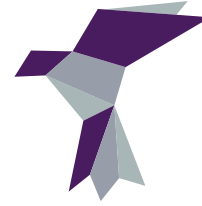




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# Board and Staff



## Board of Directors

### Executive Committee:

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Hasan Alam, Vice-President  
Joanna Joniec, Treasurer  
Kyla Lee, Secretary  
Molly Beatrice, Member-at-Large  
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Wassim Garzouzi, Member-at-Large  
Kevin Millsip, Member-at-Large  
Tristan Wybou, Member-at-Large

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Jason Gratl, Keven Huang, Daniel Song

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Kathleen Yang, Interim Communications  
& Outreach Manager  
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& Outreach Director  
Safiyya Ahmad, Staff Counsel  
Veronica Martisius, Litigation Staff Counsel  
Vibert Jack, Litigation Director  
Zoe Nygra, Outreach & Communications Coordinator

# Letter from the President

When I look back on the recent work of the BC Civil Liberties Association, I feel both excitement and humility. I see the impact of what we do but also appreciate our role as part of a greater effort. I'm proud to see the BCCLA as a hinge in leveraging systemic change.

And 2023 did not disappoint.

Our new Arrest Handbook has had a tremendous impact. The Handbook has been translated into six languages and thousands of copies have been distributed to people in heavily policed communities. The updated and expanded Handbook was created because the BCCLA believes in the importance of putting accurate and accessible legal information into the hands of those facing criminalization, whether that be people who do sex work, people who use drugs, or people who are unhoused.

Our work on *T.L. v. British Columbia* was a win for the privacy rights of parents under state scrutiny. No one should fear speaking to a doctor and having those records used against them, especially by a child protection system that skews toward seizing children from Indigenous families.

These are just examples of our accomplishments. I invite you to read on and to join us in our work. Whether you show up as a community partner, member, supporter, or volunteer, my thanks go to all who allow us to continue our work.

Karen Mirsky

# Letter from the Executive Director

We at the BC Civil Liberties Association have sharpened our focus on the inextricable connection between civil liberties and human rights. In 2023, our fight for police accountability took many forms – from launching our successful intervention in *Bykovets* challenging the state's authority to obtain IP addresses, to our coalition support for families who have lost loved ones to police violence, and our extensive advocacy around *Police Act* reforms. We continue to find innovative ways to challenge government interference and discriminatory policy.

Since 2020, rates of people experiencing homelessness have skyrocketed across the country. Extreme weather events, including fire, drought and flooding continue to put our lives at risk, and a toxic drug crisis is devastating our community with a climbing death toll.

In the face of tragedy, crisis, and chaos, the BCCLA has organized to demand government accountability - from evidence-based harm reduction policy to address the toxic drug crisis, to human rights-based approaches to encampments. We are resisting fear-based policy and rhetoric that divides our communities. We know that civil liberties are meaningless if not enjoyed equitably by all, and human dignity cannot be protected just for some.

Thank you for supporting us as we plant more seeds for change in pursuit of a fair and just future.

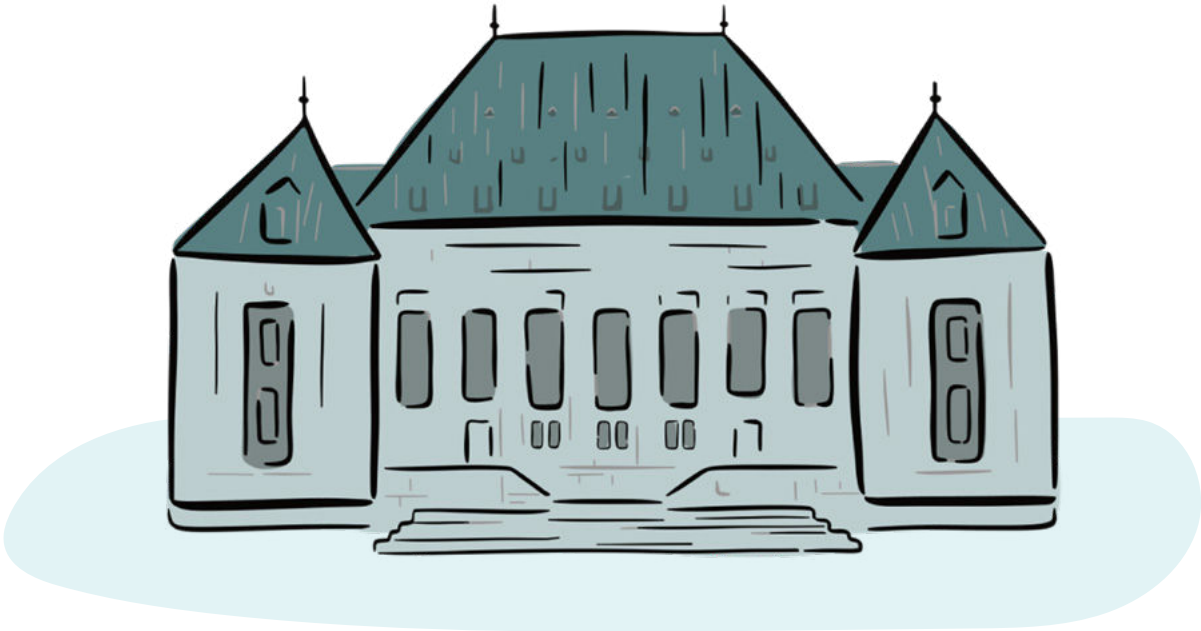
Liza Hughes



# What We Do

The BC Civil Liberties Association is dedicated to protecting, advancing, sustaining, and extending civil liberties and human rights in British Columbia and Canada. We fight for justice on multiple fronts, including policy reform, public legal education, and strategic litigation. Our focus lies on the intricate relationship between individuals and the state, and how the state's actions can impede or promote human rights and liberties.

We acknowledge that our work takes place within the colonial legal system. In challenging colonial laws, our organization commits itself to dismantling oppressive structures.



Whether we're advocating in the courts, preparing submissions for policymakers, or amplifying our work through the media, our small but dedicated team is unwavering in our support for communities marginalized by inequity.

By intervening in the courts, we use our community of experts to fight for constitutional rights and set precedent for future cases. Through test-case litigation, we work to positively impact people's *Charter* rights.

In our policy development and reform work, we liaise directly with communities and advocate on their behalf to ensure that legislators and government policymakers answer to communities who deserve a better future.

We also work to ensure the public is empowered to assert their rights through public legal education. Our lawyers translate their legal knowledge into accessible workshops, events, publications, and provide commentary analysis on the BCCLA website, so that people can access information on their rights.

We are able to do all of this because of the support of our community.



# Cultivating Systemic Change

Systemic biases in Canada's criminal justice system have significant impacts on marginalized people and communities. Indigenous and Black people are consistently policed and incarcerated at rates disproportionate to their population. The BCCLA has continued to push back against the harms of heavy policing and worked to break the cycle of criminalization. Through policy reform and public legal education, our staff lawyers work to research and distill this information to transform and challenge these unjust systems.

## Pushing Back Against Abuse of Power

We have called on Parliament to take a human rights based approach to laws that impact the criminal legal system and we have been diligently holding policymakers at all levels of government to account.

In 2023, we testified at the Standing Senate Committee on Legal and Constitutional Affairs regarding:

- Bill C-5, *An Act to amend the Criminal Code* and the *Controlled Drugs and Substances Act* to advocate for the equitable treatment of Indigenous and Black people before the courts and reduce mass incarceration by removing mandatory minimum sentences, removing limitations on the use of Conditional Sentence Orders, and the decriminalizing substance use.
- Bill S-230, *An Act to amend the Corrections and Conditional Release Act* to call on Parliament to uphold the *Charter* protected rights of incarcerated people and end the unconstitutional use of solitary confinement.

## Empowering Communities with Legal Information

The BCCLA released an expanded version of The Arrest Handbook, one of our most widely requested publications offering easy-to-understand information on your rights when interacting with police. The updated Handbook was written with a team of subject-matter experts and has been published in six languages.

On September 25, 2023, contributors and friends of the BCCLA gathered in Vancouver for the release of The Arrest Handbook. Since, we have led workshops across the province, empowering communities to resist by understanding their rights on arrest, detention, and searches by police.

We also released a factsheet to support students in Vancouver faced with a return of the School Liaison Officer Program, our first in a series of new resources to empower students across Canada concerned with the presence of police at their schools.





# BCCLA By The Numbers

# 2023

2023 was a remarkable year for the BCCLA. In our long history, we have won many important victories, and in 2023 we achieved major wins and saw growth in all areas of our work.

22 

policy submissions, open letters, and testimonies to various levels of government

22 

active court cases and interventions

2,343 

hours of pro-bono work contributed from **49 lawyers**

5,578 

people accessed the updated Arrest Handbook in its first 2 months

2,688 

total media stories

102,438

website page views

# Fighting for Fundamental Freedoms



Fundamental freedoms encompass a range of rights that are crucial to ensuring people in Canada can engage in public discourse, challenge authority, and participate in democracy. In 2023, the BCCLA was a vocal advocate for the protection of the right to freedom of expression, freedom of assembly, and academic freedom in Canada.

## Protecting Protest Rights

On October 25, 2023, the BCCLA spoke out against attempts by government officials to suppress support for the people of Palestine during the unfolding humanitarian crisis in Gaza. We expressed our deep concern for the chilling effect these irresponsible statements and actions have on the *Charter-protected rights* of members of the Palestinian liberation movement, and all people in Canada, to express their political beliefs.

In the months since, the BCCLA has been active in confronting police departments and academic institutions that have targeted protestors and supporters of Palestine.

On November 27, 2023, the BCCLA wrote to the Alberta Crown Prosecution Services and Calgary Police Service about police conduct and criminal charges laid for legal free speech at a Calgary protest for Palestinian liberation.

While the criminal charges were stayed, these actions were yet another example of unjustified suppression of free expression.

On December 19, 2023, in an open letter to the Ontario Ministry of the Attorney General, we voiced concerns about a new policy that was adopted in response to a letter written by law students at the Toronto Metropolitan university (TMU) addressed to the Dean and other personnel of the TMU Faculty of Law in support of Palestine. The Ministry of Attorney General's policy, which remains in effect, raises serious public interest concerns about the suppression of Palestinian speech and anti-Palestinian racism.

The BCCLA will continue to advocate for all levels of government to facilitate this right in a manner that promotes freedom, democracy, and security for all, regardless of politics, race, or creed.



# Looking Back 2023



▶ **March 1**

Over 120 students attended our 18th Annual Youth Conference presented by the BCGEU, our first in-person youth conference since 2019!

▶ **May 15**

Executive Director Liza Hughes joins the BCCLA.



▶ **January 17**

BCCLA appears at Supreme Court of Canada to intervene in *R v Bykovets* to advocate that people should have a reasonable expectation of privacy over their Internet Protocol (IP) addresses during warrantless searches.

▶ **March 30**

The BCCLA and East Coast Prison Justice Society react to Mass Casualty Commission report, which calls for a community-focused approach to public safety and a strengthening of police governance and accountability.

▶ **May 18**

Part Two in our Commentary series on Canada's Mass Incarceration of Indigenous Peoples is published about Bill C-5's failure to address the mass incarceration crisis.



January

February

March

April

May

June

▶ **February 17**

BCCLA reacts to Supreme Court of Canada's decision in *R v McGregor*, which missed a crucial opportunity to protect Canadians' *Charter* rights while in foreign countries.

▶ **April 4**

We joined PIVOT Legal Society to issue a letter to the Federal Housing Advocate, highlighting human rights violations against Downtown Eastside residents.



▶ **June 13**

BCCLA and partner organizations issue statement calling for the federal government to address shortcomings proposed in Bill C-20, which aims to provide greater accountability of the Canada Border Services Agency and the RCMP.

▶ **April 24**

The BC Court of Appeal renders its decision in *T.L. v. British Columbia (Attorney General)*, affirming our position that better safeguards are needed to protect the privacy of medical records in the child protection regime.

▶ **June 26**



On the heels of World Refugee Day, the BCCLA joins the world's leading organizations protecting migrant rights in their call for the federal government to end the incarceration of people in immigration detention.



▶ July 13

BCCLA reacts to the BC Court of Appeal's decision in *AT v British Columbia (Mental Health Review Board)* which failed to address flaws in the *Mental Health Act* that allow for indefinite involuntary detention and forced treatment.



▶ July 24

BCCLA submits complaint to Civilian Review and Complaints Commission's systemic investigation of the RCMP "E" Community-Industry Response Group for enforcing an illegal exclusion zone checkpoint within the Caycuse watershed on unceded Ditidaht lands at Fairy Creek.

▶ December 14

BCCLA Litigation Director Vibert Jack testifies at the Standing Senate Committee on Legal and Constitutional Affairs about Bill S-230, *An Act to amend the Corrections and Conditional Release Act*

▶ December 14

BCCLA joins partner organizations in an open letter calling for the House of Commons Standing Committee on Industry and Technology to send the *Artificial Intelligence and Data Act* back for full public consultation and re-drafting.

▶ December 21

BCCLA makes submissions to the House of Commons Standing Committee on Health calling for urgent action to address the drug poisoning crisis.

▶ November 24

BCCLA staff give the office a funky new paint job.



July

August

September

October

November

December

▶ August 29

BCCLA meets with BC Minister of Housing to issue five crucial calls to action for accountability, transparency, and dignity for people experiencing homelessness.

▶ September 23

BCCLA develops Police in Schools resource to empower students faced with armed, plain-clothed officers in their schools, following the introduction of the School Liaison Officer Program by the Vancouver School Board and City of Vancouver.

▶ September 25

Contributors and friends of the BCCLA gather at Red Gate Arts Centre to celebrate the release of our updated and expanded Arrest Handbook and Arrest Pocketbook.



▶ October 20 November 3, 8, 26

The BCCLA brings The Arrest Handbook 'Know Your Rights' workshop to cities across British Columbia, including Courtenay, Prince George, Victoria and Burnaby.

▶ October 25

The BCCLA is the first civil liberties organization in Canada to speak out against government attempts to suppress the *Charter* protected rights of people expressing support for the people of Palestine.

▶ October 13

Staff lawyers participate in a press conference at the BC Court of Appeal while advocating for greater clarity on transitional housing to protect tenant rights in our intervention in *McNeil v. Elizabeth Fry Society*.



# Challenging State Overreach in the Courts

At the BC Civil Liberties Association, we believe that the right to privacy is a fundamental human right. Privacy rights are tied to safety, the presumption of innocence, and protection from corporate interests. Advocating for privacy rights is critical in upholding our constitutional rights, including the right to protest. From big wins in the courts, to making strong submissions to policymakers, the BCCLA was at the forefront in the fight for privacy rights in Canada in 2023.

## A New Milestone for Privacy Rights in Canada

On January 17, 2023, the BCCLA intervened in *R v Bykovets*, a case that would determine whether Canadians have a reasonable expectation of privacy in their Internet Protocol (IP) addresses. At its core, this case revolved around the question if police need to seek a search warrant before obtaining this personal information. We took on this case as we know IP addresses hold information tied to a person's identity and their most personal and private online behaviour.

In our arguments, we presented that individuals have no choice whether to use an IP address or not, creating an inherent imbalance of power between internet users and companies that provide services online. We deserve the right to decide what information is shared with others, including our IP addresses.

The court's ruling affirmed that Canadian's Section 8 rights protect IP addresses under a reasonable expectation of privacy. The BCCLA's position was noted as being particularly helpful to the Court, a remarkable call out in a case that will cast a long shadow and an example of what we can accomplish by leveraging our in-house legal team's expertise alongside the efforts of a talented pro bono counsel.

## Promoting Oversight in the Child Protection Regime

The BCCLA intervened in *T.L v. British Columbia (Attorney General)*, to protect the privacy of parental and familial medical records from state interference. The case took on sections 96(1) and (2) of the *Child Family and Community Service Act*, arguing they are unconstitutional under our *Charter* protection from unreasonable search and seizure.

The provisions gave the Director of Child Protection and their social workers the power to obtain intimate private information, including medical records of parents, without reasonable suspicion of child risk. We argued that not only is this a violation of privacy, but it can have serious impacts on child and family relationships including allowing for unilateral decisions like the removal of children from their families.



On April 24, 2023, the BC Court of Appeal rendered its unanimous decision. **The court agreed, affirming the need for better safeguards against the abuse of state power.** Unfortunately, our work doesn't stop there. The BC government's proposed amendments to the CFCSA, known as Bill 5, do not adequately address the rights violations found by the Court of Appeal. For example, Bill 5 is not clear what threshold standard is required for a records request, contains no requirement that the parent's consent be sought in any circumstances, provides no advance notice that personal information is being demanded or time limit for when the Ministry must notify a person that their information has been obtained, and provides no guidance to social workers regarding what entities they can legally make requests to. We will continue advocating for our recommendations to the Ministry to be honoured.



**This is a golden opportunity to ensure that Ministry social workers are able to carry out their work without violating the privacy rights of BC families. Unfortunately, the government is squandering it. The province still has a chance to bring this legislation into compliance with the Charter, and we hope they will take it."**

– Aislin Jackson, BCCLA Policy Staff Counsel

## **Our fight to protect your privacy rights doesn't stop there. Here are some other highlights of our work challenging surveillance and advocating for privacy protections:**

- The BCCLA **presented submissions to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA)** regarding the implications of Artificial Intelligence Technologies for the Canadian Labour Force. We stressed concerns that AI usage may increase the scope and depth of worker surveillance and could subject workers to discriminatory decision-making without meaningful accountability.
- We joined 44 civil society organizations in releasing an open letter regarding AI regulation in the privacy **Bill C-27**. We called for **adequate consideration of the *Artificial Intelligence and Data Act*** and provided a list of bare minimum key recommendations.
- The BCCLA intervened in ***York Region District School Board v. Elementary Teachers' Federation of Ontario***, a case concerning the dismissal of two teachers following the search of their work devices. We contended that irrespective of the decision-maker, process, or specific *Charter* right involved, reviewing courts should apply the same legal framework when individuals assert that their *Charter* rights have been violated.



# Grow With Us

In December 1962, a small but passionate group of advocates met at the University of British Columbia to discuss the detention of the Doukhobors, a Russian religious sect who were held for months after conspiracy charges against them had been dismissed. This meeting was the first seed planted in what would become the BC Civil Liberties Association.

For over 60 years since, many more supporters, including you, have helped the BCCLA flourish into the active organization we are today. Advancing this work would not be possible without our community and many dedicated supporters behind us. Your support, whether “big” or “small”, ensures we have the strength to advance our pursuit of justice and equality.

Become a monthly donor, member, or volunteer, leave a legacy, or simply share our work today to support our efforts to change Canada’s human rights landscape.

## Become a Donor

None of our work would be possible without our donors’ generosity. Achieving lasting change can take years, and we rely on donations to achieve the impact you are reading about today.

With our donors behind us, we can continue to plant seeds for change in pursuit of a brighter future. Become a donor today and support us to continue our work: [act.bccla.org/ARDonate](https://act.bccla.org/ARDonate)



## Volunteer

Join us in our office, at our events, or out in the community! Find out more at [bccla.org/volunteer](https://bccla.org/volunteer)

## Spread the Word

Follow us on X, Facebook, and YouTube and sign up to receive emails from us at [act.bccla.org/email-sign-up](https://act.bccla.org/email-sign-up)



## Become a Member

We have strength in numbers. New members are a crucial part of our blossoming community. BCCLA members have the opportunity to vote at our Annual General Meeting, receive special invitations to our events and receive BCCLA publications, newsletters and regular updates on our cases and outreach activities. Become a member at [act.bccla.org/become\\_a\\_member](https://act.bccla.org/become_a_member)

## Leave a Legacy Gift

Leaving a bequest to the BCCLA in your will is a powerful way to ensure our organization can continue to grow and plan for the years ahead. Legacy gifts can be in any amount and can also take the form of life insurance, real estate, appreciated securities, retirement plans, art or trusts. Learn more at: [bccla.org/take-action/legacy-gifts/](https://bccla.org/take-action/legacy-gifts/)





# Thank You

The BCCLA is a small organization that has a significant impact thanks to the incredible support we receive from our dedicated staff and board and network of volunteers and pro bono counsel. Our work is made possible thanks to financial and in-kind support from our major funders and community partners. Thank you to everyone who contributed to our accomplishments in 2023.

## Pro Bono Counsel:

- |                  |                          |
|------------------|--------------------------|
| Adriel Weaver    | Ivan da Fonseca          |
| Akosua Matthews  | Jessica Orkin            |
| Alison Latimer   | Julia Riddle             |
| Bijon Roy        | Lisa Glowacki            |
| Brodie Noga      | Maegen Giltrow           |
| Carly Peddle     | Mani Kakkar              |
| Chloe Trudel     | Mannu Chowdhury          |
| Chya Mogerman    | Mélina Cardinal-Bradette |
| Claire Kanigan   | Michael Fenrick          |
| Claire Peacock   | Molly Krishtalka         |
| Dahlia Shuhaibar | Nadia Effendi            |
| Daniel Song      | Noah Ross                |
| David McEwan     | Patrick Williams         |
| Dustin Klaudt    | Paul Champ               |
| Emily MacKinnon  | Ruth Wellen              |
| Emily Wang       | Stephanie Roberts        |
| Erica Olmstead   | Sujit Choudhry           |
| Fraser Harland   | Teagan Markin            |
| Gib van Ert      | Victoria Tortora         |
| Greg Allen       | Vincent Larochelle       |
| Greg Delbigio    |                          |

## Volunteers & Pro Bono Students:

- Michelle Sue
- Nathaniel Andre-Peirano
- Tsun Yau Derren Chan

## Former Staff:

- Jasmine Chauhan, Summer Law Student
- Joanne Macri, Executive Director
- Mara Selanders, Policy Staff Counsel (Community)
- Morgan Orchard, Summer Law Student
- Suman Singh, Summer Law Student

## Former Board of Directors:

- Jay Krishan
- Joey Doyle
- Vanessa Wolff

## Thank You to our funders:

- |  |                                 |
|--|---------------------------------|
| BC General Employees' Union  | Joe Arvay Legacy Fund           |
| Canadian Bar Association   | Law Foundation of BC            |
| Canadian Internet Registry Association (CIRA)                                | Province of BC Community Gaming |
| Community Services Recovery Fund (Canadian Red Cross / Government of Canada) | Vancouver Foundation            |

# Financial Statement

## Statement of operations and changes in fund balances

Year ended December 31

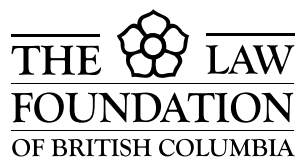
	2023				2022
	General Fund	Stabilization Fund	Trust Fund	Total	Total
	\$	\$	\$	\$	\$
<b>REVENUE</b>					
Grants earned	500,098	—	—	500,098	484,325
Law Foundation of B.C. – operating grant	389,500	—	—	389,500	380,000
Membership and donations	390,545	—	—	390,545	430,234
Distributions from BCCLA Legacy Trust Fund	200,000	—	—	200,000	400,000
Net investment income (loss)	28	46,240	70,074	116,342	(133,257)
Amortization of deferred contributions	10,200	—	—	10,200	10,200
Endowment distributions	7,885	—	—	7,885	7,400
Miscellaneous and special events	2,598	—	—	2,598	150
Litigation recovery	—	—	—	—	63,270
	<b>1,500,854</b>	<b>46,240</b>	<b>70,074</b>	<b>1,617,168</b>	<b>1,642,322</b>
<b>EXPENSES</b>					
Salaries and benefits	1,292,140	—	—	1,292,140	1,154,199
Contract fees	119,029	—	—	119,029	67,428
Office operating	102,025	—	—	102,025	137,207
Rent and utilities	76,399	—	—	76,399	73,047
Amortization	42,689	—	—	42,689	42,463
Partner contributions	24,287	—	—	24,287	24,140
Departmental development	11,675	—	—	11,675	4,168
Newsletter	9,449	—	—	9,449	9,160
Litigation costs	7,216	—	—	7,216	12,494
Fundraising	6,947	—	—	6,947	7,436
Bank and donation processing charges	5,844	—	—	5,844	7,315
Insurance	5,684	—	—	5,684	5,352
Meetings, publications, events	1,045	—	—	1,045	8,036
	<b>1,704,429</b>	<b>—</b>	<b>—</b>	<b>1,704,429</b>	<b>1,552,445</b>
<b>Excess of revenue (expenses) for the year</b>	<b>(203,575)</b>	<b>46,240</b>	<b>70,074</b>	<b>(87,261)</b>	<b>89,877</b>
Interfund transfers	(15,026)	15,026	—	—	—
	<b>(218,601)</b>	<b>61,266</b>	<b>70,074</b>	<b>(87,261)</b>	<b>89,877</b>
Fund balances, beginning of year	771,437	129,497	1,190,964	2,091,898	2,002,021
<b>Fund balances, end of year</b>	<b>552,836</b>	<b>190,763</b>	<b>1,261,038</b>	<b>2,004,637</b>	<b>2,091,898</b>

The 2023 Financial Statements have been approved by the BCCLA Board and will be presented to our membership at the 2024 AGM on June 10th.


The BC Civil Liberties Association's main office is located on the traditional, unceded, and ancestral territories of the hə́nqəmínəm speaking xʷməθkʷəy̓əm (Musqueam) people and sə́lilwətaɫ (Tsleil-Waututh) Nation, and the Skw̓xwú7mesh sníchim speaking Skw̓xwú7mesh Úxwumixw (Squamish Nation). These lands and the languages derived from them were never freely given up for settler occupation. As a predominantly settler organization, we acknowledge our complicity in colonial violence through our continued occupation of these lands. Our work spans the traditional territories of hundreds of diverse Nations. We are grateful for their stewardship, including ongoing resistance to the destruction of these lands. We believe that the realization of human rights and civil liberties can never be achieved until the Indigenous Peoples of these lands can be fully self-determined. In this spirit, we pledge to use our resources to oppose violations of the rights and freedoms of Indigenous people now and in the future.

The Annual Report is a publication of the British Columbia Civil Liberties Association. Established in 1962, the BCCLA is one of the oldest and most active civil liberties association in Canada. Our mandate is to preserve, defend, maintain, and extend civil liberties and human rights in British Columbia and 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.

 Printed on 100% recycled paper.



306 – 268 Keefer Street  
Vancouver, BC V6A 1X5  
Unceded Coast Salish Territories

Tel: 604.687.2919  
Email: [info@bccla.org](mailto:info@bccla.org)

