

DEMCOM



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LETTER FROM THE PRESIDENT

At BCCLA, our work has always been driven by the conviction that rights and freedoms should always be protected, particularly when it's inconvenient, uncomfortable, or unpopular to do so.

In this crucial moment, we must hold fast to that principle. If we allow state actors to take away the rights of marginalized people, to unnecessarily criminalize things that perhaps the majority of people disagree with, or take control of our personal decisions, we are inadvertently allowing authoritarianism to creep in, step-by-step.

From the courts to classrooms, from the streets to legislatures, the scope of rights in Canada is being tested. We see governments reach ever more readily for tools of control: the notwithstanding clause to pass rights-violating legislation; the criminalization of poverty through violently enforced restrictions on daytime sheltering; and the dangerous expansion of police presence in spaces meant for learning.

The Democratic Commitment marks a key moment in BCCLA's calendar where we get the chance to pause and not only re-commit to our mandate — the *what* we do — but to reflect and expand on the *why* behind our work.

In this year's expanded edition, you'll find analysis, experiences, and action that bring our time's pressing social issues to life.



Parliament Watch examines what the state of rights in Canada looks like when governments prioritize control over accountability. Our new Q&A feature allows BCCLA's fellow plaintiffs in our constitutional challenge to the ban on daytime sheltering to tell us what this case means to them in their own words. This year's new *Community Spotlight* shines on our community partner: Policing-Free Schools, a grassroots organization that work to co-create a liberatory education system.

We hope this DemCom sparks your own imagination of what a fairer and more just world could look like. We invite you to meet this edition with curiosity, reflect on what it means to live and act in defence of democracy, and consider your own recommitment to these values. Thank you for standing with us as we continue to protect and expand the freedoms that belong to all of us.

In solidarity,

A stylized, handwritten signature in black ink, which appears to read 'Hasan'.

Hasan Alam
BCCLA President

PARLIAMENT WATCH: CARNEY'S UNFOLDING LEGISLATIVE AGENDA

Aislin Jackson, Policy Staff Counsel

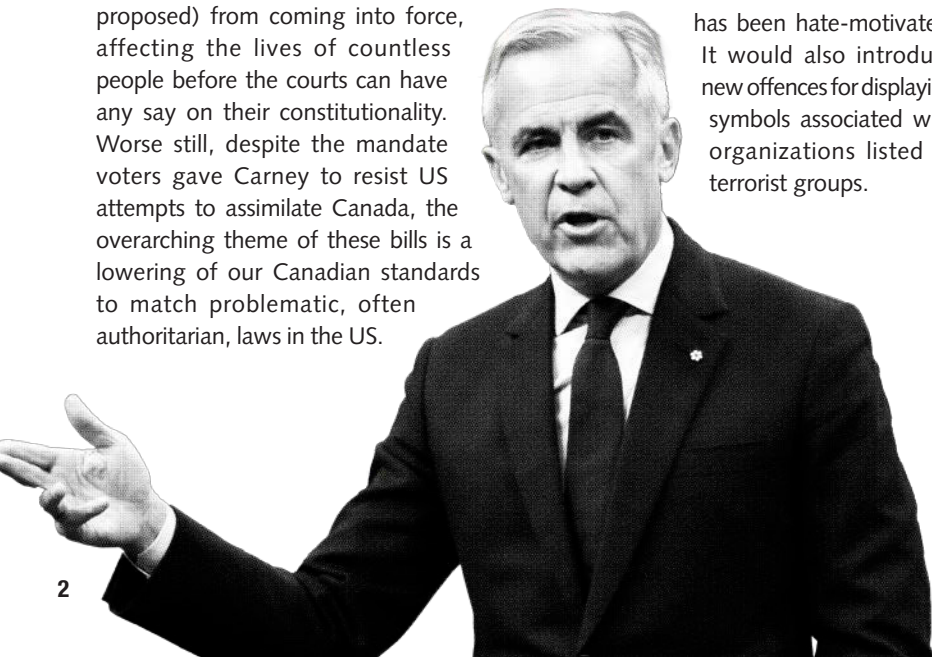
Since Mark Carney's Liberals opened their first Parliament in late May 2025, we have seen an alarming trend of large, consequential bills being pushed through the legislative process at reckless speeds.

This rush undermines the process of careful debate and study that is necessary to prevent bad laws (like the exact ones proposed) from coming into force, affecting the lives of countless people before the courts can have any say on their constitutionality. Worse still, despite the mandate voters gave Carney to resist US attempts to assimilate Canada, the overarching theme of these bills is a lowering of our Canadian standards to match problematic, often authoritarian, laws in the US.

Bill C-5 was the first of this government's controversial proposals to make it across the legislative finish line. This bill gave the federal government the power to fast-track projects, bypassing community consultation, environmental protections, and the free, prior and informed consent of Indigenous rights-holders.

The whole process, from introduction to Royal Assent, took only 20 days, leaving almost no time for analysis, debate, or public scrutiny.

The most recent bill that we're worried about is **Bill C-9**. It would amend the *Criminal Code* to add a new hate crime offence that increases the sentence — and the pre-conviction stigma — that can be charged when the police or prosecutors believe any offence under any federal law, whether it's a criminal offence or not, has been hate-motivated. It would also introduce new offences for displaying symbols associated with organizations listed as terrorist groups.



One need only look to the arrests of Palestine Action supporters in the UK and President Trump's efforts to declare antifascists to be terrorists in the USA to see how easily politicized these terrorist designations are and the chilling role they can play in criminalizing dissent. We cannot allow Canada to follow the same path.

But there are signs that public backlash to this regressive legislative agenda is working: after massive pushback from civil society and the public, Carney's Liberals are backing away from the first bill they introduced: Bill C-2.

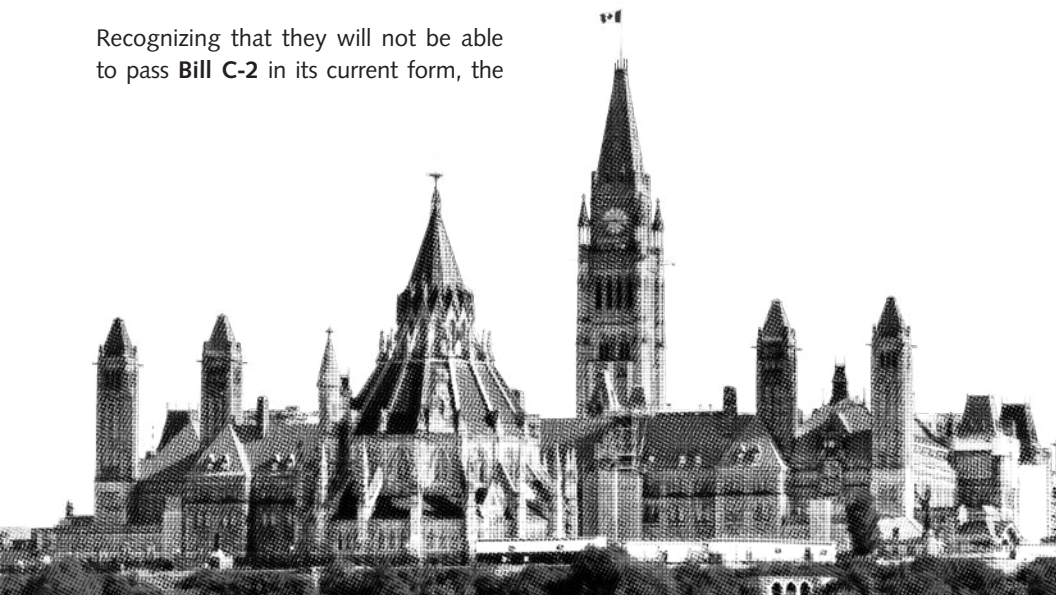
The bill caused widespread outrage due to its draconian provisions related to migrants, refugees, and privacy rights.

Recognizing that they will not be able to pass **Bill C-2** in its current form, the

government has newly tabled **Bill C-12** to push through the parts of Bill C-2 that they think they can get away with right now. This includes the changes to refugee and immigration laws, including giving the government the power to cancel immigration applications and status for entire categories of people and the disqualification of refugee claimants who had first come to Canada more than a year before making a claim.

While at the time of writing Bill C-2 itself has not been withdrawn, the government still showed their hand, and not only with regard to migrant rights. The bill revealed their intentions to erode our privacy rights by giving police and CSIS new powers to demand information from internet service providers and allow the government to make secret orders requiring telecom companies to create "backdoors" in their systems for so-called "lawful access" to private communications.

Your voice matters. We encourage you to contact your MP directly and demand that they stand up for our rights, protections, and values by preventing these deeply flawed bills from becoming law.



WE'RE NOT (WITH) STANDING FOR THIS: CHARTER RIGHTS ARE OURS TO PROTECT

Liza Hughes, Executive Director

When people talk of “Canadian values,” they’re often referring to democracy, freedom of expression, respect for diversity, and equal opportunity. In many ways, the *Canadian Charter of Rights and Freedoms* enshrines these values in our Constitution. It tells people in Canada and beyond: this is what we stand for.

It’s important to note however, that our rights and freedoms exist regardless of the *Charter* — they are inalienable. What the *Charter* does is guarantee our rights and put important limits on how governments can interfere with them. Or at least, it should.

What many people don’t know is that the *Charter* contains a dangerous loophole. Section 33 — more commonly known as “the notwithstanding clause” — allows politicians to pass laws they know violate our rights. The clause prevents courts

from voiding an unconstitutional law, undermining an important role that courts play in government oversight.

Although it has always been part of the *Charter*, this override clause was seen as a ‘last resort’ measure and very rarely used. It was generally thought that using the clause would be a career-ending political move. Yet in recent years, bold, unapologetic trampling of our *Charter* rights has not attracted the backlash we might have expected. But why?

RISE OF AUTHORITARIANISM

Although the *Charter* is uniquely Canadian, the current rise of authoritarianism is not.

The UK recently listed Palestine Action as a proscribed terrorist group following an act of vandalism by some of its members. The UN urged against this, underscoring

how the decision inappropriately expands the definition of terrorism to include protected forms of political expression. Since the proscription, UK police have arrested over 2,500 people for holding signs or wearing t-shirts that read “I stand with Palestine Action” — a crime now punishable by up to 14 years in prison.

South of our border, the US Constitution is under rapid-fire attack from the Trump administration, which is adopting fascist techniques of extreme nationalism, scapegoating, fearmongering, propaganda, and censorship to violently undermine the rule of law and democracy.

If you’re reading this and think “authoritarianism isn’t on the rise in Canada!” then I’m glad you’re here.

In 2017, the controversial RCMP Community-Industry Response Group (C-IRG) was created. They were tasked with addressing “energy industry (gas and oil pipeline) incidents and related public order,” which largely involved enforcing injunction orders against protesters and Indigenous Land Defenders through excessive force, exclusion zones, and violation of Indigenous rights.

Despite hundreds of unresolved complaints and widespread demand to abolish the disgraced unit, it was rebranded in 2024 and given an expanded mandate and increased funding. In the wake of this investment, a slough of legislation was introduced (Federal Bill C-5, BC Bills 14 and 15, and Ontario Bill 5) to “fast-track” major development projects and lower the threshold of First Nations engagement from consent to consultation, a clear step back from UNDRIP commitments, and a move that centralizes authority with the state.

We’ve also seen growing political support for involuntary treatment for people who use drugs, specifically for those who are also unhoused. Rather than investing in on-demand treatment, addressing waitlists, and ensuring people who want support with substance use issues have access to care, politicians are scoring cheap points by claiming to “clean up” the streets. This move towards involuntary rather than voluntary treatment is emblematic of our governments’ increasing control over the liberty and autonomy of the most vulnerable members of our society.

Meanwhile, since coming to power, the Liberal government has proposed a sweeping set of regressive bills that



attempt to roll back *Charter* rights, and despite promising to put Canada first, ultimately lower our legal standards to match those of the laws in the US.

NOTWITHSTANDING CLAUSE AS A TOOL OF AUTHORITARIANISM

The *Charter* puts limits on government power. When governments choose to invoke the notwithstanding clause to pass laws that they know violate rights, they are overriding the crucial accountability mechanism of the courts, tipping the balance of power towards lawmakers.

**Regardless of whether
you agree with what
a proposed
law is trying to
achieve, using the
notwithstanding
clause is an egregious
power grab that
undermines the
checks and balances
of our legal system
and consolidates
power in whoever
happens to be in
government.**

As civil libertarians, it's our job to sound the alarm when authoritarianism is on the rise — a government that will breach your neighbours' rights today will not hesitate to breach yours tomorrow. Now is the time to push back, while we still have a *Charter* to fight for.

HOW THE CLAUSE IS BEING USED TODAY

As I write this, Alberta Premier Danielle Smith is amending three anti-trans laws to invoke the notwithstanding clause, signaling Smith's awareness that the laws are unconstitutional and will not stand up in court. Her government's attempts to meddle in the lives of gender diverse youth are a shameless tactic to score political points and undermine the rights of all Albertans to live their personal lives free from government intervention.

In Ontario, Premier Doug Ford has promised to use the clause to prevent judicial scrutiny of highly criticized legislation that expands police powers to evict encampment residents.

The Quebec government passed Bill 21 using the clause, which prevents public sector workers like teachers and judges from wearing religious symbols like hijabs, crosses, turbans, or yarmulkes. This disproportionately impacts Muslim women, migrants, and racialized communities. It forces people to choose between their career and their religion — something the *Charter* is meant to protect against.

PUSHING BACK AGAINST THE TIDE

These are perilous times for civil liberties. BCCLA is poised to act. Earlier this year, we celebrated a win at the Saskatchewan Court of Appeal when the decision in *UR Pride v Saskatchewan* affirmed that even though courts cannot void unconstitutional legislation when the clause is invoked, courts can

still declare that a law violates *Charter* rights. As a result, the voting public are equipped with this concrete knowledge.

We know that the only way to truly stop governments from using the notwithstanding clause is you.

The *Canadian Charter of Rights and Freedoms* is not just a piece of paper — it's an embodiment of the values we stand for.

We can't allow our governments to decide if and when they respect our *Charter* rights — it's up to us to hold them to account.

This is not the time to stay quiet in the face of government overreach. If we don't speak out now, our very right to do so will disappear.

We're ready to fight for our rights. Will you join us?

"I work on these notwithstanding clause cases because I'm concerned about how provincial governments, including in my province of Alberta, have used and threatened to use the clause against vulnerable minorities including people with disabilities, the 2SLGBTQ+ community, and trans youth. I'm troubled by the erosion of civil liberties in Canada, and I am grateful for the opportunity to work to protect our rights and freedoms alongside BCCLA and my co-counsel, Avnish."



**HAVE YOU OR ANYONE YOU KNOW
EVER WONDERED...**

**WHAT THE HECK IS THE
NOTWITHSTANDING CLAUSE?**

WE HAVE JUST THE VIDEO FOR YOU...



Scan to watch today



SEEKING SHELTER FROM THE BARRAGE

Vibert Jack, Litigation Director

As we head into another Winter, people who have no choice but to shelter outdoors in Canada are left extremely vulnerable to the whims and malice of our municipal governments and police forces.

When it rains or snows, we all need a place to stay warm and dry. In our most vulnerable moments, we deserve privacy to be alone or with people who care about us. Having a place to come back to after a long day and knowing that our belongings will be safe where we left them are comforts that should be afforded to everyone.

In January this year, BCCLA, alongside three individual plaintiffs — Brittany, Jason, and Zee — decided to sue the City of Vancouver and fight for the right for residents of this City to shelter outdoors during the day.

As our constitutional challenge progresses, we see daily reminders of why this case urgently matters. When denied the right to shelter, people are left unsafe, communities are disrupted, and our shared value of upholding human dignity is undermined.

While courts across the country have recognized the right to shelter outdoors overnight, daytime sheltering is on a more

precarious footing. Many municipalities, including Vancouver, take the position that it is within their remit to ban daytime sheltering. To do that, they enlist the police, as well as City workers and park rangers to force people to pack up their belongings every morning or risk having them taken away or destroyed.

While most municipalities claim to take a compassionate approach around the issue of homelessness, their actions often speak louder than words. In 2015, the BC Supreme Court called the City of Abbotsford “disgraceful” for spreading chicken manure on an encampment resident’s belongings.

In 2022, the Court said the City of Prince George had “inflicted serious harm on vulnerable people” when it bulldozed an encampment in violation of a court-ordered injunction.

Vancouver is no exception. In April 2023, BCCLA staff observed the Vancouver Police Department dismantle and clear the Hastings Street encampment.

In a huge show of force, and what can only be described as a military style operation, the police violently displaced vulnerable people who had nowhere else to go.

More recently, the City announced “Task Force Barrage”, a new policing program which included \$5 million in new funding for police in the Downtown Eastside.

Observers could be forgiven for thinking that the City had now literally declared war on its own homeless residents. When the task force was launched, then VPD Chief Adam Palmer stated that their “priority is, and will always be, to focus on violent criminals and drug traffickers who commit crime and victimize others in the community.” But what we’ve heard from our community partners is that the police themselves are often the ones doing the victimizing. Street sweeps have become more frequent and more aggressive, only exacerbating the effects of the daytime sheltering ban.

While street sweeps are a constant part of life for unhoused residents in Vancouver, we’ve seen this type of spike in targeted, heavy-handed policing before. In the lead up to hosting the 2010 Olympics, the City was accused of using similar tactics to hide its homelessness from international eyes. At the time, BCCLA criticized the introduction of the *Assistance to Shelter Act* — which gave police the power to force individuals to go to emergency shelters in extreme weather conditions — as being “targeted at giving police a tool to remove homeless people from high-visibility tourist areas.”

With the FIFA World Cup coming next summer, the City seems to be up to its old tricks.

Rather than taking meaningful action to address the underlying causes of homelessness, the City is shortsightedly trying to disperse

the homeless population from the downtown core, both through increased street sweeps and its recent decision to stop building new supportive housing.

These tactics destabilize peoples’ lives and impede them from finding more permanent forms of shelter. The connecting thread here is a lack of respect from municipalities for the dignity and humanity of unhoused people.

Unfortunately, it seems the only way to protect these rights is through the courts.

This year we saw Abbotsford and Prince George take a different approach to encampments in two court cases. Rather than using chicken manure and bulldozers, both cities came to court with plans to provide housing options to encampment residents before evicting them. BCCLA was involved in both cases, and while there is still much to criticize in the cities’ approaches, we also see that cruel and dehumanizing policing never has to be the answer.

Photo: Park rangers and police taking shelter and belongings of Oppenheimer Park residents.



WHAT DOES IT MEAN TO RESIDENTS OF THE DOWNTOWN EASTSIDE TO TAKE THE CITY TO COURT?

Jason, Zee, and Brittany

In January 2025, BCCLA joined forces with three individual plaintiffs — Jason, Zee, and Brittany — to sue the City of Vancouver. The number of unhoused people in the City is at an all-time high, and yet there is an outrageous lack of accessible options for shelter. With nowhere to stay and nowhere to go, at 8am every day, people are forced to pack up and carry their homes, belongings, and life, and keep on moving.

If they don't, they are forcibly displaced by police, park rangers, and City workers. The physical and mental impact of being routinely, consistently, and violently swept away are profound. For people with disabilities, it's simply impossible to set up and take down their shelter day in, day out, and then carry everything they need for survival throughout the day.

That's why we're challenging the City's cruel, dehumanizing, and deadly daytime ban on outdoor sheltering.

Let's find out how much this case means to Jason, Zee, and Brittany in their own words:

.....

JASON

What do you think of the ban on sheltering during the day?

It's wrong. They've got to find a better way. I understand the City wants to make Vancouver as beautiful as possible, and they don't want homelessness, but they're not helping. All they're doing is moving people to a different area and hoping it's spread out far enough that people don't see it. They just see little pieces which isn't as bad, right? They don't see the whole group anymore, but they should be looking at the whole group and trying to find a solution.

Spreading us out into the larger community is not what people want. Your average person doesn't want me moving

into their neighborhood because I got kicked off of Hastings. They want me off the street, period. They want me in a house. That's the solution the people want.

How does it feel to be constantly displaced?

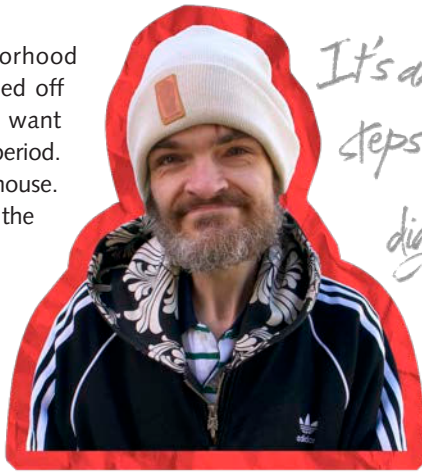
I can show an average person what one day looks like in my shoes, as a field trip sort of thing, but until something like that happens to them, they'll never know the experience. They'll never know how it feels to be totally de-housed and targeted by a group of people who have more authority and power than you, who feel they have the right to take everything you've built in your life and just take it away from you.

What makes people decide to sleep in groups rather than individually?

Safety really. People tend to congregate in groups because there's safety in numbers. There's also warmth in numbers. You're less likely to get robbed if you have a neighbour two feet from you than if your neighbour is three blocks away. Also, the City is a lot less likely to pick on you when there's a group of you rather than one of you. It's not that they're afraid; it's that they have witnesses to their atrocities.

Why is this legal challenge important?

I want people to have more legal ground to stand on when they're being kicked out of their makeshift houses, whether it be a tent or a hut they built for themselves,



It's about the first steps to getting their dignity and their life back.

- JASON

because people have been treated so unfairly. Because I've got a lot of friends out there who need homes, and these are their homes, and I don't want them to lose their homes. It's that simple.

Their stuff has been taken, their lives have been flipped upside down so many times to the point where it's a detriment to their health in some cases. It's about the first steps to getting their dignity and their life back.

.....

ZEE

Tell us a bit about your story.

I was born in Vancouver and spent a lot of my formative years in East Van, close to the Downtown Eastside. I care deeply about this place. I came into being unsheltered by City-sanctioned eviction for demolition (so demo-eviction) of the house I lived at in Mount Pleasant.

At the time, I was recovering from a second workplace injury to my back that ended up being a life-long disability. I had protected a student from a fatal accident and was learning how to walk again. I didn't have anywhere near the income to afford rents that had increased after the pandemic



and was already paying nearly 75% of my income on rent.

What did you do next?

I built a small shelter to keep me safe at Oppenheimer Park. There was good community there — people looked out for each other. There were times of being hungry but there was usually some food coming through the park daily. The weather made it really hard. I have an autoimmune disease that makes me more high-risk so I was really struggling with ongoing health issues. It was hard and stressful staying dry and clean, and challenging to maintain things like my mobility aid.

What was your experience of “street sweeps”?

The sweeps were happening daily. Because of the daytime sheltering bylaw, I would be forced out of my tent each morning regardless of my health or if I was even capable. There were days where I would wake up in pain, cold, and immobile and I would have the City drop my tent down on top of me.

Once, I was surrounded by ten park rangers and ten police, mostly male. They circled around me and took my belongings

over 45 minutes, including my boots, my rain gear, my tarps — in the middle of winter — anything I had to keep myself safe and mobile they went for. Nothing was ever returned to

- ZEE

me. I would love to say it didn't break me, but it definitely broke me down. It felt like it just wasn't a survivable situation.

What does being treated like that feel like?

Try just living your life, and literally everywhere you go, every moment of the day, you're getting a very clear message, to the point of being physically attacked, that you have no right to exist. You are going to have police called for trying to sit on a step, or for dropping a bag down for a minute because you were so physically exhausted you couldn't carry it. For me, that'll wear you down. I think that would wear anyone down.

Not to mention, we still need to eat, still need to use the bathroom, to shelter. Every day and every night. There's an amount of energy that goes just into survival — you just don't have a choice.

Why are you taking part in this legal challenge?

Because I hunger for any amount of accountability. If you want to keep people trapped in poverty, the City is doing a great job. Decampments/sweeps are a waste of resources. They're inhumane and cruel and just make no sense. These bylaws kill people.

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BRITTANY

You lived in CRAB Park for a while. How did you find it?

I was there for 3.5 years. It wasn't perfect, but I became part of a community. When I was pregnant, the cook used to wake up every morning just to make sure I had something in my stomach. Nobody had to look after me, but people would check on me to see if I was ok.

Everybody worked together to keep it moving — people came to ask for help, stay for a week, and then move on. People who had nowhere to go, had somewhere to go until they could get housing.

I was one of those people who never understood tent cities, until I landed in CRAB Park and had to live there. I used to be very judgmental of it until I started living there.

What happens when police or park rangers displace people?

They take tents, clothes, everyday use stuff like backpacks, hygiene stuff — things that are replaceable but that are tedious or hard to keep having to go get it over and over again. Especially being on welfare or disability — you don't have money to go and buy things over and over again. It makes it super hard to be able to go on to the next day.

People who had nowhere to go, had somewhere to go until they could get housing.
- BRITTANY



I went to the hospital for 3 days when I gave birth to my son. When I came back to my designated spot in CRAB park to pick up the things I had collected for him — baby clothes, a breast pump — the rangers said that because I was in the hospital, I was housed, and they took everything. I didn't have anything for my son at all. That was hard. To come back and everything was gone when I had saved it for months.

I've seen park rangers and police stand there and laugh about taking people's stuff and throwing it in the garbage. They don't care.

Why is this legal challenge important?

Since we were evicted at CRAB Park, they don't have daytime sheltering anywhere now. You have to take your tent down in the morning and if you don't, they take your stuff and throw it away. We have to stay outside with all of our belongings all day. There's no difference between a tent and a home, except for us, we have to take ours down and move it around for 10 hours every day.

I'm hoping this case will do something about daytime sheltering everywhere. I showed kindness where people didn't expect it anymore, and it went a long way. At one point, I helped a community come together when there wasn't one. To me, that's a huge thing. I like to help others because I never got the help when I needed it. I didn't want anyone to feel alone.

Jason, Zee, and Brittany were interviewed by Ryan Sudds of Stop the Sweeps & BCCLA in January 2025.

Photo Credit: Ryan Sudds

WHAT IS BCCLA READING?

Ever feel like you want to dig deeper into the issues we write about? At BCCLA, we're committed to a process of ongoing learning from voices both local and global.

Here are a handful of book recommendations from BCCLA staff to get you started. We'd love to hear what you think of these suggestions and learn more about what you're reading too, so do get in touch!



SARAH BAKKE

Orientalism (1978) by Edward Said

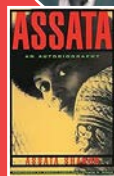


A primary text for so many of the writers and thinkers I admire — finally I've arrived at the source! Necessary reading for anyone wanting to better understand the long history of European colonial interference in the MENA/ SWANA region, Islamophobia, and the flawed creation of a “Western” self in comparison to “the other.” I am slowly working my way through it, highlighter and notepad close at hand, soaking up Said's expansive research and generous expertise Next on my To Read pile: *Revolution in 35mm: Political Violence and Resistance in Cinema from the Arthouse to the Grindhouse 1960-1990*.

LIZA HUGHES

Assata: An Autobiography (1987) by Assata Shakur

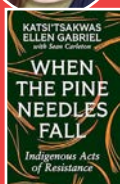
This powerful autobiography weaves together the personal and political, as Black Panther Party member Assata Shakur reflects on the life experiences that ignited her remarkable path as a Black revolutionary. She speaks to the principles of community care, mutual liberation, and unbreakable defiance that shaped her life and legacy. Assata's is a story of a woman who shook the empire with her r/evolutionary spirit, courage, and unwavering fight for the freedom of all oppressed people.



VERONICA MARTISIUS

When the Pine Needles Fall: Indigenous Acts of Resistance (2024)

by Katsi'tsakwas Ellen Gabriel with Sean Carleton



Indigenous resistance, whether here or in Palestine, continues to be intentionally misconstrued and vilified by Western oppressors as “terrorism” or “extremism” but as the late Richard Wagamese put it, resistance is love. *When the Pine Needles Fall* is Katsi'tsakwas' powerful first-hand account of Mohawk resistance at Kanehsatà:ke (colonially known as the Oka Crisis). It's also an invitation to dream a better world to life for the benefit of all future generations.



BRÍD MCKEOWN

We Are All Under One Wide Sky (2021)

Author: Deborah Wiles; Illustrator: Andrea Stegmaier



Most of my reads these days are targeted at two year olds, but this recent one on loan from the library connected to something that's been on my mind. That we, as adults, have a crucial responsibility in this moment to do more to protect rights and freedoms, if not for us, then for our children — who are all “under one wide sky.” As James Baldwin remarked in a 1980 essay: “The children are always ours, every single one of them, all

over the globe; and I am beginning to suspect that whoever is incapable of recognizing this may be incapable of morality.” Children do not decide where they're born — it's the luck of the draw — and yet children everywhere just want to play, to learn, to engage with the world around them, to be loved. This book echoes that message through beautiful illustrations and playful counting rhymes that can give your toddler that first spark of solidarity.

HEIDI ANTOLICK

cop city swagger (2024) by Mercedes Eng



In *cop city swagger*, Mercedes Eng brilliantly contrasts portraits of community builders and defenders, with the ‘swaggerful’ colonial enforcers who inhabit Vancouver City Hall and the ever-circling cop cars in the Downtown Eastside. These profiles are interwoven with meticulously-researched public documents, illustrating the ways that “safety” and “care” are weaponized against the City's most targeted residents, while operating as cover to continue generations of violent theft of unceded lands and lives. *cop city swagger* is part poetry, part archive, part teaching, part call to listen, and full call to collective care and liberation.



AISLIN JACKSON

The Sapling Cage (2024) by Margaret Killjoy



I love fantasy novels because they let us step outside of our world and imagine different ways of being. Growing up, my favourite trope was the girl who disguised herself as a boy to become a knight, successfully rebelling against gendered fate. In the world of *The Sapling Cage*, such subterfuge is unnecessary, as it is common for women to be knights. However, only women can be witches. This is why Lorel, the protagonist, must hide that she was born a boy to take her place among the coven. Not so much an inversion as an interrogation of that old favourite trope, this finely-crafted story is a deeply trans meditation on power, autonomy, and corruption.

WHAT'S THE POINT IN PASSING LEGISLATION IF IT'S NOT LEGALLY ENFORCE- ABLE?

Brid McKeown, Director of Engagement
& Development

In 2019, the BC government took what seemed like a significant step towards holding themselves accountable to the minimum international standard of Indigenous rights by enacting the Declaration on the Rights of Indigenous Peoples Act (DRIPA). The Province became the first in Canada to pass legislation committing to align their laws with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): "Section 3 mandates

the government to bring provincial laws into alignment with the UN Declaration."

What does this mean in practice? By committing this promise to legislation, you might think that Indigenous people would be able to rely on the courts to hold the government accountable by challenging laws inconsistent with the rights recognized in UNDRIP.

Well, in 2021, the Gitxaala Nation and Ehattesaht First Nation took the BC government to court to do exactly that. The Nations challenged BC's archaic, colonial system of granting mineral tenures under the *Mineral Tenure Act*, which allows prospective miners to register mineral claims for \$1.75 per hectare, over swaths of unceded First Nations' territory, without notice, consultation, or consent.

“We have brought this appeal to ensure UNDRIP’s minimum standards are upheld in an overhaul of BC’s mineral tenure regime, and applied to interpret all BC laws, including the common law duty to consult. This means no mineral rights without our consent.”
— **Gitxaala Chief Councillor Linda Innes**

Although the BC Supreme Court declared the Province's mineral tenure system



unconstitutional through other means, it also interpreted section 3 of DRIPA as being not enforceable in court.

But, if the rights and obligations declared within UNDRIP cannot actually be enforced through DRIPA, BC's promise of pursuing reconciliation with the First Nations and Indigenous peoples ultimately rings hollow.

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First Interpretations Matter

There is really no reason why DRIPA should not be legally enforceable, especially when the government is lagging in its promise. BC's Interpretation Act explicitly states that every Act and regulation must be construed as being consistent with DRIPA. Early (mis)interpretations of legislation can have a profound impact on the people directly affected by laws. It sets a poor precedent. If the Court had found DRIPA to be a legally binding obligation and not merely a promise, First Nations and Indigenous peoples in BC would have had some legal assurance that their rights would be given meaningful effect.

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In 2025, BCCLA teamed up with the BC First Nations Leadership Council to intervene in *Gitxaala v. British Columbia* at the BC Court of Appeal. We argued that the Court failed to discharge its interpretive duty to determine if the *Mineral Tenure Act* is consistent with

UNDRIP. The courts have a key role in ensuring laws are aligned with UNDRIP — either by interpreting laws consistently with it or by identifying when that's not possible so that those laws can be amended.

The BC Government's argument in court seemed to essentially boil down to: "just trust us", which let's be honest, does not inspire much hope.

Putting aside the Province's grievous track record with exploitation of First Nations' lands and waters, since the Appeal hearing in January, BC has passed Bills 14 and 15 which mandate the "fast-tracking" of industrial and extractive projects, worsening the climate crisis and violating Indigenous rights and title.

“It is dishonorable of BC to claim that it has no legal duty to remedy this situation, after all the fanfare when DRIPA was passed.” — Gitxaala Sm'ooygit Nees Hiwaas (Matthew Hill)

If the courts are unable to declare that a law — such as the *Mineral Tenure Act* — is inconsistent with UNDRIP, despite DRIPA's commitment to align BC laws with UNDRIP, Indigenous Peoples will be unable to obtain a remedy or relief when the Province fails to act on its promise.

We eagerly await the decision from this appeal, as it has the potential to affirm the courts' role in reconciliation and realize the legal enforceability of BC's commitment to uphold Indigenous rights recognized under UNDRIP.

THE CASE FOR POLICING FREE SCHOOLS

Ga Grant, Litigation Staff Counsel

When I think back to being a kid, school could be scary and difficult. There were bullies when I wanted to play at recess, and I often felt misunderstood by other students and teachers, resulting in a few unnecessary and traumatizing trips to the principal's office. At that vulnerable age, I did not understand the situation well enough to know how to stand up for myself. Now I'm haunted by the question: what would have happened if the police had been there?

Unfortunately, this is not a hypothetical question for the many young people in Canada subject to police-in-schools programs. Students have reported being

surveilled and intimidated by police while simply existing in hallways and classrooms, being arrested for talking back to cops, and, due to collaboration between police and the Canada Border Services Agency, some undocumented families have even stopped sending their children to school, despite their right to attend.

Issues arising in schools that ought to be addressed through supportive conversations between students and qualified, trained teachers are funneled inappropriately towards police. At a time when schools and teachers are underpaid and under-resourced, the misplaced and harmful investment into armed police and policing powers means a quicker route to discipline, violence, and criminalization.

It's often called the school-to-prison pipeline or school-prison nexus.

By choosing to divert investment away from key community support and into policing, our governments are increasing students' exposure to police. That means



"Ensuring the rule of law depends in large part on organizations willing to hold those in power accountable for their decisions. A healthy democracy requires decisions to be lawful and made in accordance with *Charter* rights. That is why Declan Redman and I have committed to advocate for BCCLA in *Duncan v Minister of Education*."



that students from Kindergarten onwards have unnecessary interactions with police, leading to higher youth involvement in criminal courts and eventually to higher incarceration rates.

Putting police into schools has a disproportionate impact on racialized and marginalized youth (and staff).

Critical research shows that policing in schools replicates the systemic racism in general policing, with the scales of criminalization disproportionately affecting racialized and intersectionally-marginalized groups, including those with disabilities and queer youth.

The BC Human Rights Commissioner called for the removal of police from all schools in 2021 due to the harm caused to vulnerable students and the complete lack of evidence to support claims made by some politicians that police make schools safer. The BC government has yet to provide any such evidence, despite attempting to force the Victoria School Board to reinstate police in schools in 2024. When the School Board tried to stand up for the children they serve and

refused, the Minister of Education fired them.

That's why BCCLA is intervening in *Duncan v Minister of Education*. We're standing alongside the Board as they fight back in court against this abuse of power.

We're arguing that the Court needs to consider *Charter* values like equality and democracy when deciding whether terminating the Board fell within the Minister's authority, who claimed to be acting "in the public interest." In our view, the Minister's decision has the potential to negatively impact the protected rights of students, and is in fact, against the public interest. As an independent, democratically elected Board, the Minister does not have the power to interfere just because they disagree on a policy issue.

All children and youth deserve accessible, supportive education.

Criminalizing youth doesn't make anyone safer. It harms kids and puts in jeopardy the just, free, and equal future we're all fighting for. BCCLA will continue to call for an end to policing-in-schools.

Photo: Andrea Vásquez Jiménez of Policing-Free Schools with partners and supporters
Photo Credit: Canadian Federation of Students-Ontario

COMMUNITY PARTNER SPOTLIGHT

POLICING-FREE SCHOOLS



Andrea outside the Legislative Assembly of Ontario

“There is renewed urgency for everyone to support our call for Policing-Free Schools across Canada as governments are normalizing policing as a fundamental feature in Canadian schooling. Whether it’s the BC Government effectively mandating police-in-schools through a culture of fear and intimidation — leaving democratically-elected school board trustees with the underlying message that they too will be fired, like the Greater Victoria School District was in 2025 when they chose to remain steadfast in their human rights, evidence-based, and student-centred decision to remove their police-in-school program. Or whether through legislation, such as Ontario’s proposed Bill 33 which explicitly mandates policing-in-schools including police-in-school programs and whose Bill serves as a dangerous testing ground to replicate throughout other provinces and territories.” — Andrea Vázquez Jiménez

Policing-Free Schools (Canada) is a grassroots, volunteer-led, and community-based organization dedicated to uprooting the multiple policing and carceral measures that show up within our educational spaces, including and beyond police presence. We work to co-create a liberatory education system.

Governments are choosing to chronically underfund public education, decimate community-based supports and funnel money into non-evidence based and harmful measures of policing-in-schools, ultimately exacerbating harms of school-based policing and entrenching the

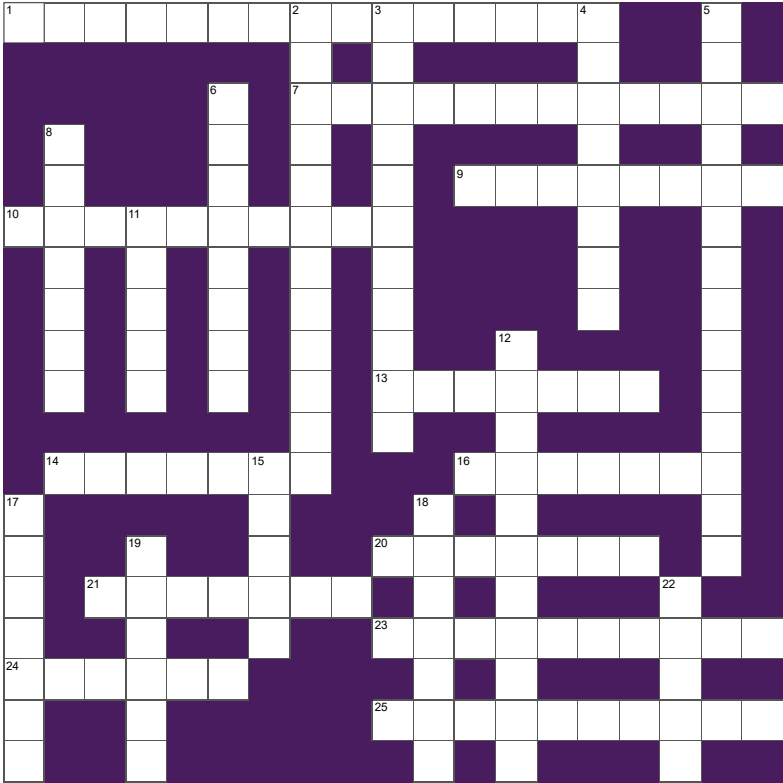
school-prison nexus. In order to provide thriving learning and working environments for both students and workers, our governments must divert funding away from policing and properly fund our schools and communities.



VISIT POLICING-FREE SCHOOLS WEBSITE AND JOIN THEIR NATIONAL MAILING LIST!

[POLICINGFREESCHOOLS.CA](https://PolicingFreeSchools.ca)

CROSSWORD



ACROSS

- 1 _____ Clause - Section 33 of Canada's constitution(15)
- 7 a promise of dedication again (13)
- 9 parity (8)
- 10 firmly held belief (10)
- 13 the state of being free from oppressive restrictions (7)
- 14 judge (7)
- 16 school _____ officer (7)
- 20 _____ is survival (1)
- 21 notices (anag) (7)
- 23 guard, shelter (10)
- 24 urgent request - interesting (6)
- 25 describing system of government (10)

DOWN

- 2 the act of monitoring, watching (12)
- 3 liable, responsible (11)
- 4 One of two Nations challenging BC Mineral Tenure Act (8)
- 5 stroll, walk (14)
- 6 a group who keeps an eye on things (8)
- 8 freedom of expression - demonstration (7)
- 11 express (5)
- 12 statute (11)
- 15 citizen-related - duty (5) _____
- 17 Vancouver Police Taskforce - bombardment (7)
- 18 Elder Millennial-aged document protects fundamental rights (7)
- 19 for every right, there is a _____ (6)
- 22 BCCLA founded in 19_2 (5)



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

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