prosecutor is the state actor who breaches an accused's *Charter* rights is contrary to years of precedent from this Court.

7. *Charter* violations occur absent any particular "fault" on the part of the state. Section 2(b) of the *Charter* is violated when the state has the purpose of restricting expressive content, but also where state action merely has this effect, absent any intention to impact expression.¹ Similarly, s. 15 equality rights will be infringed when a facially neutral statute has an unintentionally unconstitutional effect.² The gross disproportionality analysis under s. 7 is aimed at legislation with permissible objectives which nevertheless have disproportionately negative effects.³ In all of these cases, a claimant has a right to a *Charter* remedy without any need to show an improper intention on the part of the state. The same cannot be said about faultless private injuries, like the non-negligent infliction of accidental harm. Requiring a blameworthy state of mind for *Charter* damages ignores this faultless aspect of *Charter* liability.

8. A state actor's intent may, however, factor into the assessment of the quantum of damages awarded under s. 24(1), but presupposes a *Charter* breach. As this Court explained in *Ward*:

¹ *Irwin Toy v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927 at 976, *Intervener's Book of Authorities* ["BoA"], **Tab 1**.

² *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624 at paras. 61-62 [*Eldridge*], **BOA, Tab 2**.

³ *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 S.C.R. 1101 at paras. 120-122, **BOA, Tab 3**.

A principal guide to the determination of quantum is the seriousness of the breach, having regard to the objects of s. 24(1) damages. The seriousness of the breach must be evaluated with regard to the impact of the breach on the claimant and the seriousness of the state misconduct: see, in the context of s. 24(2), *R. v. Grant*. Generally speaking, the more egregious the conduct and the more serious the repercussions on the claimant, the higher the award for vindication or deterrence will be.⁴

The extent to which the intention of the state actor may determine the quantum of *Charter* damages is not before this Court, and can await a proper case for its consideration, or, indeed, the trial of this matter with the full evidentiary foundation necessary to make this determination.

(ii) The Identity of the Defendant and the Nature of Their Liability

9. An accused person's action for *Charter* damages engages the state's liability alone. As this Court recently affirmed in *Thibodeau*, "the damages discussed in *Ward* were damages against the state".⁵ The Attorney General of Canada states in its factum that "[a] Crown prosecutor's liability cannot be engaged absent proof of malice".⁶ While this is true when assessing individual prosecutorial liability in a tort action for malicious prosecution, it is the state, not individual prosecutors, that is liable for *Charter* breaches. Characterizing the defendant as the state rather than the individual reflects the *Charter*'s inherently public nature.

10. As this Court recognized in *Miazga*, "[m]alicious prosecution is an intentional tort designed to provide redress for losses flowing from an unjustified prosecution".⁷ Malicious prosecution is notoriously difficult to prove: plaintiffs must establish that an individual prosecutor acted intentionally and maliciously when deciding to pursue and/or continue a prosecution. This high standard reflects the historical reluctance to attach *individual* liability to discretionary decisions made by *individual* prosecutors.

11. This Honourable Court has held on many occasions that discretionary decisions made by individual prosecutors acting as "ministers of justice" must not be subjected to unjustified scrutiny.⁸ When an individual prosecutor is motivated by malice or an improper purpose in initiating and/or continuing a prosecution, he or she steps outside the role of a "minister of

⁴ *Vancouver (City) v. Ward*, 2010 SCC 27, [2010] 2 S.C.R. 28 at para. 52 [*Ward*], **Appellant's Book of Authorities** ["**ABOA**"], Tab 37.

⁵ *Thibodeau v. Air Canada*, 2014 SCC 67 at para. 78, **BOA**, Tab 4.

⁶ Factum of the Respondent Attorney General of Canada at para. 1.

⁷ *Miazga v. Kvello Estate*, 2009 SCC 51, [2009] 3 S.C.R. 339 at para. 42 [*Miazga*], **ABOA**, Tab 14.

⁸ *Nelles v. Ontario*, [1989] 2 S.C.R. 170 [*Nelles*], **ABOA**, Tab 16; *Miazga, supra*, **ABOA**, Tab 14; *R. v. Anderson*, 2014 SCC 41 at para. 37 [*Anderson*], **Respondent Attorney General of Canada's Book of Authorities**, Tab 15.

justice” in fraud of his or her public duties, and tort liability properly attaches to them in their individual capacity.⁹ This is the rationale for the qualified immunity and apportioning of individual prosecutorial liability in Canada. The malice requirement – and the qualified immunity for prosecutorial actions – is the result of a careful balancing between the public interest in ensuring that citizens are not prosecuted for improper purposes, and the public interest in ensuring that prosecutors can exercise their discretion and prosecute crimes effectively.¹⁰

12. Defining discretionary and non-discretionary decisions has proved to be a challenge, but some actions lie clearly inside or outside an individual prosecutor’s discretion. The decision to pursue or continue a prosecution remains one of the most fundamental expressions of prosecutorial discretion, as it lies at the heart of the decisions that fall within the nature and extent of a prosecution. The high malice standard for review of individual prosecutorial action in a malicious prosecution suit protects this sphere of decision-making.

13. The concern expressed in cases like *Nelles* and *Miazga* about prosecutors feeling unfairly scrutinized, and needing the protection of the high standard of malice to discharge their discretionary duties and effectively prosecute crimes, is misplaced in this appeal. In any case where it is alleged that a prosecutor has breached the *Charter* in their role as state actor, and a claim for *Charter* relief is made, the court inevitably scrutinizes the conduct of the prosecutor in assessing in whether a *Charter* breach has been made out.

14. The decision to initiate or continue a prosecution is in a different category from the state’s duty to uphold and give effect to *Charter* rights: no state actor has the discretion to breach the *Charter*.¹¹ *Anderson* makes the distinction between prosecutorial discretion and the duty to uphold the *Charter* abundantly clear: “[i]n sum, prosecutorial discretion applies to a wide range of prosecutorial decision making. That said, care must be taken to distinguish matters of prosecutorial discretion from constitutional obligations... Manifestly, the Crown possesses no

⁹ *Nelles*, *supra* at p. 194, **ABOA**, **Tab 16**.

¹⁰ *Miazga*, *supra* at para. 52, **ABOA**, **Tab 14**. Similarly, bad faith or dishonesty is the standard for misfeasance in public office, which like malicious prosecution reflects the need for individual public officers to be able to make (good faith) decisions that may nevertheless negatively impact the interests of some citizens: *Odhavji Estate v. Woodhouse*, 2003 SCC 69, [2003] 3 S.C.R. 263 at para. 28, **BOA**, **Tab 5**.

¹¹ *Slaight Communications Inc. v. Davidson*, [1989] 1 S.C.R. 1038 at 1078, *per* Lamer J dissenting in part (not on this issue), **BOA**, **Tab 6**; *R. v. Conway*, 2010 SCC 22, [2010] 1 S.C.R. 765 at para. 21, **BOA**, **Tab 7**.

discretion to breach the *Charter* rights of an accused”.¹² Therefore, the qualified immunity protecting the discretionary decisions of prosecutors does not extend to *Charter* breaches.

15. Indeed, this Honourable Court in *Ward* made clear that it is the government that is directly, and not vicariously, liable for *Charter* breaches:

The nature of the remedy is to require the state (or society writ large) to compensate an individual for breaches of the individual’s constitutional rights. An action for public law damages — including constitutional damages — lies against the state and not against individual actors.¹³

While this passage goes on to state that some of the policy considerations underlying tort claims against state actors may be relevant to a *Charter* damages analysis, this should not be taken to suggest that the public nature of the state defendant in a *Charter* case is somehow modified by the factual inclusion of a prosecutor as the state actor. Rather, as the Appellant suggests, this is one factor to be taken into account under the “good governance” step of the *Ward* framework.¹⁴

(iii) *Charter* Damages Serve a Distinct Remedial Function

16. Characterizing a *Charter* damages claim as similar to that in tort ignores the nature of the defendant in a *Charter* case, and also discounts the fundamentally different purposes of private and public law remedies. Malice goes to liability in tort claims, whereas the issue in *Ward* is the availability of a specific remedy. *Ward* presupposes the liability of the state once a *Charter* breach has been established. The global purpose of public law remedies is to repair the damage *Charter* breaches cause to individual claimants, and to heal the harm caused to society as a whole. Tort actions, on the other hand, have an inherently private character that privileges individual redress. State action leading to *Charter* breaches that are accomplished vis-à-vis an individual prosecutor may provide the factual foundation for s. 24(1) damages as well as malicious prosecution actions, but this does not justify confusing the distinct remedial natures of public and private law.

17. Section 24(1) is meant to provide meaningful personal remedies for unconstitutional governmental action, but must also vindicate the values of the *Charter* and ensure future

¹² *Anderson, supra* at para. 45, **ABOA, Tab 21**.

¹³ *Ward, supra* at para. 22, **ABOA, Tab 37**.

¹⁴ Factum of the Appellant at para. 82.

compliance. This is what distinguishes the public law remedy of *Charter* damages from private law torts. As Justice LeBel observed in his dissent in *R. v. Demers*:

Public law litigation is essentially different from private law. In private law actions, remedies are primarily geared towards compensating a plaintiff for the loss suffered at the hands of a defendant. By contrast, public law actions are about ensuring compliance with the Constitution, in this case, vindicating constitutional rights that have been violated by the state. In doing so, it is typically more than an individual claimant's rights that are being affirmed; the benefit of a successful claim enures to society at large.¹⁵

18. In *Doucet-Boudreau*, this Court held that s. 24(1) remedies must be given a purposive and generous reading that “gives modern vitality to the ancient maxim *ubi jus, ibi remedium*: where there is a right, there must be a remedy. More specifically, a purposive approach to remedies requires at least two things. First, the purpose of the right being protected must be promoted: courts must craft responsive remedies. Second, the purpose of the remedies provision must be promoted: courts must craft effective remedies”.¹⁶ Requiring claimants to plead malice for *Charter* damages imports private law standards into a distinctly public arena. Such an approach fails to provide a responsive or effective remedy to society as a whole.

19. Indeed, the fact that the function of *Charter* damages goes beyond compensation – the traditional focus of tort remedies – demonstrates that actions based on *Charter* violations transcend the private interests of the individual whose rights were violated. As Professor Lorne Sossin noted more than 20 years ago, the public as a whole has an “inherent interest in breaches of the *Constitution* by public officials”.¹⁷ This reality is reflected in *Ward*'s treatment of the vindication function of s. 24(1) damages as directed towards the public more broadly:

Vindication focuses on the harm the infringement causes society. As Didcott J. observed in *Fose*, violations of constitutionally protected rights harm not only their particular victims, but society as a whole. This is because they “impair public confidence and diminish public faith in the efficacy of the [constitutional] protection”. While one may speak of vindication as underlining the seriousness of

¹⁵ *R. v. Demers*, [2004] 2 S.C.R. 489 at para. 99, *per* LeBel J, dissenting (not on this point), **BOA, Tab 8**.

¹⁶ *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62, [2003] 3 S.C.R. 3 at para. 25, *per* Iacobucci and Arbour JJ (emphasis in original) [*Doucet-Boudreau*], **ABOA, Tab 7**.

¹⁷ Lorne Sossin, “Crown Prosecutors and Constitutional Torts: The Promises and Politics of *Charter* Damages” (1993) 19 Queen's LJ 372 at 403 [Sossin], **BOA, Tab 10**.

the harm done to the claimant, vindication as an object of constitutional damages focuses on the harm the *Charter* breach causes to the state and to society.¹⁸

20. Tort liability, on the other hand, has an inherently private character that is based on the individual state of mind of the tortfeasor, and privileges individual redress for the successful plaintiff. While these are laudable private law goals, they fail to address the public interest concerns inherent in s. 24(1). Malicious prosecution suits and claims for *Charter* damages might be predicated on the same set of facts, but this does not justify confusing the unique public law goals that s. 24(1) is meant to serve.

B. THE IMPORTANCE OF MONETARY CONSTITUTIONAL DAMAGES

21. In *Ward*, this Court recognized that *Charter* damages are a “unique public law remedy.”¹⁹ As monetary awards, s. 24(1) damages are especially suited to fulfill the three remedial functions of compensation, vindication, and deterrence outlined in *Ward*.

22. *Charter* remedies other than damages may be incapable of providing compensation to claimants.²⁰ Where a claimant has suffered serious personal loss or harm to his or her intangible interests, non-monetary remedies such as a declaration may be insufficient to place the claimant “in the same position as if his *Charter* rights had not been infringed.”²¹ Even where the harm suffered is a “relatively brief” period of humiliation, this Court has recognized that *Charter* damages are an appropriate and just means to satisfy the need for compensation.²² In wrongful conviction cases arising from *Charter* breaches, that claim is all the more powerful.

23. *Charter* damages are also well-suited to the vindication function, which concerns the affirmation of constitutional values. *Charter* breaches pose a social harm because they “impair public confidence and diminish public faith in the efficacy of the [constitutional] protection.”²³ *Charter* damages address this harm by way of their quantum, which must reflect “the importance of *Charter* rights to all Canadians and the corresponding significance of [*Charter*] breaches.”²⁴

¹⁸ *Ward*, *supra* at para. 28 [internal citations omitted], ABOA, Tab 37.

¹⁹ *Ibid* at para 31.

²⁰ *Ibid* at para 47.

²¹ *Ibid* at para 71.

²² *Ibid* at paras 68, 71.

²³ *Ibid*, *supra* at para. 28.

²⁴ *Bevis v. Burns*, 2006 NSCA 56 at para 3, 269 D.L.R. (4th) 696, BOA, Tab 9.

24. In order to vindicate a *Charter* right, the remedy “must be relevant to the experience of the claimant and must address the particular circumstances in which the *Charter* right was infringed.”²⁵ *Charter* damages give courts the discretion to determine a quantum that is proportionate to “all the effects or consequences of the [rights] denial” vis-à-vis the claimant.²⁶ Consequently, damages may be preferable to other less flexible remedies that are not as capable of fully addressing the circumstances of the *Charter* breach. Professor Kent Roach clarifies that a proportionate s. 24(1) remedy is one that takes into consideration the need to redress damage to the public’s interest in seeing its rights protected.²⁷ A complete remedy must redress this damage by offering, as Professor Marilyn Pilkington puts it, an “articulation and enforcement of constitutional values.”²⁸ Where the remedy does not respond to the gravity of the infringement, the public’s interest in seeing constitutional values articulated and enforced will be defeated. In other words, in cases of clear *Charter* violations, nominal or declaratory remedies offer no comfort to a public that demands that its rights be taken seriously.

25. Deterrence is the third key function of *Charter* damages. As Lamer J recognized in *Mills*, the purpose of s. 24 is to provide “an enforcement mechanism, which above all else ensures that the *Charter* will be a vibrant and vigorous instrument for the protection of the rights and freedoms of Canadians.”²⁹ In *Ward*, this Court affirmed that *Charter* damages can “[influence] government behaviour in order to secure state compliance with the *Charter* in the future.”³⁰

26. Damages under s. 24(1) fulfill this deterrent function in at least two ways. First, damages act as a clear acknowledgment that the state is prospectively responsible for *Charter* infringements.³¹ Second, “damages provide an incentive for governments and their officers to be pro-active in seeking compliance.”³² Damages remind the state that it has obligations to the public under the *Charter*, and pronounce a cost for failing to meet such obligations.

²⁵ *Doucet-Boudreau*, *supra* at para 55, **BOA**, Tab 10.

²⁶ *Morin v. Regional Administrative Unit No. 3 School Board (PEI)*, 2005 PESCAD 14 at para 36, **BOA**, Tab 11.

²⁷ Kent Roach, “Enforcement of the Charter - Subsections 24(1) and 52(1)” (2013) 62:2 Sup Ct L Rev 473 at 483, **BOA**, Tab 15.

²⁸ Marilyn Pilkington, “Damages as a Remedy for Infringement of the Canadian Charter of Rights and Freedoms” (1984) 62:4 Can Bar Rev 517 at 536 [Pilkington], **BOA**, Tab 16.

²⁹ *Mills v. The Queen*, [1986] 1 S.C.R. 863 at p. 881; DLR (4th) 161, **BOA**, Tab 12.

³⁰ *Ward*, *supra* at para 29, **ABOA**, Tab 37.

³¹ Pilkington, *supra* at 540, **BOA**, Tab 16; Sossin, *supra* at 401-402, **BOA**, Tab 14.

³² Raj Anand, “Damages for Unconstitutional Actions: A Rule in Search of a Rationale” (2009) 27: Supplementary Update NJCL 159 at 167 [Anand], **BOA**, Tab 17.

27. The Respondents argue that s. 24(1) damages in this case will have the adverse effect of chilling Crown prosecutors' ability to fulfill their duties effectively and robustly.³³ However, chilling unconstitutional state action is the purpose and goal of the *Charter*. Moreover, any concern about interference with prosecutorial discretion is answered by the fact that prosecutors are already subject to court scrutiny for *Charter* compliance.³⁴ Any "cost" associated with judicial scrutiny in the context of *Charter* actions already exists within criminal trials.

28. Critics of s. 24(1) damages awards against the state also argue that they intrude on the government's budgetary discretion. Professor Roach suggests that such critics inappropriately "conceive of the government as an individual with claims to dignity and fairness."³⁵ These arguments characterize large remedial damages awards as improper, not because they are unmerited, but because they overstep the government's spending discretion. However, these considerations are but one step in the analysis of the merits of a damages award under s. 24(1).³⁶

29. In *Eldridge* and *Khadr*, this Court recognized that a prescriptive remedy beyond a declaration would be an inappropriate intrusion into the state's policy-making discretion.³⁷ Damages awards under s. 24(1) meet the objectives in *Ward* while avoiding inappropriate intrusions into policy-making. As Raj Anand explains, damages as a remedy are "consistent with a view of the *Charter* that prizes Parliamentary sovereignty" because "the manner in which the legislature seeks to correct its unconstitutional act or conduct is left to the legislature."³⁸

30. The Attorney General of British Columbia argues that the government has already established a policy framework for addressing compensation for wrongful conviction of the factually innocent.³⁹ However, *ex gratia* compensation schemes, despite attempting to compensate the wrongfully convicted, are incapable of serving the key s. 24(1) functions of vindication and deterrence. As the Honourable Sydney L. Robins, QC, noted in the *Truscott*

³³ Factum of the Respondent Attorney General of British Columbia at para. 88; Factum of the Respondent Attorney General of Canada at para. 21.

³⁴ *Anderson, supra* at para. 45, **ABOA, Tab 21**.

³⁵ Kent Roach, "A Promising Late Spring for Charter Damages: *Ward v. Vancouver*" (2011) 29:2 NJCL 135 at 161.

³⁶ *Ward, supra* at para. 33, **BOA, Tab 18**.

³⁷ *Eldridge, supra* at para. 96, **BOA, Tab 2**; *Canada (Prime Minister) v. Khadr*, 2010 SCC 3, [2010] 1 S.C.R. 44 at para. 47, **BOA, Tab 13**.

³⁸ Anand, *supra* at 167, **BOA, Tab 17**. See also: Gary S Gildin, "Allocating Damages Caused by Violation of the Charter: The Relevance of American Constitutional Remedies Jurisprudence" (2009) 24:2 NJCL 121 at 160, 170-171, **BOA, Tab 19**.

³⁹ Factum of the Respondent Attorney General of British Columbia at para. 126.

Opinion, the “payment of [*ex gratia*] compensation remains within the absolute discretion of the Crown”.⁴⁰ If damages for *Charter* breaches depended on the discretion of the Crown, the public would have no assurance that its *Charter* rights would be vindicated in the event of a breach. Moreover, the deterrent function s. 24(1) would be undone if the Crown had discretion to decide when to award compensation for wrongful convictions stemming from *Charter* infringements.

31. Many, if not most *Charter* violations by prosecutors will arise in situations where it is impossible to prove malice. Moreover, no specific intent is required to establish a *Charter* breach. Those whose constitutional rights have been infringed must not be left without responsive and effective remedies. Importing the malice requirement from a private law cause of action into a public law claim for *Charter* damages would create a significant lacunae in the remedial powers of the courts and effectively insulate not individual prosecutors, but rather the state as a whole from any true responsibility for violating the *Charter*. Such a system would be wholly inconsistent with the very concept of constitutional supremacy, and would undercut the promise of *Ward* for victims of *Charter* violations.

IV. SUBMISSIONS RESPECTING COSTS

32. The AC/BCCLA does not seek its costs, and asks that no costs be ordered against it.

V. ORDER REQUESTED

33. The AC/BCCLA request leave to make oral argument at the hearing of this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

DONE at the City of Ottawa, this 25th day of October, 2014


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⁴⁰ *Federal/Provincial Guidelines on Compensation for Wrongfully Convicted and Imprisoned Persons* (1988), cited in *In the Matter of Steven Truscott: Advisory Opinion on the Issue of Compensation* (Toronto: Ontario Ministry of the Attorney General, 2008) at 22, **BOA**, Tab 20.

VI. TABLE OF AUTHORITIES

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VII. STATUTES CITED

<i>Canadian Charter of Rights and Freedoms</i>	
<p>2. Everyone has the following fundamental freedoms:</p> <p>(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;</p>	<p>2. Chacun a les libertés fondamentales suivantes :</p> <p>b) liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication;</p>
<p>7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.</p>	<p>7. Chacun a droit à la vie, à la liberté et à la sécurité de sa personne; il ne peut être porté atteinte à ce droit qu'en conformité avec les principes de justice fondamentale.</p>
<p>15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.</p>	<p>15. (1) La loi ne fait acception de personne et s'applique également à tous, et tous ont droit à la même protection et au même bénéfice de la loi, indépendamment de toute discrimination, notamment des discriminations fondées sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'âge ou les déficiences mentales ou physiques.</p>