



TABLE OF CONTENTS

3 Letters from the President and Interim Executive Director

4 Supporting Human Rights Through a Pandemic

5 Implementing UNDRIP Requires Transformative Change in Canada

6 No Justice in Isolation: Challenging Prison Lockdowns and Restrictive Movement Routines in Canadian Prisons

7 Should white supremacist groups be designated as terrorist organizations?

8 Working to Fight Police Powers

10 A Landmark Win in a Lawsuit Against the RCMP Commissioner

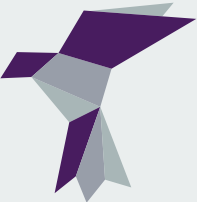
11 Protecting Constitutional Rights at the Cullen Commission

12 Thank You

14 Join Us

15 Financial Summary

Board and Staff



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Executive Committee

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Letter from the President

As civil libertarians, we understand that human rights are inalienable and should be enjoyed equally by all. However, we know that Canada has a history entrenched in systemic racism. This reality means that everyone has a responsibility to identify and understand how society supports systemic racism and to work to address it. In 2021, the BCCLA took that on internally, and in the work we do out in the world.

Through policy work, education and litigation, the BCCLA is a powerhouse for systemic change, fighting to support civil liberties and government accountability.

The BCCLA was the only civil liberties organization at the Cullen Commission, providing critical insight into the seizure of unexplained wealth without due process.

We took RCMP Chief Commissioner Brenda Lucki to court to force the RCMP to respond to outstanding police complaints and continued our fight against police street checks.

We supported citizens' rights to protest through court interventions on free speech in Alberta.

Through all of this, we continue to fight to expand the availability of assisted death with dignity and challenge cruel treatment of incarcerated people in conditions akin to solitary confinement.

None of this would be possible without the support of our members and community partners. I will always seek out the best way forward for the organization, those whose experiences we champion, and the issues we represent. Together, we can move toward a future that protects our civil liberties and fosters the full inclusion of all members of our society.

Thank you for standing with us.

Karen Mirsky (she/her)
BCCLA President

Letter from the Interim Executive Director

Protecting human dignity. Striving for a society where people benefit from equal enjoyment of choice and freedom. Focusing on those most susceptible to violations of their human rights. This is who we are at the BCCLA.

The announcement of hundreds of unmarked graves at the Kamloops Indian Residential School by the Tk'emlups te Secwepemc Nation, and thousands more across Canada, laid bare the ugly truth of Canada's ongoing genocide of Indigenous people. The graves are but one devastating part of ongoing colonization efforts to undermine and eliminate Indigenous peoples.

We are resolute that systemic change is needed and possible. Our work pays particular attention to the needs of vulnerable individuals and oppressed communities who would otherwise have difficulty getting redress for violations and limitations on their rights despite being

the most susceptible to state regulation.

In 2021, we brought together hundreds of students at a virtual Youth Conference, made 31 submissions to decision-makers at all levels of government, and were involved in 27 active impact litigation cases and interventions. Tens of thousands of people interacted with our work online, in court, and more.

I joined the BCCLA following the departure of Executive Director Harsha Walia. Harsha's vision, sheer strategic might, and care inspired many and built a legacy of internal and external change that will be felt for years to come.

Join us as we continue to cut new, more just, pathways for all people.

Stephanie Goodwin (she/her)
BCCLA Interim Executive Director

Supporting Human Rights Through a Pandemic

BCCLA's Continued Response to COVID-19

The COVID-19 pandemic's severe toll on our health systems and challenges to our democratic freedoms continued in 2021. The pandemic has claimed the lives of tens of thousands of people in Canada, and for many, the virus can also carry serious health consequences or disability.

As an organization dedicated to advancing human rights and liberties while focusing on the relationship between people and the state, the BCCLA has supported public health measures to protect the most vulnerable while standing up for the democratic rights of all.

Here's some of what we accomplished together.



Speaking out in Support of Public Safety

COVID-19 carries the risk of severe health consequences, including death and temporary or permanent disability. Widespread COVID-19 can also cause grave harm to the healthcare system and those harmed by the healthcare system being overwhelmed by COVID-19 patients. In earlier waves, provinces and territories had to contemplate invoking triage protocols that would have resulted in patients with conditions other than COVID-19 being denied or removed from critical care beds. This is why the BCCLA supports research-based public health measures such as proof-of-vaccination programs. In 2021 we developed materials to educate the public on why we favour these programs while pointing out some areas of concern.



Standing Up to Abuse of Government Powers

In the Spring of 2021, the Alberta government introduced Bill 10, one of the most far-reaching responses to the COVID-19 pandemic by a provincial government. The new bill, which was rushed in with only two days of debate, granted the executive branch of government the power to unilaterally and immediately enact new laws during a public health emergency with no input from the Legislative Assembly of Alberta.

When a lawsuit was filed to challenge these new powers, we were granted leave to intervene in the case. While Bill 10 was ultimately repealed, the BCCLA stands against undemocratic proposals that grant cabinet sweeping and potentially abusive legislative powers.



Implementing UNDRIP Requires Transformative Change in Canada

The government of Canada once again debated the application of United Nations Declaration of the Rights of Indigenous Peoples' (UNDRIP) in Canada, a nation state that would not exist but for genocide and the theft and occupation of Indigenous lands.

Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples came into effect on June 21, 2021. This new law purports to establish a process for the domestic implementation of UNDRIP. The rights and principles affirmed in UNDRIP constitute the minimum standards for the survival, dignity, and well-being of Indigenous peoples of the world. It affirms Indigenous peoples' right of self-determination and underlines the prohibition of discrimination and genocide in international law.

Despite the hard work and perseverance of Indigenous peoples to bring about what became UNDRIP, Canada continues to violate Indigenous rights and break its promises to Indigenous peoples such as taking young Indigenous people to court and failing to provide access to clean drinking water. Indigenous land defenders continue to face colonial forces that repeatedly violate and deny their inherent rights, including their right to protect their lands and oppose resource extraction and development on their unceded territories. As well, urban Indigenous peoples experiencing homelessness continue to face displacement by the state on their own homelands.

As an organization, we see that on a global scale Indigenous peoples continue to face dispossession of their lands and resources, settler-colonial violence, discrimination, forced assimilation and other grave human rights abuses. We affirm the right of Indigenous peoples to be free and to choose how they want to live their lives – including the right to live according to one's own culture and values. We stand against the

unjust coercion of Indigenous peoples by the Canadian state. We stand in opposition to government action that unjustly takes away the right of Indigenous peoples to determine and shape their own future.

As the United Nations Declaration on the Rights of Indigenous Peoples Act is implemented in Canada and an action plan is developed, we pledge our continued vigilance and commitment to promoting and supporting Indigenous self-determination.



BCCLA Staff Counsel Veronica Martisius at Fairy Creek

No Justice in Isolation: Challenging Prison Lockdowns and Restrictive Movement Routines in Canadian Prisons

On October 13, 2021, we filed a lawsuit against the federal government to challenge the use of prolonged, indefinite lockdowns and restrictive movement routines in Canadian prisons.



In 2019, the BCCLA had a historic win when the BC Court of Appeal ruled that the federal laws that permitted prolonged solitary confinement in Canada's federal prisons were inhumane and unconstitutional. But that wasn't the end of this inhumane practice. While the subsequent Bill C-83 purported to ban the practice of long-term isolation, wardens at federal prisons continue to isolate prisoners in long-term solitary confinement, using different practices such as lockdowns and restrictive movement routines.

Lockdowns are frequent in federal prisons and can occur for a security incident, operational or administrative reasons. Restrictive movement routines can be used to confine people in prison to their cells for most of the day, sometimes for days, weeks, or months at a time.

People in prison need meaningful human contact. Without it, they may struggle with severe and chronic depression and anxiety. Long-term isolation may lead to

self-harm, suicidal thoughts, and paranoia. It can cause physical, psychological, social, and spiritual trauma.

This lawsuit will challenge the use of prolonged and indefinite lockdowns and restrictive movement routines. Many lockdowns constitute solitary confinement under the *Mandela Rules*, a set of United Nations rules setting minimum global standards for people in prison. Under the *Mandela Rules*, confinement for 22 hours or more a day, with no meaningful human contact, is considered solitary confinement.

In this case, we will argue that prolonged and indefinite lockdowns and restrictive movement routines are not authorized by law and unjustifiably infringe ss. 7, 12, and 15 of the Charter of Rights and Freedoms. We will argue that these infringements cannot be justified in a free and democratic society.

- The right to life is infringed by state-imposed conditions that cause an individual to end their life.
- The rights to liberty and security of the person are infringed by state-imposed conditions that deny an individual meaningful human contact and expose an individual to physical, psychological, social, and spiritual trauma.
- The right to equality is infringed because these practices impose particularly egregious suffering on mentally ill, disabled, racialized and Indigenous people in prison.

No one should ever have to experience solitary confinement. These practices must end. We will continue the fight to put an end to these inhumane practices.

Should white supremacist organizations be designated as terrorist organizations?

Following the white nationalist insurrection at the Capitol in the US on January 6, 2021, the Canadian government unanimously designated the Proud Boys as a terrorist entity. Twelve other organizations were also given this designation.

We are strongly committed to confronting and ending white supremacy and all forms of hate that harm Indigenous, Black, Muslim, Jewish, and racialized communities. Violent hate threatens democratic and equality rights for *all* of us.

However, we believe that labelling white supremacist groups terrorists is not the solution.

Firstly, we cannot forget that the first community that the Canadian state labelled as a threat to the Canadian state was the Indigenous community, and land defenders continue to be labelled and perceived as a threat to the state. Since 9/11, the overwhelming majority of individuals and organizations labelled as terrorists or have been the targets of Canada's national security laws have been Muslim.

Secondly, the use of a terrorism framework further empowers the state to use counter terrorism measures. It is this very legal system of national security and counter terrorism that has historically and contemporarily targeted and criminalized Indigenous, brown, Black and leftist communities – the very same marginalized communities that white supremacists target for hate.

For the past twenty years, we have been raising the alarm about Canada's post-9/11 national security legislation that, generally speaking, subverts minimal standards of presumption of innocence, violates the right to due process, authorizes arrest and detention without charge or arrest simply by association, and often relies on secret evidence. We have challenged Canada's No Fly list, joined detainees in challenging the constitutionality of security certificates at the Supreme Court of Canada and called for increased oversight and accountability of

national security agencies. For the Muslim community, in particular, the post 9/11 era has meant the fear of constantly being surveilled, put into indefinite detention, or deported to a foreign country to face torture.

Additionally, designating white supremacist groups as terrorists makes it seem as if these groups are a few bad apples in a system and society otherwise free of white supremacy. We cannot fit the elements of these organizations neatly and squarely within the confines of the term "Terrorist," and ignore the fact they are simply a symptom of the larger systemic problem of white supremacy within Canada.

If we want to dismantle white supremacist organizations at their core, we need to first dismantle the culture and system of white supremacy that exists within our communities and institutions. The membership of organizations such as the Proud Boys come from all segments of society: students, teachers, lawyers, military officers, law enforcement officers.

The Canadian government has dedicated hundreds of millions of dollars to programs that are aimed at de-radicalizing Muslims. Programs like this have included RCMP and CSIS agents speaking at mosques, Muslim youth groups, and putting out pamphlets and guides on how to spot radicalized Muslim in our communities. Where are the hundreds of millions of dollars being dedicated to de-radicalizing and de-Nazify young white men?

There are already laws in Canada's *Criminal Code* that can be used to address the threat of white supremacist groups, without having to resort to anti-terrorism laws that undermine due process and violate our rights under the *Charter of Rights and Freedoms*.

We do not lack the tools; we have lacked the political will.

Excerpts of an interview with BCCLA board member Hasan Alam by Harsha Walia.

Working to Fight Police Powers

Since the BCCLA's founding, police accountability has been at the core of our work. Police forces still have enormous powers and far too little accountability which has harmful effects on marginalized people. BCCLA resists this through coalition building, litigation, and policy reform to help hold police and the state accountable.

In 2021, we continued to tackle injustices related to policing on multiple fronts.

Police Act Review

When the Legislative Assembly of BC appointed a Special Committee to make recommendations on reforming the Police Act, the BCCLA encouraged the public to make submissions through a toolkit. The BCCLA's submission called for bold reform, including the following recommendations:

- Aligning the Police Act with the United Nations Declaration on the Rights of Indigenous Peoples
- Shifting Policing Resources to Community Services
- Addressing Massive Gaps in Surveillance Technology & Privacy Protections
- Restricting Police Use of Force
- Strengthening Police Oversight
- Supporting Impacted People

While under federal jurisdiction, the *Police Act* can be amended to set provincial guidelines of non-enforcement of criminal laws and redirect policing to community-based services. We believe in rethinking public safety through a total transformation rather than piecemeal reforms, which do not acknowledge a key fact: the problem is the system itself, and it must be changed.

Street Checks

Street Checks, where police stop a person in public, question them, and record their personal information in a police database, are a racist and illegal practice, and the BCCLA continues to fight for a complete ban. Our battle against Street Checks began in 2018 when the Vancouver Police Department released data revealing the extent to which street checks were racially motivated, prompting us to join forces with the Union of BC Indian Chiefs to launch a complaint with the Office of the Police Complaints Commission.

In 2021 we continued our fight against the practice of street checks and the lack of police accountability. We wrote to the Vancouver Police Board emphasizing the lack of transparency on street checks data and its effect on public trust. The Vancouver Police Board has violated their obligation to provide impartial civilian oversight of the VPD, govern with independence and integrity, and be accountable to the community. We will continue to push back on poor police practices.

Decriminalization

Bill C-22 was proposed in 2021 to remove mandatory minimums for all drug offences under the Controlled Drug and Substances Act and some offences under the Criminal Code of Canada. The bill also expands the use of conditional sentences and requires the consideration of alternative measures to criminal charges for simple drug possession. To expand public legal education on decriminalization, our breakdown on Bill C-22 sought to better understand the bill itself and how it would affect the disproportionate imprisonment of Black and Indigenous people.

The BCCLA also joined calls to decriminalize simple drug possession, safe supply, sex work, drug use, public intoxication, immigration status, and Indigenous land defence by Indigenous nations. Criminalizing people's



means of existing is fundamentally contrary to developing a free and equitable society.

Police Accountability

Restrictions. We expressed concern over restrictions to mobility rights, noting that allowing police to stop and question anyone travelling by car between health regions would disproportionately impact marginalized communities and violate Indigenous rights.

We also pushed back on the VPD's Trespass Prevention

Program, allowing the police to make agreements with private property business owners, permitting them to question, remove and arrest people without any calls for service. We have called for the termination of the program and a public accounting of its operations to date. Particularly in a housing crisis, the over-policing of unhoused individuals and those operating in grey economies is deeply unethical. The necessity of relying on public space should not give officers a pass to engage in discriminatory practices.

A Landmark Win in a Lawsuit Against the RCMP Commissioner

The BCCLA was vindicated when the decision came down in our lawsuit against RCMP Commissioner Brenda Lucki. On January 11, 2022, the Federal Court ruled in our favour.

This lawsuit was about the RCMP Commissioner's extreme delays in responding to public complaints. In February 2014, the BCCLA filed a complaint against the RCMP for spying on Indigenous and climate advocates opposed to the Northern Gateway pipeline. The complaint was investigated by the Civilian Review and Complaints Commission (CRCC) – the RCMP watchdog. But due to the RCMP Commissioner's extreme delay in dealing with this complaint, the CRCC was only able to release its final report in December 2020, nearly seven years after the complaint was filed.

At the Federal Court, we argued that the RCMP Commissioner had violated her statutory obligations and the BCCLA's constitutional rights by causing this inexcusable delay.

Here's what was noted in the decision:

- The Court held that the RCMP Commissioner breached her statutory obligations by failing to respond to a CRCC report about the BCCLA's complaint "as soon as feasible," as she is required to do by s. 45.76(2) of the *RCMP Act*.
- The Court held that the RCMP Commissioner must respond to CRCC reports within six months, absent exceptional circumstances.
- Associate Chief Justice Gagné highlighted that "it is in the public interest to have a police oversight institution that functions properly and is unobstructed." She noted that the BCCLA had "explained the important consequences of these delays on the public's ability to obtain information about police misconduct and to remedy policies that can cause harm to the public."

This is a win on behalf of many communities who have been calling for justice and an end to the abuse of police power. This case all started because of illegal surveillance of grassroots climate organizations and Indigenous land defenders. We celebrate this victory for those who are overpoliced and under protected.

This decision is a step in the right direction, and we couldn't have done it without the support of our community.

When it comes to police accountability, justice delayed is justice denied.

Thank you for standing with us in our long fight for justice.

The BCCLA was represented by Paul Champ and Jessica Magonet.

Protecting Constitutional Rights at the Cullen Commission

The BCCLA was the only civil liberties association to appear at the Cullen Commission, where we challenged that many recommendations proposed for combatting money laundering would erode constitutional rights. These proposals - including expanded powers for the civil forfeiture office and police, unexplained wealth orders, and increased surveillance and information sharing - jeopardize privacy rights, equality rights, and due process protections.

Policing and Drug Prohibition

We are opposed to numerous recommendations presented to the Cullen Commission for increasing police presence and powers. The indiscriminate expansion of police powers always presents the potential for abuse.

Our governments should focus on tackling the actual root causes of money laundering, rather than investing even more tax dollars in policing. In particular, they must address our failed model of drug prohibition.

Our governments must stop investing in a failed war on drugs and adopt a public health approach to drug regulation if they are serious about combatting organized crime.

Challenging Anti-Asian Racism

The BCCLA provided evidence on how Asian people were historically excluded from BC's real estate market and the real-life impacts of anti-Asian racism in public discourse about money laundering.

Throughout the inquiry and long after, the BCCLA will continue to fight against racism and for equality. We will work to ensure that racist narratives don't determine solutions to money laundering.

UWOs

We spoke out against "unexplained wealth orders" – or UWOs – being adopted in British Columbia. UWOs would give the province the power to seize wealth that appears to be beyond a person's financial means unless that person can adequately explain where the wealth came from. UWOs would be intended to target the proceeds of crime. However, UWOs may not require the target of the order to be convicted of a crime or even be *suspected* of a crime.

There are existing laws to ensure that individuals do not get to keep the proceeds of their criminal conduct. The *Criminal Code* allows for the seizure of proceeds of crime after a criminal conviction. The *BC Civil Forfeiture Act* goes further, giving the province broad powers to seize property suspected of having been used to commit an illegal act or acquired by committing an illegal act.

The BCCLA believes that UWOs are an unnecessary expansion of government power and an unacceptable infringement of the rights to the presumption of innocence, due process, and privacy.

Information-sharing and Privacy

At the Cullen Commission, the province of British Columbia proposed mass data collection as a solution to help combat money laundering. It is the BCCLA's position that the province does not need to choose between protecting privacy and fighting money laundering. Instead, robust privacy protections can assist in the fight against money laundering – by limiting the data that police and other state agencies can collect and requiring them to focus on the most relevant information.





Thank You

The BCCLA is a small organization with enormous reach. With incredible support across the country, our team is changing the landscape of civil liberties across Canada. Thank you to our volunteers, pro bono counsel, and former staff and board members for making our work possible.

Pro Bono Counsel:

- | | |
|---------------------|--------------------------|
| Adam Goldenberg | Jake Babad |
| Adriel Weaver | Jeff Beedell |
| Alison Latimer | Jennifer Kink |
| Annamaria Enenajor | Jeremy Opolsky |
| Avnish Nanda | Jessica Orkin |
| Bijon Roy | Joshua Sealy-Harrington |
| Carly Peddle | Madelaine Mackenzie |
| Colleen Bauman | Maxine Vincelette |
| Dahlia Shuhaibar | Melanie Power |
| Danielle Robitaille | Monique Pongracic-Speier |
| David Martin | Natai Shelsen |
| Elena Semenova | Neil Abraham |
| Elin Sigurdson | Paul Champ |
| Emily Lam | Paul Daly |
| Emily MacKinnon | Perry Mack |
| Eric Adams | Sarah Chaster |
| Geoffrey Langen | Stephen Armstrong |
| Gerald Chan | Vincent Larochelle |
| Gib van Ert | |
| Greg DelBigio | |

Volunteers & Pro Bono Students:

- | | |
|-------------------|----------------------|
| Aaron Copeland | Lorraine Cheun |
| Alexandra Calbery | Jasmine Mangat |
| Christian Garton | Matisse Emanuele |
| Daniel Lee | Melissa Volger |
| Daisy Fitzgerald | Paradise Roshanzamir |
| Emma De Paoli | Saadia Naim |
| Emma Logue | Tomila Sahbaei |

Former Staff:

- Aisha Weaver, Policy Director
Amy Gill, Outreach & Communications Coordinator
Carly Teillet, Community Lawyer
Grace Pastine, Litigation Director
Harsha Walia, Executive Director
Iman Baobeid, Communications & Outreach Manager
Jennifer MacNeil, Donor Relations Coordinator
Jessi McCallum, Operations Manager
Megan Tweedie, Litigation Senior Counsel
Ryan Carter, Litigation & Office Coordinator

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Ayendri Ridell
Cat Hart
David Fai
Haran Aruliah
Lindsay Lyster
Marc Shannon
Melody Mason
Michael Friedlaender
Moya Teklu
Steven Savitt

Thank you to our funders and community partners

BCCLA wishes to gratefully acknowledge the financial and in-kind assistance of our major funders and community partners for the 2021 calendar year. Their contribution benefits the advancement of civil liberties and human rights in BC and Canada through our litigation, law reform, and public legal education efforts.

- BC General Employees Union
Canadian Internet Registry Association
Canadian Race Relations Foundation
Court Challenges Program
Health Sciences Association of BC
Law Foundation of BC
Law Foundation of Ontario
Notary Foundation of BC
Province of BC
Vancouver Foundation



Join Us

We wouldn't have victories to celebrate without our supporters standing with us.

There are many ways to join our fight:

Become a member

There is strength in numbers, and our members are a crucial part of amplifying our voice and bringing critical civil liberties and human rights issues to light.

Become a member at act.bccla.org/become_a_member

Become a donor

None of our work would be possible without our donors' generosity. Become a donor and join a group of like-minded people who believe in civil liberties and human rights for all.

Find out more at act.bccla.org/ARDonate

Become a volunteer

Join us in our office, at our events, or out in the community!

Find out more at bccla.org/volunteer

Spread the word

Follow us on Twitter and Facebook, and sign up to receive emails from us at bccla.org/



Financial Statement

Statement of operations and changes in fund balances

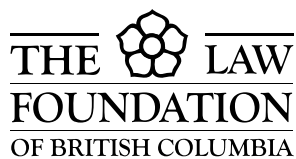
Year ended December 31

	2021				2020
	General Fund	Stabilization Fund	Trust Fund	Total	Total
	\$	\$	\$	\$	\$
REVENUE					
Membership and donations	748,607	—	—	748,607	622,489
Litigation recovery	451,753	—	—	451,753	3,718
Law Foundation of B.C. – operating grant	380,000	—	—	380,000	380,000
Net investment income	12	61,059	220,608	281,679	65,147
Grants earned	275,694	—	—	275,694	237,327
Amortization of deferred contributions	10,200	—	—	10,200	10,200
Miscellaneous and special events	7,169	—	—	7,169	38,425
Endowment distributions	6,316	—	—	6,316	6,264
Distributions from BCCLA Legacy Trust Fund	—	—	—	—	255,624
Wage subsidy - government assistance	—	—	—	—	25,000
	1,879,751	61,059	220,608	2,161,418	1,644,194
EXPENSES					
Salaries and benefits	1,317,909	—	—	1,317,909	1,361,339
Office operating	121,122	—	—	121,122	123,008
Rent and utilities	69,084	—	—	69,084	67,498
Contract fees	64,171	—	—	64,171	46,642
Amortization	41,839	—	—	41,839	36,345
Litigation costs	35,463	—	—	35,463	38,657
Fundraising	23,136	—	—	23,136	16,066
Partner contributions	15,000	—	—	15,000	22,500
Department development	11,638	—	—	11,638	9,506
Newsletter	9,903	—	—	9,903	11,154
Bank and donation processing charges	9,760	—	—	9,760	8,882
Meetings, publications, events	5,764	—	—	5,764	161
Insurance	4,223	—	—	4,223	4,379
	1,729,012	—	—	1,729,012	1,746,137
Excess of revenue (expenses) for the year	150,739	61,059	220,608	432,406	(101,943)
Interfund transfers	(21,214)	21,214	—	—	—
	129,525	82,273	220,608	432,406	(101,943)
Fund balances, beginning of year	433,328	65,486	1,070,801	1,569,615	1,671,558
Fund balances, end of year	562,853	147,759	1,291,409	2,002,021	1,569,615

The 2021 Financial Statements have been approved by the BCCLA Board and will be presented to our membership at the 2022 AGM on June 15th.

The Annual Report is a publication of the British Columbia Civil Liberties Association. Established in 1962, the BCCLA 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.

BN: 888466844RR0001



We acknowledge the financial support of the Province of British Columbia and the generous support of the Law Foundation of BC in producing the BCCLA Annual Report.

The BCCLA's main office is located on the unceded and ancestral territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliwətaʔt (Tsleil-Waututh) Nations.



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