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A Message to Community

Liza Hughes (she/they)
Executive Director



This year I was deeply honoured to join the BC Civil Liberties Association at a pivotal time of social and organizational change. The impactful, strategic work of the BCCLA is a tangible reminder of what is possible when bold vision meets compassionate collaboration.

The BCCLA has celebrated numerous proud moments in our sixty-year history, including successfully fighting censorship, protecting the rights of land and water defenders, and advocating for the human rights of prisoners. Our talented staff have produced an incredible body of work supported by community partners and working groups, individual stakeholders, pro-bono counsel, donors, and our dedicated Board of Directors. Together we have achieved tremendous things.

In this year's newsletter, you'll find original stories by our staff lawyers about our ongoing fight for liberty and justice. You'll read about our five Calls to Action on housing, updates on our prison Lockdown case, advocacy for border reform, and celebrating the results of our intervention in *T.L. v Attorney General of BC* protecting the privacy rights of parents. You'll learn about our active complaint against the RCMP's Community-Industry Response Group and our latest updated publication, *The Arrest Handbook*.

I am so grateful to be part of this powerful, dedicated, and courageous team as we continue to promote equity, accountability, and civil liberty.

As civil liberties leaders, our work is as pressing now as it was sixty years ago. Times are changing, but our commitment is not. We are not afraid to take risks, listen to our members, and learn from our mistakes. We recognize the important role we carry in civil society. As the BCCLA steps forward into a new chapter, we are committed to examining our own practices of equity, liberty, and accountability, and to continuing our ground-breaking work in a manner that upholds these values at every turn. I am honoured to be part of the repair and progress this entails.

Thank you for believing in the BCCLA and the values we embody.

Sincerely,
Liza Hughes

Staff and Board



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- Brid Mckeown, Director of Engagement & Development (on leave)
- Brittany Chung, Donor Relations & Development Manager
- Camy Lai, Donations & Operations Coordinator
- Darcie Dyer, Operations Manager
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- Kathleen Yang, Interim Manager Communications & Outreach
- Leila Toledo, Director of Operations & People
- Liza Hughes, Executive Director
- Meera Eragoda, Litigation Coordinator
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- Owen R Cameron, Interim Communications & Outreach Director
- Safiyya Ahmad, Staff Counsel
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- Vibert Jack, Litigation Director
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Members-at-large

- Daniel Song, Ian Bushfield, Jason Gratl, Kevin Huang, Paul Champ

Protecting the Privacy of Familial and Parental Relationships from State Interference



Ga Grant (she/her), Litigation Staff Counsel

In January, the BCCLA intervened at the BC Court of Appeal in its hearing of *T.L. v Attorney General of BC* to protect the privacy of parental medical records in the child protection regime.

We brought forward concerns about how broad powers in the *Child Family and Community Service Act* (CFCSA) allow the Director of Child Protection and their social workers unrestricted authority to obtain private medical information of parents – without their knowledge or consent. This medical information may then be used to make unilateral decisions, including the removal of children from their families.

We argued that the Court's analysis had to consider the serious potential impacts on child and family relationships, as protected under section 7 of the *Charter*. The BC Court of Appeal agreed.

On April 24, the Court rendered its unanimous decision affirming the need for better safeguards against the abuse of state power.

The Court's decision recognized that legislation goes too far in allowing the government to obtain highly personal intimate information about parents and families without safeguards such as notice to the individual. Importantly, the Court of Appeal

recognized that these intrusions are happening in the child protection context, where the information gets used by the state in decisions with far-reaching impacts on parents and families.

We were thrilled to see the Court recognizing the importance of these privacy interests in the lives of British Columbians accessing public medical and social services. The BCCLA looks forward to the government proposing a less intrusive regime with appropriate checks and balances to protect *Charter* interests. This not only protects individual privacy and encourages seeking medical care and social support, but promotes the protection of children and families.

This is a win on behalf of so many who have been calling for an end to the abuse of state powers over families. We couldn't have done it without the support of our community.

While this is a significant step in the right direction, we will keep working to protect your privacy and restrict unreasonable state interference in familial and parenting relationships.

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





Ending Illegal Evictions: Five Calls to Action for Housing Justice

Safiyya Ahmad (she/her), Staff Counsel

In August, BCCLA staff met with BC Minister of Housing Ravi Kahlon in response to ongoing decampments of people experiencing homelessness in communities like Abbotsford's Lonzo Park and Vancouver's Downtown Eastside. We presented the following five Calls to Action for the Province to urgently respond to the escalating housing crisis and encampment evictions.

1. The Province must hold municipalities accountable to the rule of law.

The BCCLA called upon the Province and Minister to publicly hold municipal governments accountable to the rule of law and to demand transparency from municipalities regarding their encampment eviction decisions. We asked the Province to issue a moratorium or binding agreement that no further decampments can occur until the legal requirements are transparently met.

Courts have repeatedly said it is illegal to evict people from temporary shelters when there is not enough adequate and accessible housing. This is not an optional policy. It is the law.

2. The Province must be transparent regarding the availability of supportive housing.

The BCCLA called upon the Province and Minister to publicly provide accurate and updated information on the number of social housing units available for currently unhoused people, including current vacancies, loss of units, and clear distinctions between temporary shelter units and supportive housing units.

Decampments cannot be justified by future housing creation, particularly given the overall net loss of supportive housing.

3. The Province must ensure that human rights and dignity in living conditions are met in encampments and supportive housing.

The BCCLA called upon the Province and Minister to ensure municipalities provide basic and essential sanitation and electrical services on the street or in encampments to respect the safety, dignity, and human rights of residents.

The Province must also commit to ensuring that tenancy rights are protected in supportive housing. *Housing providers must not be able to evict people without notice, on arbitrary grounds.*

4. The Province must urgently plan and create housing for the upcoming winter.

The BCCLA called upon the Province and Minister to act immediately and collaboratively to create a transparent and realistic plan for new shelter and housing spaces for the winter.

Last winter, Vancouver encampment residents were forcibly evicted during snowstorms and City warming centres were closed during the coldest hours of the night. *We cannot allow these measures to reoccur this upcoming winter.*

5. The Province must meaningfully listen to and collaborate with those with lived experience.

The BCCLA called upon the Province and Minister to actively seek out, listen to and collaborate with people with lived experience of homelessness and precarious housing to determine strategies for adequate, accessible, and affordable housing, and to address systemic housing issues.

The status quo is not working. People with lived experience are in the best position to identify significant systemic issues and to propose realistic, dignity-affirming solutions. ▶



Protestors during the eviction of the Hastings encampment; photo by AJ Withers

Advocating for Effective Oversight of Federal Law Enforcement Bodies



Meghan McDermott (she/her), Policy Director

Establishing an independent oversight mechanism for the Canada Border Services Agency (CBSA) is desperately required and long overdue. CBSA officers hold the authority of peace officers, granting them extensive powers such as search and seizure, arrest, and detention without a warrant in specific circumstances. Despite wielding such extensive powers, the CBSA remains the only police authority in Canada with no form of independent oversight.

Bill C-20, *An Act establishing the Public Complaints and Review Commission*, has been before Parliament since May of 2022 and we have been working hard to push our Parliamentarians to strengthen it. Bill C-20 proposes to create a “Public Complaints and Review Commission” (“PCRC”) that will have some powers in relation to complaints filed against both CBSA and the Royal Canadian Mounted Police (RCMP).

However, this bill is drastically out of step with the expectations of democratic accountability that the public has for the RCMP and the CBSA.

Under this law, complaints would continue to be investigated internally and without any timelines. The civilian oversight body would only be able to “review” the findings of the internal investigations. Even if the oversight body disagreed completely with the findings of the internal investigation, the body would have no power to overturn the decision(s).

The CBSA urgently needs oversight, but we are confident that the model underpinning Bill C-20 misses the mark. Our deep concerns are informed by our knowledge of the inability of the current Civilian Review and Complaints Commission (CRCC) to provide accountability for RCMP wrongdoing.

Study after study, decade after decade, finds biased and discriminatory policing, but this does not lead to change. Members of communities that are impacted by this type of



policing demand to see accountability and deserve to know that their voices are being heard. But these demands are regularly ignored by governments.

Law reforms should reflect the lived experiences of people who have been impacted by the RCMP and CBSA, which is why it is so crucial for the relevant Parliamentary committees to significantly overhaul Bill C-20 to ensure the PCRC has strong legal powers and that it is safe and accessible to those who most need it. We are working in coalition with other civil society advocates to express our concerns to the relevant decision-makers, urging them to seize this exceptional opportunity to provide effective, independent civilian oversight of two very powerful federal agencies: the CBSA and the RCMP. ➤



How many complaints does it take to hold the RCMP accountable?

Veronica Martisius (she/her), Litigation Staff Counsel

On July 24, 2023, the BCCLA submitted a complaint to the Civilian Review and Complaints Commission (CRCC) regarding an interaction I had with the RCMP on June 8, 2021, at an exclusion zone within the Caycuse watershed (near Fairy Creek) on Ditidaht territory. This area is covered under Tree Farm Licence 46, which permits Teal Cedar to log hectares of old-growth forests. My complaint will support the CRCC's systemic investigation into the activities and operations of the RCMP Community-Industry Response Group (C-IRG).

C-IRG was created to respond to situations where people – Indigenous and non-Indigenous alike – stand in the way of resource extraction projects that are almost always occurring without the collective consent of the Indigenous peoples who belong to the respective traditional and unceded territories where these projects are happening.

I was invited to Ditidaht territory to visit with Indigenous land defenders asserting and expressing their inherent obligations to protect their relations – the trees – and to bring attention to the connection between the policing of resource extraction opposition and continued settler-colonial violence and encroachment. As an Indigenous woman, it is difficult to put into words the ecological devastation I witnessed and felt while being there, but “solastalgia” comes to mind. Adding insult to injury was the frustrating encounter I had with two RCMP officers using their truck, marked “C-IRG” to block the road preventing public access to the area.

The officers claimed that the exclusion zone was authorized by the “injunction.” The injunction order they were referring to was granted to Teal Cedar to prevent interference with its logging operations. **However, the order expressly prohibited anyone with knowledge of the order, including the police, from interfering with the public's use of any road to access or exit the injunction area.**

Although the RCMP was empowered to enforce the injunction order, it did not authorize RCMP to implement preventive measures against persons who might contravene the order. This was later confirmed by Justice Thompson in *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 1554, in response to concerns that members of the media were being denied access to the injunction area. The Court held that the RCMP's use of broad exclusion zones was unlawful because they were not reasonably necessary to carry out their duties.

When I confronted the officers about the exclusion zone, they claimed that it was connected to the enforcement of the injunction, but I later received written confirmation from an RCMP staff lawyer that the exclusion zone I encountered was established for the benefit of protecting active logging operations.

When the CRCC announced its investigation into C-IRG, it had already received hundreds of complaints involving allegations of excessive force, illegal tactics, unprofessional behaviour, racism, discrimination, and *Charter* violations. It is our hope that my complaint will help impress upon the CRCC and the country how utterly unacceptable and arguably unconstitutional it is for the RCMP (C-IRG or otherwise) to function by any means necessary, as industry's protective arm, especially on unceded Indigenous territories where Indigenous rights and laws are not considered let alone respected by colonial governments, courts and police. 🏹



RCMP officers blocking access to Fairy Creek

Forging Ahead: Challenging Lockdowns and Ending Solitary Confinement in All Its Forms



Vibert Jack (he/him), Litigation Director



In 2019, the BCCLA won one of its biggest victories when, following our successful *Charter* challenge in *British Columbia Civil Liberties Association v Canada (Attorney General)*, the Federal Government was forced to pass Bill C-83, ending the use of administrative segregation in federal prisons. But getting there wasn't easy. The government appealed the case all the way to the Supreme Court of Canada, before admitting defeat at the final hour.

Well, the more things change, the more they stay the same. While federal prisons have moved on from administrative segregation, they continue the practice of solitary confinement in other ways. Wardens use "lockdowns" to restrict movement in specific units or entire institutions, isolating people to their cells for days, weeks and months at a time often for administrative reasons, like staff shortages or construction.

Lockdowns disproportionately impact Indigenous and racialized people as well as people living with mental illnesses. Prolonged lockdowns are devastating to the physical, psychological, social, and spiritual health of people in prison. Just like administrative segregation, lockdowns are a form of solitary confinement and therefore torture.

The BCCLA can't stand by while our government continues to torture people in the name of public safety. So, on October 12, 2021, we filed a lawsuit against the Federal Government to challenge the use of prolonged or indefinite lockdowns in Canadian prisons. We're arguing that these practices are inhumane and violate prisoners' *Charter* rights to life, liberty, and security of the person under section 7, to be free from cruel and unusual punishment under section 12, and to be treated equally before the law under section 15.

And while we might have hoped that the government would learn from its previous defeats, they're showing that they aren't done fighting to maintain the use of torture in prisons. Our lawsuit is in its early stages, but the government has already filed a procedural application with the Court, which if successful could effectively block our very ability as a public interest organization to mount this important constitutional challenge and ones like it in the future. It's hard to understand why the Federal Government is taking so long to recognize that there is no justice in isolation. ➤



The Ultimate Guide to Your Rights with Police

Owen R Cameron (he/they), Interim Communications & Outreach Director

At the BCCLA, we listen to the communities we hear from most about infringements on their civil liberties. We know that policing continues to disproportionately target people who are Black, Indigenous, and other people of colour, people who use criminalized drugs, people with mental health challenges, people who are HIV+, people who do sex work, gender-diverse people, and people experiencing homelessness. This is why our staff lawyers have worked to release a widely expanded version of one of our most requested publications, **The Arrest Handbook**.

This Handbook is a recognition of the harms caused by police and unaccountable policing systems and a practical tool to support people most vulnerable to state infringements on their human rights. Our team and community have made updates to reflect major changes in the legal landscape since last published over a decade ago to include new chapters on heavily policed communities, mental health and involuntary treatment, and protest, civil disobedience, and Indigenous resistance.

Thanks to pledges from our supporters, and support from the Law Foundation of BC and the Canadian Bar Law for the Future Fund, we have made this comprehensive guide available in English, Traditional and Simplified Chinese, French, Punjabi, and Spanish, and have also published The Arrest Pocketbook. **The Arrest Pocketbook** is a compact version of the Handbook with a QR code to the full-length version on the back, convenient enough to slip into your pocket, also available in all six languages.



Arrest Pocketbooks available for order on the new BCCLA website

The new Arrest Handbook is the result of work from many people, including past and current staff, community groups, designers, printers, students, people with lived experience, and criminal, mental health, and human rights law experts. Our community came together this September to celebrate the release of the new Handbook at our Vancouver launch, and we will be holding workshops in Prince George and on Vancouver Island. Thousands of people have accessed the new Handbook in just weeks, and we are committed to bringing this legal tool to the communities that need it most. ▶



**ACCESS THE FULL
ARREST HANDBOOK**



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Unceded Coast Salish Territories

The BC Civil Liberties Association is based on the traditional, unceded, and ancestral territories of the hən̓q̓əmiñəm speaking x̱məθkʷəy̓əm (Musqueam) people and səliwətaɬ (Tsleil-Waututh) Nation, and the Sḵw̱wú7mesh snichim speaking Sḵw̱wú7mesh Úxwumixw (Squamish Nation).

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