ACT FOR FREEDOM
AU NOM DE LA LIBERTÉ
WHY WE MUST ACT

THE CANADIAN CIVIL LIBERTIES ASSOCIATION (CCLA) IS A NATIONAL, NON-PARTISAN, NON-PROFIT ORGANIZATION COMMITTED TO PROTECTING RIGHTS AND PROMOTING JUSTICE FOR EVERYONE.

We work to secure a vibrant Canadian democracy where civil liberties and human rights are protected, where human dignity is respected, where government is held accountable, and where the principles of fundamental justice prevail.

L’Association canadienne des libertés civiles est un organisme qui vise à défendre et à promouvoir la reconnaissance des droits et libertés. L’Association intervient dans les débats publics, soumet des rapports de recherche, organise des conférences et des campagnes, évalue les politiques et actions gouvernementales et agit devant les tribunaux lorsque cela est nécessaire.

Since 1964, CCLA has been a leader in protecting fundamental freedoms. We research, monitor, and respond to civil liberties issues by challenging decisions, laws, and regulations which seek to unjustifiably restrict our fundamental freedoms. Over the years, CCLA has spoken out on hundreds of issues, from film censorship to the rights of welfare recipients not to be harassed by government officials, and from forced religious teaching in the schools to the rights of political groups to demonstrate in the streets.

Today, CCLA is active on national security issues, working to ensure fairness and due process guarantees are upheld in counter-terrorism procedures; that individual rights to habeas corpus, presumption of innocence, and the right to know and challenge evidence against them is maintained; that the absolute prohibition against torture is observed including principles of not deporting or extraditing individuals to the risk of torture, and not sharing or using information procured from torture; and that Canada’s legal obligations pursuant to the Charter and international law are implemented. In its public safety portfolio, CCLA works to ensure adequate police accountability, fairness in the criminal law process, and the continued respect for the presumption of innocence. Throughout its history, CCLA has acted in defence of freedom of expression, even and indeed particularly, for unpopular ideas. It has intervened for the protection of religious minorities, for freedom of the press, and for freedom of association. CCLA is also profoundly concerned with the need to protect the rights of the vulnerable and the marginalized, at the forefront of the battle against discrimination, including work on refugee and immigration issues, LGBTQ equality, and Aboriginal rights.

Les travaux de l’ACLC invitent les Canadiens et Canadiennes à réfléchir et à agir pour assumer leurs responsabilités démocratiques: il s’agit de maintenir une vigilance pour assurer le maintien de nos droits et libertés. Bien qu’une grande partie de notre travail se concentre sur les actions en justice, l’ACLC pousse la protection des droits et la promotion de la justice un peu plus loin, au travers de commentaires audacieux dans les médias, en tendant la main aux artistes de tous bords pour les inviter à prendre un engagement envers la liberté d’expression, en éduquant les enfants, les enseignants et les éducateurs sur le thème de la pensée critique pour la justice sociale.

Freedom requires vigilance. Practicing the habits of democracy by asking questions, demanding answers, speaking out, and taking action are necessary — CCLA is committed to sustaining a vibrant culture of human rights, civil liberties, and democracy.
Continuing the tradition of previous editions, this year’s *Act for Freedom* provides a variety of perspectives from CCLA staff on important civil liberties issues that highlight Canada’s considerable successes and continuing struggles. The publication also highlights CCLA’s third annual Celebrating Canada gala, at which we are honouring individuals who courageously contribute to the advancement of human rights, human dignity, fundamental freedoms, and democracy in Canada and worldwide. In the coming pages you will find contributions from this year’s diverse group of honourees, each sharing their thoughts and reflections on what justice means to them. Their perspectives are shaped by their own experiences and work, and examine a range of issues from gender equality, to immigration, and beyond our borders.

Each day, the Canadian Civil Liberties Association works tirelessly to protect and promote due process, fairness, and justice in our democracy. Freedom can never be taken for granted – climates of heightened security and risk require heightened vigilance to ensure we do not lose the hard won rights and freedoms that are a prerequisite for lasting peace and security.

While much of our work is before the courts and legislative bodies, CCLA has become a recognized voice making bold arguments in the media, and more recently at the international level, arguing for compliance with international legal standards before UN treaty bodies and special mechanisms. Less visible, perhaps, but no less important is the work of CCLA helping individuals; from supporting people who have been silenced for speaking out; to empowering LGBTQ youth to make change in their schools and communities; to fielding dozens of weekly enquiries from members of the public whose rights have been violated; to collecting stories of those who have been affected by non-conviction records and the presumption of guilt. The depth and breadth of the work of the Canadian Civil Liberties Association reflects the complexity of our 21st century democracy.

We extend a special word of thanks to and admiration for the individuals being honoured this evening. Your examples help to demonstrate the practical application of the contributions which individuals can make in defence of democracy and civil liberties. While we are very pleased to be able to recognize your achievements on this occasion, in reality, it is you who honour us by your presence. Those who follow in your footsteps will, indeed, be standing on the shoulders of giants.

RICHARD W. POUND
O.C., O.O., O.C., Ad. E., FCPA
PRESIDENT, CANADIAN CIVIL LIBERTIES ASSOCIATION

Cette année, l’Association canadienne des libertés civiles propose le thème de la « Justice » pour la troisième édition de *Act for Freedom/ Au nom de la liberté*.

C’est un thème qui unifie, la justice. Un thème qui répond aux besoins fondamentaux des individus et qui invite à l’action. Car la justice, et surtout son inverse, le constat d’injustice, impose des devoirs. Nous sommes tous appauvris, moralement, légalement et économiquement, lorsque nous tolérons l’injustice parce qu’elle mine notre capacité d’œuvre et de vivre ensemble. Lorsque nous tolérons l’injustice, nous permettons à des talents de ne pas être reconnus. Lorsque nous tolérons l’injustice, nous participons, sciemment ou non, à un exercice de dissimulation qui nous laisse penser que tout va bien. Lorsque nous tolérons l’injustice, nous abandonnons un peu nos devoirs démocratiques de citoyens. Les injustices, c’est comme les icebergs, on ne voit souvent que le sommet. Tout le monde n’est pas d’accord sur ce que constitue une injustice. C’est normal. L’accès au tribunal permet de clarifier ce débat. Mais il n’est pas toujours possible d’accéder aux tribunaux pour déterminer qui a tort et qui a raison. Beaucoup d’injustices sont passées sous silence, avalees par les individus sans être digérées et enfouies dans leurs mémoires. Depuis 1964, l’Association œuvre pour mettre en lumière les injustices et pour créer des mécanismes pour les corriger et remédier à toutes les injustices, celles que l’on voit, celles qu’on ignore et celles qu’on ne perçoit même pas. L’Association vise à créer des reflets de justice chez les décideurs pour qu’ils reconnaissent le potentiel d’abus de pouvoir qui existe et la nécessité de s’autocontrôler. Elle vise aussi à s’assurer que les personnes et groupes qui sont victimes d’injustices ont les moyens de demander plus et mieux, et sont soutenus dans leurs luttes pour être entendues. L’Association cherche aussi à créer chez les personnes ordinaires un sentiment de reconnaissance des responsabilités démocratiques. L'Association clame haut et fort que l’imputabilité est un devoir démocratique qui vise à minimiser les injustices, à les reconnaître plus tôt et les corriger plus vite. Nous travaillons pour créer des recours, des modes d’enquêtes et des mécanismes d’inspection pour débusquer les injustices systémiques. Et nous parlons au nom de ceux et celles qui ne le peuvent pas toujours.

Le Gala est l’occasion de remercier et de célébrer toutes ces personnes qui font une différence et qui, modestement, courageusement, éloquemment, brillamment, nous inspirent et nous montrent comment travailler pour la justice pour tous.

NATHALIE DES ROSIERS
AVOCATE PRINCIPALE,
ASSOCIATION CANADIENNE DES LIBERTÉS CIVILES
Thank you to all the generous sponsors and donors who celebrated Canada with us.
EXCELLENCE IN THE ARTS
As the Artistic Director of TIFF, Cameron Bailey is responsible for the overall vision and execution of Festival programming, as well as for maintaining relationships with the Canadian and international film industries.

Born in London, Mr. Bailey grew up in England and Barbados before immigrating to Canada. He brings a comprehensive wealth of experience to his current leadership position. Serving as a programmer for the Festival for more than thirteen years, he had been responsible for the annual selection of films from Africa, South Asia and the Philippines. In addition, he programmed and hosted TIFF’s highly successful subscription series Reel Talk, and headed the Festival’s Perspective Canada series.

Mr. Bailey has held positions as a curator, a journalist, and a writer. He has curated film series for Cinematheque Ontario, the National Gallery of Canada, the National Film Board of Canada, and Australia’s Sydney International Film Festival. He has also served on awards juries in Canada and internationally, including the U.S., Turkey, Greece, South Korea, Burkina Faso and Tanzania, and has been a guest speaker at several Canadian universities, the Smithsonian Institution, Harvard University, and the Banff Centre for the Arts.

As a journalist, Mr. Bailey reviewed films for Toronto’s NOW Magazine, CBC Radio One, and CTV’s Canada AM. He presented international cinema nightly on Showcase Television’s The Showcase Revue, and produced and hosted the interview programme Film-maker on the Independent Film Channel Canada. He has been published in The Globe and Mail, The Village Voice, CineAction!, and Screen, among others.

In 1997, Mr. Bailey completed his first screenplay, The Planet of Junior Brown, co-written with director Clement Virgo. The film was named Best Picture at the 1998 Urbanworld Film Festival in New York, and nominated for a Best Screenplay Gemini Award. Mr. Bailey also completed a video essay, Hotel Saudade, shot in Brazil. The film made its U.S. premiere in 2005 at New York’s Museum of Modern Art.

In 2010 – 2011, Mr. Bailey was co-chair of the Arts & Culture Working Group of Toronto’s Civic Action. He was also a member of the Creative Capital group that prepared a Mayor’s report on Toronto’s cultural sector. Currently, he sits on the Tourism Toronto board and is a member of the Advisory Board for the Cine Institute, a film training institution in Jacmel, Haiti. He is a former board member of the Ontario Film Development Corporation, and served on the Advisory Board of the Royal Ontario Museum’s Institute for Contemporary Culture. In 2007, Mr. Bailey was a part of the delegation accompanying Governor General Michâelle Jean on her state visit to Brazil.
The 2011 release of *A Dangerous Method* marked Mr. Cronenberg’s third collaboration with actor Viggo Mortensen. Written by Academy Award winner Christopher Hampton, the film explores the complex relationship between Sigmund Freud (Viggo Mortensen), Carl Jung (Michael Fassbender) and Sabina Spielrein (Keira Knightley). Mr. Cronenberg followed this with his adaption of the Don Delillo novel, *Cosmopolis*, in 2012. Robert Pattinson stars as a multibillionaire financial wunderkind who watches his life and fortune fall into ruin in the course of a day’s journey across Manhattan.

In 1999, he presided over the jury at the Cannes Film Festival and was awarded the Festival’s lifetime achievement award, the Carrosse d’Or, in 2006. Also that year, Mr. Cronenberg worked with the Art Gallery of Ontario as a guest curator for the exhibition, *Andy Warhol/Supernova: Stars, Deaths and Disasters, 1962–1964*. He created an innovative soundtrack audio guide with additional commentary by several of Warhol’s contemporaries, including actor Dennis Hopper, film critic Amy Taubin, and artist James Rosenquist. In 2008, Mr. Cronenberg brought his film *The Fly* to the stage for the Théâtre du Châtelet and the Los Angeles Opera.

Mr. Cronenberg’s films have won him critical praise and recognition around the world, including an Honorary Doctor of Law Degree from the University of Toronto in 2001 and an appointment as an Officer to the Order of Canada in 2003.

**DAVID CRONENBERG’S FILMS HAVE WON HIM CRITICAL PRAISE AND RECOGNITION AROUND THE WORLD, INCLUDING AN HONORARY DOCTOR OF LAW DEGREE FROM THE UNIVERSITY OF TORONTO IN 2001 AND AN APPOINTMENT AS AN OFFICER TO THE ORDER OF CANADA IN 2003.**
Multi-platinum global superstar Nelly Furtado was born in Victoria, Canada, to a tight-knit working-class Portuguese family. Ms. Furtado was raised within a culturally rich environment, infused with her Latin roots. All that cultural immersion helped her develop a unique identity and start a prosperous musical career when she moved to Toronto right after finishing high school. She started to write her own songs when she joined the hip-hop duo Nelstar, but her wings really started expanding in preparation for the big flight when musicians Brian West and Gerard Eaton (The Philosopher Kings) decided to record a demo of her songs that ended up on the desks of a multinational record label, quickly realizing the potential of the then teenager and released her first album, *Whoa, Nelly!* in 2000.

Singles “I'm Like a Bird” and “Turn Off the Light” were the base of an album that reached multi-platinum status and snagged an impressive four Grammy nominations in 2002. Ms. Furtado ended up taking home the Grammy for Best Female Pop Vocal Performance for “I'm Like a Bird.”

Her second album, *Folklore*, was released in November 2003, an album that for many displays her best vocals and her most eclectic sounds, with songs like “Powerless (Say What You Want),” and the ballad “Try” or “Força,” which became the official anthem of the 2004 European Football Championship.

She waited three years to reinvent herself before releasing *Loose* in 2006, an imminently danceable album produced almost in its entirety by beats genius Timbaland, who, under Ms. Furtado’s inspiration, created an energizing and irresistible mix of pop, R&B, and super danceable hip-hop. *Loose* zoomed to the top of the charts and earned Ms. Furtado five Juno Awards, including Album of the Year and Single of the Year with “Promiscuous” — the single that also got her to the #1 spot at the Billboard Hot 100.

In 2009, Ms. Furtado came back with a fourth record carefully and meticulously produced in Spanish. “The world is changing,” she says, “and after 10 years recording in English, I hit a wall. I felt this was the moment to make the dream of doing an album completely in Spanish, and releasing it worldwide come true.” Certified Platinum, *Mi Plan* is a light record, sensible but fun, written and co-produced by Ms. Furtado who shared most of the creative process with Cuban singer-songwriter, Alex Cuba. The album includes collaborations from top artists Juan Luis Guerra, Josh Groban, Concha Buika, Alejandro Fernandez, Julieta Venegas, and Mala Rodriguez.

*Nelly Furtado on Justice*

*If we could quantify justice, we’d sell it in a jar. Our hearts would explode from the rush of it... our cells would actualize! But justice escapes that kind of caging. It is a slave only to true beauty. It belongs to the moment, not the page. God and love are its sponsors. It pushes and moves. It breathes a human breath, leaves one fully breathless, and offers transcendence in its wake. It is both the standing ovation and the encore.*
Born and raised in Burlington, Ontario, Sarah Harmer began her career in music at the age of 17 when she was invited to join the alt-country band, The Saddletramps.

Since her early start, Ms. Harmer has become one of Canada’s premier solo artists, with platinum selling albums, two Juno Award wins and a coveted Polaris Music Prize nomination. She has performed at the Winnipeg Folk Festival three times throughout her solo career, in 2001, 2004, and 2010. On top of all her musical successes, Ms. Harmer lends her time and voice to advocate for environmental and civil liberties issues.

Ms. Harmer is the co-founder of Protecting Escarpment Rural Land (PERL), an organization established in 2005, created to protect the Niagara Escarpment from a proposed gravel development. To support the organization, she and her acoustic band embarked on a tour of the escarpment, hiking the Bruce Trail, and performing at theatres and community halls in towns along the way. The documentary DVD of this tour, “Escarpment Blues,” won the Juno award for best music DVD. In October 2012, PERL won their case.

In 2011, Ms. Harmer participated in the National Parks Project, visiting British Columbia’s Gwaii Haanas National Park Reserve and Haida Heritage Site with Bry Webb, Jim Guthrie, and filmmaker Scott Smith to raise awareness of the splendor and importance of Canada’s national parks. Earlier in 2012, Ms. Harmer travelled with the Nobel Women’s Delegation Initiative to Mexico, Honduras, and Guatemala where she met with human rights defenders to learn about and promote their work for peace.

SARAH HARMER ON JUSTICE

JUSTICE IS REFLECTED IN THE HARMONY OF THE NATURAL WORLD. A THIRSTY PLANT RECEIVING WATER, A REACHING TREE RECEIVING LIGHT. JUSTICE IS EQUAL ACCESS TO SPEAKING AND TO BEING HEARD. JUSTICE IS A LEVEL PLAYING FIELD IN A GAME GEARED TOWARDS THE BETTERMENT OF HUMANITY.
NAHLAH AYED
FOREIGN CORRESPONDENT
FOR CBC’S THE NATIONAL

Nahlah Ayed is a foreign correspondent based in London, England.

Ms. Ayed is a veteran of foreign reportage, specifically in the Middle East, where she spent nearly a decade filing for the CBC’s television, radio and online operations. From Riyadh to Tehran, Beirut to Baghdad, Ayed covered the region extensively, interviewing key leaders, and reporting from several major conflicts including those in Iraq, Lebanon, and Gaza. At various times, she has been based in Amman, Beirut, and Cairo.

Ms. Ayed’s work extends beyond the Middle East to places like Haiti, Pakistan, Hungary, and beyond. Her work has been recognized repeatedly, through numerous awards for her print and online stories, three Gemini nominations for her television reportage in Iraq, Iran, and Egypt, and an honorary doctorate degree awarded by the University of Manitoba in 2008 for distinguished achievement.

A former parliamentary reporter for The Canadian Press, Ms. Ayed is a graduate of Carleton University’s Master of Journalism program. Ms. Ayed also holds a master’s degree in interdisciplinary studies, and a B.Sc. in genetics from the University of Manitoba.

She was born and raised in Winnipeg.
Universally acknowledged to have transformed the office of Governor General of Canada, Adrienne Clarkson was the 26th person to hold this office.

The energy, enthusiasm and knowledge of Canada she brought to Canadians in her six years in Ottawa have left an indelible mark in our nation’s history. Through a long career at CBC, she created and starred in numerous series including Take 30, the fifth estate and Adrienne Clarkson Presents. She has been showered with honorary doctorates, from universities in St. Petersburg in Russia, Siena in Italy, and twenty-six universities in Canada. Since leaving the office of Governor General, Mme Clarkson has founded the Institute for Canadian Citizenship (ICC) and chairs it with her husband, John Ralston Saul. Her passion for Canada is evident in everything she has done. Her memoirs, Heart Matters, were published by Penguin Viking Canada in 2006 and a biography of Dr. Norman Bethune was published for Penguin Group Canada’s Extraordinary Canadians series in 2009. Her latest book, Room for All of Us: Surprising Stories of Loss and Transformation was published in 2011.

But what we are creating and have been creating for four hundred years has produced an attitude towards others that is compassionate, pragmatic, and conciliatory. We have two distinct abilities. In our hearts is an urge which I can only characterize as noble – the desire to do good, to fulfill a vocation for universal rights and justice and tolerance. And in our heads, we have our historical experience which leads us to find accommodation among groups in society, to behave civilly to others and to build institutions that respect and resolve differences.

We need always to pay attention to what we are, in terms of what we have been, and in terms of the challenges of the land that we inhabit. In this way we can find our wholeness, and our ability to live a true life. Because we are a Northern country we are connected to the Northern latitudes, to the ruggedness of our mountains, to the seemingly limitless boundaries of our prairies.

And underlying everything which has made us a country of immigration is the feeling that the lost, the rejected, the dreamers of other lives, would come here and would make a contribution to the wholeness of our land.

At the core of Canadian society is the sense of inclusiveness. This is the essence of our notorious decency, our desire to do good.

There are two kinds of society – the punishing society and the forgiving one. Luckily for Canada, we have through our history chosen to be a forgiving society. We have had four centuries of give-and-take, compromise and acceptance, wrongdoing and redress. We always feel that we need to forgive what has passed and move on. It is the opposite of a punishing society which seeks revenge, never moving on, licking old wounds.

Our forgiving society works towards the actions of the future. Our forgiving society enables people to behave well towards one another, to begin again, to build a society in hope and with newfound justice and new respect.

We must always work towards maintaining a society in which retributive justice gives way to restorative justice. Where wrongdoing is seen as a violation of people in relationships and creates obligations to make things right. We must always be a society that explores compassion, forgiveness, and reconciliation in order to be continually healed.
Andrew Coyne is a columnist with Postmedia News. Raised in Winnipeg, he received a B.A. from the University of Toronto and a Master’s in Economics from the London School of Economics.

Before joining Postmedia, he was national editor of Maclean’s magazine. He has written editorials and columns for The National Post and The Globe and Mail, contributing as well to a number of Canadian and foreign publications. He is also a frequent commentator on television and radio.

He is the winner of two National Newspaper Awards and the Hyman Solomon Award for Excellence in Public Policy Journalism, and is a Fellow of the School of Public Policy and Governance at the University of Toronto.
Michele Landsberg is an award-winning Canadian writer, social activist, and feminist, who wrote a major column for the Toronto Star newspaper for 25 years.

As a trailblazing feminist columnist, Ms. Landsberg drew the public’s attention to wrongs, injustices, and anomalies that had often been invisible before she brought them vividly to life in print. She covered international women’s issues as well as local, and the causes for which she advocated often resonated with legislators and jurists. Her column quickly became one of the best-read and influential features in the Toronto Star and remained so until her retirement in 2003.

Ms. Landsberg’s career in journalism began in 1962, after her graduation with a B.A. in English, with a job as a reporter at The Globe and Mail. Later, she worked at Chatelaine magazine with Doris Anderson, and was hired at the Toronto Star in 1978.

Ms. Landsberg is also an activist in progressive causes, and has written four best-selling books: Women and Children First, a collection of her columns; Michele Landsberg’s Guide to Children’s Books, and “This is New York, Honey!” A Homage to Manhattan, with Love and Rage, a memoir of her time living in New York as the spouse of Stephen Lewis, Canada’s ambassador to the United Nations. Last year, she published Writing the Revolution, a retrospective of the Canadian feminist movement.

Other distinctions include two National Newspaper Awards, the YWCA Women of Distinction Award, the Dodi Robb award from MediaWatch, the Florence Bird Award from the International Centre for Human Rights, and Canadian Governor General’s Award in Commemoration of the 1929 Persons Case. She has also received several honorary degrees, from such institutions as McMaster University, York University, and the University of Toronto.

In 2006, Ms. Landsberg was made an Officer of the Order of Canada.

She and her husband have three adult children and four grandchildren.

MICHELE LANDSBERG ON JUSTICE

“JUSTICE, JUSTICE SHALL YOU PURSUE, THAT YOU MAY LIVE…. AND TO A JEWISH CHILD IN WARTIME TORONTO, THAT BIBLICAL INJUNCTION PULSED IN OUR VEINS. THE PURSUIT OF JUSTICE – A FIERCE IDEA THAN THE EVERYDAY CANADIAN IDEAL OF “FAIRNESS” – BECAME A DRIVING FORCE FOR ME. BUT JUSTICE IS A WORD THAT OFTEN STUCK IN THE THROATS OF GIRLS AND WOMEN. THE VERY SYSTEM WAS OBLIVIOUS TO OUR HUMAN REALITY, LET ALONE OUR RIGHTS TO EQUALITY BEFORE THE COURTS. INCH BY INCH, STRUGGLE BY STRUGGLE, FEMINIST ACTIVISTS HAMMERED CANADIAN LAWS AND COURTS INTO A SHAPE THAT MORE CLOSELY RESEMBLED JUSTICE. WE CAN BREATHE A BIT EASIER NOW, AND RAISE A GLASS TO HONOUR THE WOMEN AND MEN WHO HAVE BROUGHT US THIS FAR. THEY’LL ALL NEED THAT BREATH AND ENERGY FOR THE BATTLES YET TO COME…

EXCELLENCE IN PUBLIC ENGAGEMENT
Growing up in the 1960s, Danielle McLaughlin spent her youth involved with social activism and peaceful protest.

Ms. McLaughlin joined the Canadian Civil Liberties Association and Education Trust in 1988 where she had the opportunity to develop and implement the CCLET programs “Teaching Civil Liberties” and “Civil Liberties in the Schools” programs. Each year, these two programs and additional public education outreach projects continue to reach many thousands of school-aged students, teachers, and teacher-candidates in faculties of education.

Between 1997 and 2001, Ms. McLaughlin represented the Canadian Civil Liberties Association on the Toronto Police Services Board sub-committee on Race Relations. In 2010 – 2011, the Law Foundation of Ontario Community Leadership in Justice Fellowship took her to the University of Windsor Faculty of Education, to work on projects regarding “Teaching Critical Thinking for Social Justice.” Ms. McLaughlin blogs about teaching and civil liberties for Huffington Post Canada and is co-author, with her son Reuben McLaughlin, of the That’s Not Fair! series of civil liberties stories and animated videos, created to engage young children in thinking critically about rights and freedoms.

She is married to Hooley McLaughlin. They are the proud parents of Levi, Reuben and Gabrielle, and grandparents of three wonderful granddaughters – the loyal opposition.

I explained to her that our family rule is different. We wait for the SECOND car to race through the red light before we think it is safe enough to cross the intersection. Traffic rules are one thing and reality quite another. Did my granddaughter understand the purpose of the lights? Did she have a concept that, while on the whole traffic regulation works well, there are times when it fails? Did she understand that even though the lights tell us whose turn it is, each of us still retains responsibility for our own safety? Even though there are rules and laws, choices and decisions must still be made.

Teaching children to think critically about rules and laws is critical. It can save lives. It can help the next generation to develop its innate sense of justice. After all, when a young person exclaims, “That’s not fair!” she is telling us she has something to say about decisions that have been made – and about the effects of those decisions. Helping young people weigh rules, rights and choices against one another helps them to develop as citizens of the world.

Critical thinkers give me hope for a more just future – a future where the fairness, the effectiveness and the proportionality of limits to freedom are interrogated, not only by those who choose a profession in law, but by everyone in society. Let’s teach for justice: answer questions with more questions – and keep the difficult questions coming.
Editorial page editor emeritus and columnist for the *Toronto Star*, Canada’s largest newspaper, Haroon Siddiqui has covered or supervised coverage of Canada for more than 40 years, and reported from nearly 50 countries, including the Soviet invasion of Afghanistan, the Iranian revolution, conflicts in the Middle East and, lately, the emergence of India and Turkey as economic and geo-political powers.

HAROON SIDDIQUI
C.M., O.Ont.
COLUMNIST AND EDITORIAL PAGE EDITOR EMERITUS AT THE TORONTO STAR

He was reporter, city editor, and managing editor at the *Brandon Sun*, Man. from 1968 to ’78. Since then he has been at *The Star* as News Editor, National Editor and Editorial Page Editor and bi-weekly columnist.

He is a recipient of the Order of Canada (for advocating “fairness and equality of opportunity in our pluralistic society”); the Order of Ontario (for helping to redefine Canadian identity); and an honorary doctorate from York University (for “helping in the creation and sustaining of a contemporary Canada,” for “continuing the tradition of Bruce Hutchinson,” and for being “an exemplary citizen”). He has also won several journalistic and other honours.

He is the author of *Being Muslim* (2006), a prescient account of post-9/11 Islamophobic politics that undermined the rule of law and our democratic traditions, and created disastrous consequences around the world. The book was based on his travels in North America, Europe, the Middle East, South Asia and the Far East. He also edited *An Anthology of Modern Urdu Poetry*.

Mr. Siddiqui has served in various capacities at the Canadian Newspaper Association, the Canadian Civil Liberties Association, Advertising Standard Canada and the Ontario Press Council. A former president of PEN Canada, he is an elected member of the board of PEN International, the U.K.-based writers’ group with 144 centres in 105 countries.

HAROON SIDDIQUI ON JUSTICE:
THE RULE OF LAW

It is in the sociology of an immigrant, multicultural nation that some citizens would worry – especially during times of trouble, such as the fear-filled post-9/11 – about an erosion of our “common values.” Such anxiety shows a lack of confidence in our democracy and its bedrock principle of the rule of law.

That Canada is constantly evolving is something to celebrate, not fret over. Cultural and social effervescence is what makes ours a nation of endless possibilities. Each generation feels free to redefine our collective values and does, for the better. The law, too, keeps evolving with the times – it is not some immutable command from on high.

Immigrants must and do obey the law of their adopted land. When they don’t, they pay the price, including being marched off to jail, like anyone else. Multiculturalism does not operate above the law.

Still, we periodically hear absurd calls for placing some undefined limits on immigrants, through a code of conduct or “social contract.” The law and the gamut of rules and regulations that flow from it already define the limits of what people can or cannot do.

How far can respect for cultural or religious differences go? As far as the law allows and no further. This is not a negative assertion. Rather, it is a resounding affirmation of our core belief that the law is the ultimate expression of our shared values – our holy parchment, the covenant by which we, the foreign born and the native born, live.

It is when we deviate from this fundamental principle that we get on the slippery slope to abrogating the premise and promise of Canada.
EXCELLENCE IN ADVOCACY
Hailing from the Innu community of Mani Utenam, next to the town of Sept-Îles on the North shore of the St. Lawrence River, Michèle Audette followed in the footsteps of her mother, respected Innu activist Evelyne St-Onge.

Working with Quebec Native Women Inc. since 1990, Mme Audette was elected President in November 1998. Endorsing her predecessors’ commitment to equal rights, Mme Audette was also a strong advocate of women’s positions on a number of issues, such as Bill C-7 (which dealt with First Nations’ governance) on the division of matrimonial real property. She raised decision-makers’ awareness of the importance of women’s health, safe houses for Aboriginal women, youth issues, and international development during her term in office. Thanks to her efforts, four new coordinator positions were created at QNW, which increased the organization’s influence and profile. The Quebec Commission des droits de la personne et des droits de la jeunesse (Commission of Human Rights and Youth Rights) recognized the many accomplishments of Quebec Native Women Inc. with an honourable mention in 2001.

Mme Audette has sat on a number of committees and boards of directors, and in 2001 she served as acting president of the Native Women’s Association of Canada. She won a number of awards and distinctions for her work on social issues, including the Quebec YWCA’s Femme de mérite [Woman of Distinction] award in the Community Involvement category in 2004. She was also one of Montreal daily La Presse’s personalities of the week in 2003. Mme Audette’s mandate with Quebec Native Women Inc. ended in March 2004 when she was appointed Associate Deputy Minister responsible for the Status of Women Secretariat in the Government of Quebec.

Michele Audette led the 500-km “Amun March,” from Wendake to Parliament Hill in Ottawa, as a form of protest against this injustice. As a result of Bill C-3 Equity in Indian Registration Act coming into effect as of January 31, 2011, Amun, who is a grandson (and Audette’s son) is now eligible to be status Indian.

Mme Audette became active and once again took on an official role in 2012, when she was elected President at the 38th Annual General Assembly of the Native Women’s Association of Canada.

MICHELE TAÏNA AUDETTE
PRESIDENT OF THE NATIVE WOMEN’S ASSOCIATION OF CANADA

As President of the Native Women’s Association of Canada (NWAC), I am proud to be a part of the long succession of women who have worked to find a way forward that honours the path on which we walk, where we have come from, and where we go to.

We are all engaged in this work because we are concerned with achieving justice in Canada. Our love for our families and communities unites with our respect for our traditional ways and teachings as we search with humility for the way forward. Our friends and allies support us along the way, and bring their own wisdom and dedication to the effort.

Despite our successes, there is still much to be done. NWAC, along with many other organizations, is calling for a National Public Inquiry as a necessary first step towards obtaining justice for missing and murdered Aboriginal women and girls, their families, communities, and Nations.

We must act with courage to do what is right, and to create change that will transform the situation of Aboriginal women and girls in this country. We must ask ourselves: how will I know when justice has been achieved? And, what must I do in the meantime to move this, our collective goal, forward? These questions will help to bring clarity and maintain our commitment as we find the path towards justice.
IAN BINNIE ON JUSTICE

THE QUEST FOR JUSTICE BY THE CANADIAN CIVIL LIBERTIES ASSOCIATION DOES AND SHOULD EXTEND BEYOND OUR BORDERS. GLOBALIZATION HAS BROUGHT IMMENSE ECONOMIC BENEFITS TO THE THIRD WORLD, BUT THERE ARE VICTIMS AS WELL, ORDINARY PEOPLE WHO HAVE BEEN DISPLACED FROM THEIR HOMES, OR SUFFERED DUE TO ENVIRONMENTAL DAMAGE, OR ON OCCASION BEEN THE VICTIMS OF BRUTALITY ON BEHALF OF SECURITY FORCES WHICH MAY OR MAY NOT BE OPERATING WITH THE COMPLICITY OF THE MINE OWNER, PIPELINE BUILDER, OR PETROLEUM DRILLER.

Professor John Ruggie of Harvard University, UN Secretary-General’s Special Representative for Business and Human Rights, has compiled an alarming inventory of such alleged abuses. Some of the mining and petroleum companies on Professor Ruggie’s list have their headquarters in Canada. Justice for both the accusers and accused companies, which may or may not have been complicit as alleged, requires effective dispute resolution. The unfortunate fact is that justice is frequently not done in these cases because of difficulties of jurisdiction and procedure. The acts complained of occur outside Canada. The on-site subsidiaries may have legal liability but no money. The deep pockets are elsewhere in the corporate pyramid. The legal community has been quick to devise the institutions and rules to facilitate international business, including the World Trade Organisation and various UNCITRAL conventions governing investment disputes. Little progress has been made however, in terms of protecting human rights and providing remedies for their violation. Much could be done within Canada both in terms of legislation and creative judicial decisions to remedy some of these problems. The CCLA should demand no less.
Mr. Cavalluzzo has been involved extensively in public law litigation. In 2004, he was appointed by former Associate Chief Justice Dennis O’Connor to act as lead commission counsel to the Arar Inquiry which dealt with the rendition of a Canadian citizen to torture in Syria. Previously, Mr. Cavalluzzo acted as lead commission counsel in the Walkerton Inquiry which determined the cause of the May 2000 E. coli water supply crisis.

More recently, Mr. Cavalluzzo has been appointed by the Federal Minister of Justice to act as a Special Advocate in security certificate cases. In this regard, Mr. Cavalluzzo acts as counsel representing the interests of persons alleged to be threats to the national security of Canada in top secret hearings before the Federal Court of Canada in Ottawa.

Although Mr. Cavalluzzo has been thoroughly engaged in these public interest roles since 2000, he has continued in his private practice, representing his clients in important cases before the courts. For example, in the last few years he has argued several cases before the Supreme Court of Canada concerning the rights of farm workers to collective bargaining, the liability of crown attorneys prosecuting criminal cases, and the rights of public servants to pension surpluses. These cases will have a significant effect upon the development of the law in Canada.

Mr. Cavalluzzo has represented the Canadian Civil Liberties Association in a myriad of cases from employee drug testing to issues relating to the G20 summit in Toronto.

In the area of international human rights law, Mr. Cavalluzzo has been an invited expert at international conferences on labour-management relations in Canada, the U.S., and Mexico under NAFTA and the North American Agreement on Labour Cooperation (NAALC), as well as representing clients before the International Labour Organization. Because of his role as lead commission counsel to the Arar Inquiry, Mr. Cavalluzzo has been asked to appear before American, British, and European legislative committees, speaking about the protection of civil liberties while protecting national security.

In 2005, Mr. Cavalluzzo received the Law Society Medal from the Law Society of Upper Canada which recognized his significant contributions to the legal profession and the practice of law. In 2010, Mr. Cavalluzzo received the Cesar Chavez Black Eagle Award for his “outstanding contributions to fight for justice in Canada’s agricultural industry.” In 2012, he was awarded the Order of Ontario.

PAUL J.J. CAVALLUZZO
O.Ont., L.S.M.
SENIOR PARTNER AT CAVALLUZZO
SHILTON McINTYRE CORNISH,
AND SPECIAL ADVOCATE IN
SECURITY CERTIFICATE CASES

As the senior partner in his firm, Paul Cavalluzzo is a leading constitutional, labour, and administrative law lawyer, arguing significant cases before the Supreme Court of Canada, the Courts of Ontario, and labour and administrative tribunals.

PAUL CAVALLUZZO ON JUSTICE:
JUSTICE IN CANADA TODAY

INEQUALITY IS THE TWENTY-FIRST CENTURY’S MOST SERIOUS SOCIAL AND POLITICAL PROBLEM. JUSTICE IN CANADA DEMANDS A MORE EQUAL AND JUST SOCIETY IN WHICH THE DISPARITY BETWEEN RICH AND POOR IS MEASURABLY NARROWED.

The disparity is now greater than it has ever been. Workers’ wages stagnate while their bosses’ incomes reach obscene levels. The recent economic collapse caused by the greed and irresponsible behavior of the financial elite is blamed on workers’ unions because they are “too powerful” and impede economic progress. Labour laws protecting the rights of workers are weaker now than they were three decades ago. Many young Canadian workers can only find precarious employment which is low paying, casual, temporary, or part time. Frequently, they have to hold two or three jobs in order to sustain themselves. If they can’t find employment, they are faced with employment insurance laws which become more restrictive with each successive government. As a constitutional and labour lawyer, I can pursue justice by defending working people and their unions and associations against the onslaught of government policies influenced by the most advantaged and powerful in our society. However, the legal system has serious institutional limits in making Canada a truly just society. True justice can only come as a result of Canadians mobilizing against these anti-democratic and oppressive policies, taking back their government, and insisting that it serve the public not corporate interest. In the interim, it will be a very difficult struggle for justice. But, in the end, justice must and will prevail. We must ensure that the vision of Canada enshrined in the values underlying the Charter of Rights and Freedoms becomes a reality for all individuals in Canada. Injustice and inequality are the antithesis of this vision of Canada which promotes democracy, equality, the rule of law, and respect for the dignity of each individual in Canada.
A member of the bars of Quebec and Ontario, Colin Irving is one of the founding partners of Irving Mitchell Kalichman in Montreal.

Mr. Irving was educated in Quebec and obtained his degree in law from McGill University. He is a fellow of the American College of Trial Lawyers and a member of the CBA and the IBA. He has published on a number of legal subjects and has been a frequent speaker at legal conferences.

He has conducted numerous trials and appeals in commercial and constitutional matters in the courts of Quebec and Ontario. He has acted as counsel in some 25 appeals before the Supreme Court of Canada.

He has been involved in a great many pro bono consultations and court appearances, most notably The Queen v. Gamble, which secured the release of a long-term prisoner wrongfully convicted, and the Hendricks case, which legalized gay marriage in Quebec.

In 2008, he founded and works on a voluntary basis as a lawyer in the Tyndale St-Georges legal aid clinic, which provides free legal advice and assistance on a walk-in basis in Little Burgundy, a multicultural and impoverished district in south central Montreal.

He has a long-term member of, and at present is Chair of the Board and legal advisor to Tyndale St-Georges Community Centre, which provides a range of services to residents of Little Burgundy. The Centre’s principal emphasis is on families, children and young adults and includes an after school program for primary school pupils in which they receive assistance with homework, a snack and a safe place to play until their parents (often a single parent) pick them up. This program is now being extended to high school students. Tyndale St-Georges also operates an employment centre which assists Little Burgundy residents with their attempts to find work.

A widower since the death of his wife Anne Johnson-Fish in 2007, he has three children, two step children, and 13 grandchildren. His outside interests include a lifelong love of music and active sports.

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BARBARA JACKMAN ON JUSTICE

AS A LAWYER WHO HAS SPENT MANY YEARS ASSISTING NON-CITIZENS IN THEIR EFFORTS TO REMAIN OR COME INTO CANADA, ‘JUSTICE’ IN THE IMMEDIATE SENSE MEANS ACCESS TO A FAIR DECISION-MAKER. FOR ME THIS MEANS A PERSON WHO KNOWS ABOUT HUMAN RIGHTS, BUT MORE IMPORTANTLY BELIEVES IN THEM AND ENSURES THAT THEY ARE RESPECTED IN THE CASES WHICH HE OR SHE MUST DECIDE.

It means a decision-maker whose frame of reference is a human one, not a construct of rules, and who fairly balances the demands of both the need for compliance with the rules against the reality of human lives and relationships. I do not believe that justice can be served by decision-makers who cannot see beyond their own histories and beliefs; they must be able, if not to understand, to at least be respectful of the histories and beliefs of others. Ethnocentrism, self-righteousness, and moralism should have no place in a fair decision-making process. I do not believe that justice is served by decision-makers who interpret the law narrowly, in a way that excludes almost all from its benefits. Discretion should be exercised in a way which relieves against hardship, not worsens it. While true justice may be an ideal to which we all strive, humanity in our justice system is an achievable, immediate, essential aspect of fair decision-making.
Chris Taylor is an entertainment lawyer with an international reputation for putting Canadian artistry on the map. He has played an instrumental role in the careers of Nelly Furtado, Drake, Billy Talent, Sarah Harmer, Sam Roberts, Avril Lavigne, Sum 41, and many, many more.

His advocacy has often extended beyond merely negotiating agreements on behalf of his clients, by providing industry introductions and career guidance that have helped form the foundation of incredible careers that have extended well beyond Canada’s borders. He is credited with playing a significant role in raising Canadian music’s stature around the world over the past two decades.

In 2003 he extended this support with a record label venture, Last Gang Records, which was initially established to further the career of mega hip artists, Metric – a group no one else wanted to sign a decade ago. Further unsung, undiscovered signings, Death From Above 1979 and Crystal Castles followed and Mr. Taylor’s “hobby project” grew into a powerhouse entertainment company with offices in Toronto, Los Angeles, and London continuing to promote Canadian recording artists worldwide.

He continues to represent some of this country’s most intelligent voices (George Stroumboulopoulos, Jian Ghomeshi, Sook Yin Lee) while also working directly with several noteworthy charities: Me To We, Dixon Hall Music School, and Friends of Music Therapy (Sick Kids).

**Chris Taylor on Justice**

**The Power of Music Has Often Been Used to Promote Justice Around the World. It Has an Energy and an Emotive Quality That Allows It to Travel to All Corners of the Globe and Inspire People to Do Good.**

Music has always been very important to me. Some of my earliest and warmest memories involve listening to Elvis Presley music with my mother in our kitchen in Windsor, Ontario. However, the power of music really changed my life in my teenage years when the music of a British band, the Clash, taught me that you could be musical, defiant, intelligent, socialist, socially responsible, and sexy all at the same time. There was more to life than “Blue Suede Shoes” and being “All Shook Up.”

The music of the Clash quickly led me to the music of Bob Marley, Peter Tosh, and Black Uhuru – incredible recording artists with a message and a beat. Somehow, someway, a young white kid from the City of Roses was deeply inspired by the music of the Jamaican ghetto – a music that put a magnifying glass on humankind’s injustices. How could some live in squalor while others live in such splendor? How could you stand idly by while so many children went to bed hungry? Marley, Tosh, Uhuru, and Joe Strummer asked the questions with such passion and such allure that it was impossible to ignore.

What a wonderful tool music was in their hands.

After law school I spent a 5 year stint making my own songs, but picked up some other tools along the way that I hope help facilitate those who make better music than I ever hoped to. I have been honoured to work with incredible recording artists like Drake, Nelly Furtado, Sarah Harmer, Billy Talent, Tom Cochrane, Sam Roberts, Sum 41 and numerous others who use their God-given tools to make music to change the world and make it a more just and better place – while maintaining a swagger and sparkle that I marvel at on a daily basis.

Canadian music efforts from “Tears Are Not Enough”, “Waving Flag” and more recently “True Colours” have illustrated how music can change the world one musical note at a time. These songs alone have raised millions to feed the hungry in Africa, help disaster relief efforts in Haiti, and reduce bullying in our schools.

If my work has helped that message travel one kilometre further, I am grateful. If it’s inspired one more music fan to do more than rock around the clock and change the world in a way that promotes equal rights and justice, even better.
EXCELLENCE IN BUSINESS
Alan Broadbent is Chairman and CEO of the Avana Capital Corporation, and founder and Chairman of the Maytree Foundation. Maytree focuses on poverty issues in Canada, with a special interest in refugees and immigrants. Maytree is the initiator of the Toronto Region Immigrant Employment Council (TRIEC) and Assisting Local Leaders with Immigrant Employment Strategies (ALLIES), which facilitate immigrant success in the labour market; and DiverseCity, which is reshaping leadership in society to better reflect the diverse citizens of Canada.

Mr. Broadbent also co-founded and chairs the Caledon Institute of Social Policy (1992); Tamarack – An Institute for Community Engagement (2001); and Diaspora Dialogues (2005), which supports the creation and presentation of new writing that reflects the diversity of Canada. These and other related organizations create and support civic engagement projects to strengthen the public discourse on civil society, including: the Jane Jacobs Prize, which celebrates “unsung heroes” in the Toronto Region; the Institute for Municipal Finance and Governance at the Munk Centre, University of Toronto; and Ideas That Matter, a public discourse initiative.

Mr. Broadbent is a Director of Sustainalytics Holdings B.V.; a Director of Invest Toronto; past-Chair of the Tides Canada Foundation; Advisor to the Literary Review of Canada; Member of the Governors’ Council of the Toronto Public Library Foundation; Senior Fellow of Massey College and Member of the Governing Board; and Member of the Order of Canada, and recipient of the Queen’s Diamond Jubilee Medal. He is the author of the book *Urban Nation*, and co-editor of *Five Good Ideas: Practical Strategies for Non-Profit Success*. Mr. Broadbent was awarded an honorary Doctor of Laws degree from Ryerson University in 2009.
Avant de rejoindre Desjardins, Mme Leroux a eu une carrière remarquable comme gestionnaire de haut niveau dans les secteurs de la consultation et des services financiers.


Très engagée dans la communauté, Mme Leroux met généreusement son temps au service d’une multitude d’organismes sans but lucratif. Elle est notamment la présidente de la Fondation Desjardins et des Jeux du Canada, Sherbrooke 2013.

Mme Leroux et son mari ont une fille et vivent à Montréal.
IN MEMORIAM
Cliff Pilkey is recognized as a firebrand labour movement veteran who blazed new trails on women’s rights, workplace health and safety, and led the fight on legislative advancements to labour laws for the betterment of Ontario workers. A lifelong passionate trade union activist and former NDP Member of Provincial Parliament for Oshawa, Mr. Pilkey was best known for his tenure as the third President of the Ontario Federation of Labour. Throughout his career, both as a trade unionist and politician, Mr. Pilkey was a courageous champion of women’s and human rights. His contributions to workers’ rights and workplace health and safety have left a legacy that will be felt for generations.

In 1990, Mr. Pilkey was invested in the Order of Ontario. He is also the recipient of the Centennial Medal of Canada and the Queen Elizabeth II Diamond Jubilee Medal.

Mr. Pilkey served in the Canadian Armed forces during WWII. He began his trade union activism as an Oshawa auto worker. In 1957, he was President of the United Auto Workers (UAW) Local 222 (now CAW Local 222), President of the Canadian UAW Council, while also serving as President of the Oshawa and District Labour Council for a decade. He entered electoral politics in 1962 as an Oshawa City Councillor until he was elected to the Ontario Legislature for one term as the MPP for Oshawa, and the Ontario New Democratic Party Labour Critic from 1967 to 1971. After his term of provincial office, Mr. Pilkey returned to the Oshawa City Council and to the UAW as a Service Representative and later as the Director of the Citizenship and Legislative Department of Canada. In 1976, Mr. Pilkey was elected President of the Ontario Federation of Labour, a position he held until 1986 when he retired. Mr. Pilkey went on to found the Workers Health & Safety Centre (WHSC) and sit on numerous boards, including Dome Stadium Corporation, Green Shield Canada, Canadian Civil Liberties Association, York University, and Durham College.

As trade union colleagues and peers have noted, Mr. Pilkey’s contribution to the labour movement was enormous. He was a shrewd negotiator and a tough debater but he was also passionate and thoughtful. Cliff Pilkey was a labour leader who was ahead of his time. He knew injustice when he saw it and he always stood true to his principles. He was highly respected by women workers because of his relentless support for women’s rights inside and outside the labour movement. He used his incredible sense of humour to bring people together and he always had his feet on the ground and had an eye to what was achievable. He was truly an inspiring leader!
PROTEST IS PART OF LIFE IN A DEMOCRACY

The right to protest disturbs and disrupts. It is meant to. It disturbs ordinary people who may be delayed, inconvenienced or unable to do business as usual. It disturbs businesses for whom any change in scheduling may mean additional costs. It should disturb the government whose job it is to facilitate our life in a democracy and who wants to offer us a prosperous place to live.

When protests disturb and paralyze traffic, what should be done? During the “printemps érable” last spring in Quebec, we witnessed a variety of responses.

The government initially ignored the protests and the protests grew larger. Some people took their anger to the courts and sought injunctions, which led to arrests, violent interactions between police and protesters, more court challenges, more arrests, and even more tear gas and broken shop windows. Then the Quebec government enacted a special law that would have significantly curtailed the right to protest, which was met by a broadening of support for the protest movement and eventually by an election, which led to the newly elected Parti Québécois “revoking” the legislation.

There are lessons to be learned here. Governments have choices vis-à-vis protests. They can ignore the protest, with the hope that, over time, protesters will tire, their numbers decrease, and their public support wane. They can “criminalize” the protest, seek injunctions to stop blockades, call the police and arrest people — governments can pass a statute to give themselves larger powers to do so. Or they can opt to attempt to remedy the problem at the root of the protest, and commit to a resolution.

The police’s job is to enforce the law and they must protect the right to protest. Their primary aim is often to de-escalate the potential for violent interruption. A decision not to intervene is often the smartest thing to do. Charges can be laid after the events if there has been criminal behaviour.

But people ask: How long can a protest go on? How long can the patience of ordinary people be taxed? The answer is as long as the political struggle gains enough supporters to keep the action going, or as long as the government takes to resolve the issue.

There are certainly limits to the right to protest — there is no constitutional right to violent action nor to endanger someone’s life. Protests let emergency vehicles go through. Occasionally, other essential services can also be negotiated with the protest movement.

It must be remembered that protests are legitimate forms of political expression and they do disturb — but so do road construction, closing the streets for parades, fundraising races or motorcades. All are part of living in a democracy. It is messy but better than the alternative.

An earlier version of this op-ed was published on January 18, 2013 in the Ottawa Citizen.
intelligence operations are essential to this aim, must be punished. Lawful policing and intelligence agencies, which in turn depends upon their “responsible and accountable operation” to ensure strong democracies and “the freedom these agencies are meant to protect.” We agree.

The Canadian Civil Liberties Association has long argued that the most effective way to counter global terrorism – both inside Canada and as part of international global counter-terrorism strategies – is through compliance with international human rights law, and effective oversight and accountability mechanisms at all levels.

International human rights law was formed as a response to state aggression, and to gross violations of human rights and human dignity. Impunity; war crimes; crimes against humanity; and serious violations of human rights law including torture, rape, and arbitrary detention; were recognized after World War II as the elements or ingredients which enable serious threats to peace and security – whether those threats come from states, or from individuals, or groups of individuals. Individuals who commit terrorist acts are committing atrocious crimes for which they must be punished. Lawful policing and intelligence operations are essential to this aim, and are prescribed by international law. When states today argue that they must curtail freedoms and legal rights to effectively fight terrorism, they are on a very slippery slope. Exceptional measures that violate international law – such as torture or using information procured from torture, or arbitrary and indefinite detention, or failures of due process – all contribute to a culture of disregard for human dignity, and of escalating lawlessness. Using illegal methods to fight illegal activity does not keep us safe – it simply creates more threats to peace and security.

As police forces and intelligence agencies have learned, and as demonstrated by the findings of the O’Connor and Iacobucci Commissions of Canada recognized the world over, strong oversight and review mechanisms (internal and public) are necessary to ensure that counter-terrorism work is grounded in legality, and is therefore effective. For example, unlawful detentions based upon inaccurate or incomplete or illegal information, can result in cases of mistaken identity, and wrongful convictions; when an innocent person is penalized an injustice is committed against that person, and at the same time, the guilty perpetrator is still free and dangerous. Victims of terrorism and their families deserve more.

The congruent harm to domestic and international legal systems, and to security, is exponentially serious. This is why the relatively new process of the UN Universal Periodic Review conceived in 2006 and implemented in 2008 is important. It is a unique global accountability process wherein all 193 member states of the UN Human Rights Council engage in a state-driven review of state compliance with international human rights law. Each state under review is treated equally – all other 192 member states have the opportunity to ask questions and make recommendations, which the state under review has the opportunity to accept or reject.

Canada underwent its first UPR in 2009, and on April 26 it underwent its second. At its second UPR, Canada reported on the implementation of its international human rights law obligations in general, and its progress on its undertakings from 2009.

Civil society groups were permitted to participate in the process by submitting written concerns to the UN Office of the High Commissioner for Human Rights. CCLA made written submissions in fall 2012 regarding Canada’s second UPR highlighting issues of concern, and making recommendations for Canada to improve its protection and promotion of international legal rights.

Some of the issues CCLA addressed include new legislation or failures to act that detrimentally affect the rights of refugees and migrants; serious concerns regarding policing of peaceful public protests; the use of tasers; prison overcrowding and prison segregation; non-compliance with the absolute prohibition against torture; and the use of security certificates and failures to comply with standards of due process.

In addressing each of these issues, CCLA focused on Canada’s actions and its violations of binding obligations pursuant to international law, and made specific recommendations for compliance with law.

In March 2013, CCLA appeared in Geneva at a UPR pre-session attended by state delegates, to brief them verbally on CCLA’s concerns. CCLA also participated in the treaty body reporting process of the UN Convention Against Torture – in this case the UN Committee Against Torture – in May 2012, to inform UNCAT of our specific concerns and recommendations for Canada to fulfill its obligations regarding the UN Convention Against Torture.

Accountability processes are not an impediment to effective security, but rather are a guarantee of lawful and effective security operations. Canada had been a champion of international law playing a crucial role in creation of the International Criminal Court and development of the doctrine of the Right to Protect, but its commitment to international law in recent years has come under scrutiny. How Canada responds to the second UPR, and indeed to the recommendations of the UNCAT and other treaty bodies, sends an important signal to other countries. It will also be an important indicator of the role Canada will play in the future strength of the international legal framework – a framework created precisely to protect peace and security, and to combat impunity of all perpetrators guilty of the most heinous crimes, including those guilty of terrorist acts.

This op-ed was published on April 24, 2013 in Embassy, Canada’s Foreign Policy NewswEEKLY.
CRIMINALIZING CRITICISM

THE CANADIAN CIVIL LIBERTIES ASSOCIATION, SINCE ITS INCEPTION, HAS BEEN A FIERCE DEFENDER OF FREEDOM OF EXPRESSION. WE HAVE TAKEN ON ISSUES RANGING FROM THE CRIMINALIZATION OF HATE SPEECH AND PORNOGRAPHY, TO MUNICIPAL BYLAWS PROHIBITING LEAFLETING, TO RESTRICTIONS ON CAMPUS CLUBS AND PROTESTS. IN EACH CASE, WE STAND UP FOR THE IMPORTANT PRINCIPLE THAT A DEMOCRACY NEEDS OPEN DEBATE AND DISCUSSION TO THRIVE AND THAT OUR RIGHT TO COMPLAIN – EVEN IN HARSH, PROVOCATIVE AND SOMETIMES OFFENSIVE TERMS – PLAYS A FUNDAMENTAL ROLE IN HOLDING OUR OFFICIALS TO ACCOUNT.

Sometimes it isn’t easy to engage in this fight. It means defending those who espouse unpopular and sometimes disturbing or abhorrent views. There are times, however, when a law restricting expression is problematic and so prone to abuse, that the job of being a defender of freedom of expression is very easy.

Over the years, CCLA has frequently asked the courts to consider the importance of freedom of expression when they make decisions that shape the law. Although we usually hear about libel or defamation in the context of disputes between private parties, Canada’s Criminal Code also includes offences relating to libel. The Criminal Code’s defamatory libel provisions have, unfortunately, been used primarily against individuals who express criticism against (or hurl insults at) state officials, including police officers, correctional officers, and judges. They are arrested or charged simply for their words, or in some cases are threatened with charges if they don’t stop spreading their messages. In effect, these provisions criminalize criticism.

Even more troubling than having these provisions on the books is the fact that multiple courts have declared one defamatory libel provision unconstitutional, and yet charges continue to be laid and individuals continue to be threatened with charges under this section and others. Regardless of how one feels about the messages being communicated, we should all be disturbed when police and Crown prosecutors make use of a law that several courts have determined violate fundamental freedoms.

Since we rarely hear about these cases, and since criminal libel charges are not common, it would be easy to sweep the issue under the rug or say it doesn’t matter. This is not the answer. The existence and use of these provisions should be of concern to anyone who values freedom of expression in our society and who places value on the rule of law. The infrequency of charges doesn’t tell the whole story, since we know that threats of charges may often be enough to simply shut down the critical speech. CCLA has asked the federal Minister of Justice to introduce legislation to formally repeal the criminal libel provisions and has taken steps to assist people facing these charges. A law that is clearly unconstitutional (and that has been held to be so by multiple Canadian courts) has no place in our modern democracy or our Criminal Code. Individuals who feel they are being defamed have many ways to respond to false accusations and commentary they find offensive. Those who are threatened with arrest and criminal charges for speaking their minds, however, have few avenues for recourse. CCLA will continue to work to get rid of these archaic laws. The chill placed on freedom of expression is a chill placed on all of us.

SPEAKING OUT

CARA ZWIBEL
DIRECTOR, FUNDAMENTAL FREEDOMS PROGRAM

Sometimes it isn’t easy to engage in this fight. It means defending those who espouse unpopular and sometimes disturbing or abhorrent views. There are times, however, when a law restricting expression is problematic and so prone to abuse, that the job of being a defender of freedom of expression is very easy.

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La Liberté d’association semble faire très peur…
La plupart des analyses présentent un point de vue limitatif de la liberté d’association. Cette timidité et ces hésitations ne sont pas justifiées. Il est temps que les législateurs, les tribunaux et la société civile reconnaissent et exigent une liberté d’association mieux comprise et mieux respectée comme droit fondamental.

Une liberté sous-estimée
La conceptualisation individualiste des libertés civiles est bien connue : il s’agit avant tout de protéger le droit de l’individu d’être ce qu’il ou elle est, de lui donner la chance de faire ce qu’il ou elle veut, de croire ce qui l’inspire et de dire ce qui lui chante.

Une protection vigoureuse de la liberté d’association a été conçue comme antagoniste à la protection de l’individu, la collectivité pouvant se révéler tout aussi exploitive ou opprimante qu’un gouvernement. Nous connaissons beaucoup d’exemples de groupes qui abusent de leurs adeptes, de religions qui discriminent ou d’associations qui ne respectent pas leurs devoirs d’équité procédurale. La décision de la Cour suprême américaine dans Roberts v. United States Jaycees, de 1984 est un bon exemple du rapport contradictoire entre l’égalité et la liberté d’association. On se rappellera que dans cette affaire, on tentait d’utiliser la liberté d’association comme bouclier contre l’application des prescriptions du Minnesota Human Rights Act, qui interdisait la discrimination contre les femmes. L’organisation nationale des Jaycees arguait que leur liberté d’association leur permettait d’exclure les femmes du club. La Cour suprême des États-Unis a conclu que la liberté d’association ne permettait pas la discrimination. L’affaire est symptomatique des questions qui peuvent se poser dans le cadre de la protection de la liberté d’association : est-ce que tous les groupes ont des droits associatifs qui supplantent tous les autres? Est-ce une question de définition de liberté d’association ou bien de réconciliation de droits potentiellement en conflit (liberté d’association contre égalité) ou de justification de limites à cette même liberté?

De plus, le potentiel du corollaire de la liberté d’association, la liberté de non-association, de menacer un grand nombre d’arrangements d’adhésion obligatoire jugés profitables, a également refroidi les ardeurs des défenseurs de la liberté d’association. Il n’est donc pas surprenant qu’une version instrumentalisée de la liberté d’association ait émergé. Puisque c’est la crainte de l’abus de pouvoir gouvernemental qui a motivé le développement des libertés civiles, il est normal que ce soit dans ce contexte que les bénéfices de la liberté d’association aient été davantage pensés. La peur que les gouvernements empiètent sur leurs critiques justifie la liberté d’expression; la crainte qu’ils tirent sur des opposants rassemblés dans la rue suggère que la liberté de manifester paisiblement doit être protégée.

Une liberté repensée
Il n’y a pas de raison pour que la liberté d’association ne soit pas interprétée au même titre que les autres libertés. Pourquoi ne pas avoir une définition large de la liberté d’association qui englobe l’ensemble des activités associatives tout en reconnaissant le rôle des articles limitatifs (article 1 de la Constitution).
LA TIMIDITÉ CONSTITUTIONNELLE DE LA LIBERTÉ D’ASSOCIATION (CONT)

Charte canadienne)? Il y a trois avantages à rejeter l’approche parcellaire et à développer une définition large de la liberté d’association. Premièrement, cette approche a le mérite de rapprocher l’interprétation de la liberté d’association de celle des libertés d’expression et de religion et donc de donner une certaine cohérence interne à l’article 2 de la Charte canadienne.

Le droit de la liberté d’expression démontre bien qu’une interprétation large et téléguidée de l’article 2 de la Charte canadienne ne signifie pas nécessairement une menace aux limites législatives mises en place. Les prohibitions contre la pornographie juvénile et la propagande haineuse ont généralement survécu aux contestations constitutionnelles. On peut penser que les contestations des limites à la liberté d’association pourraient connaître le même sort. Les tribunaux reconnaissent toujours une grande marge de manœuvre aux législateurs dans le cadre de projets économiques ou sociaux. La protection plus vigoureuse de la liberté d’association peut permettre aux gouvernements à expliquer leurs choix et d’exposer publiquement leur futilité.

Une approche plus généreuse de la liberté d’association permettrait également de donner des assises intellectuelles plus rigoureuses aux droits collectifs. On justifie les droits collectifs aux minorités linguistiques ou aux communautés autochtones par une reconnaissance de leur droit à l’égalité : il n’est pas possible de vivre une identité autochtone sans une reconnaissance des droits ancestraux de la collectivité et il n’est pas possible de transmettre un héritage linguistique sans une communauté et une organisation scolaire relativement stable. La liberté d’association pourrait aussi soutenir le développement de droits collectifs dans un contexte plus large qui reconnaît l’importance de la participation collective pour la réalisation des aspirations des êtres humains.

Finalement, les défenseurs modernes des libertés civiles reconnaissent que les inégalités grandissantes créent un espace restreint pour la revendication d’améliorations et l’exercice des libertés individuelles. Le pouvoir est distribué de façon inéquitable et les abus de pouvoir ne se limitent plus aux excès des gouvernements. De puissants acteurs ont à leur disposition toutes sortes de pouvoirs coercitifs. La protection des libertés individuelles ne peut plus se cantonner seulement dans une campagne pour limiter les actions des gouvernements : les violations des droits se vivent dans le secteur privé tout autant que le secteur public. Il faut protéger le droit à la dignité partout où il est violé. La protection du droit de s’associer et des activités inhérentes à ce droit permet de donner une voix aux personnes sans pouvoir.

Dans plusieurs affaires récentes, l’Association canadienne des libertés civiles a fait valoir une vision plus généreuse de la liberté d’association qui viserait à donner aux employés des droits de participation à la gouvernance du milieu de travail et à protéger leur droit d’agir collectivement pour être entendus. L’Association reconnaît que la reconnaissance d’une liberté d’association n’est pas une panacée. Le choix d’œuvrer dans un cadre judiciaire a ses limites. Cependant, lorsque les gouvernements ouvrent délibérément pour minimiser la capacité collective, on peut tenter de créer des balises supra-législatives. On ne peut accepter qu’une vision appauvrie de la liberté d’association soit arguée par nos gouvernements devant les tribunaux sans qu’une alternative soit au moins présentée.

La liberté d’association permet une participation démocratique plus vigoureuse et nous sommes tous perdants lorsqu’elle n’est pas reconnue comme telle. Lorsqu’une interprétation judiciaire minimise son importance, les gouvernements et les pouvoirs en place intensifient leurs attaques. Ils ont symboliquement le champ libre pour se déclarer « constitutionnellement propres ». C’est pour contrer ce blanchiment symbolique qu’une reconnaissance constitutionnelle élargie de la liberté d’association doit être mise de l’avant.

Une version modifiée de cet article est parue dans Le Bulletin Automne 2012 de la Ligue des droits et libertés, Dossier : Droit d’association.
WHAT HUMPHREY BOGART’S “RICK” WOULD THINK OF REFUGEE REFORMS

TODAY IS REFUGEE RIGHTS DAY, WHICH GOT ME THINKING ABOUT CASABLANCA. THERE IS A GREAT – THOUGH PITIABLE – SCENE IN THE MOVIE WHERE A YOUNG EASTERN EUROPEAN WOMAN, ANNINA, CONFIDES IN RICK (PLAYED BY HUMPHREY BOGART), THE SALOON OWNER, PROMPTING RICK TO LET HER UNSUSPECTING HUSBAND WIN AT THE ROULETTE TABLE. WHY? BECAUSE SHE AND HER HUSBAND HAD FLED NAZI BULGARIA BUT ARE NOW STUCK IN CASABLANCA, TRAPPED IN LIMBO WITHOUT PROPER TRAVEL DOCUMENTS.

The woman – unbeknownst to her husband – is ready to sleep with police inspector Renault to obtain exit visas for herself and her husband. Inspector Renault, seeking to carry on their tryst as long as he can, has set a huge price for the exit visas’ sale.

Thankfully Rick intervenes and arranges for Annina’s husband to win big, freeing her from the sordid relationship with Renault – with the transit letters in hand, Anina and her (myopic) husband can escape Nazi-overrun Casablanca for America, and build a free life.

The scene is great on many levels. It illustrates the vulnerabilities of individuals fleeing unjust persecution; the depravity of extortionist predators like Renault; and the desperate sacrifices of innocent asylum seekers, like Annina, whose desperation can result in re-victimization. The scene also shows how Rick’s manifested compassion can make all the difference between persecution and a safe haven.

Casablanca was released in 1942 in the middle of World War II – a great propaganda film touching on grave issues. In World War II, the world was ravaged not only by the scourge of war, but scores of asylum seekers who suffered torment and death when they could not find a safe haven. Canada itself turned away boats carrying hundreds of Jews who were forced to return to Europe where they were sent to Nazi concentration camps.

After the war Canada, along with the international community, agreed that refugees – anyone fleeing persecution on the basis of race, religion, political opinion, nationality, or membership in a social group – needed basic minimum standards for protection. It was also agreed that all countries must share the burden of refugee crises.

Fast forward to present day Canada and (now passed) legislation Bill C-31. This Bill is antithetical to the principles of international cooperation, minimal protections, and furthering a “normal and self-respecting life” for refugees. Bill C-31 allows asylum seekers to be detained for six months in a jail or jail-like facilities, during which time spouses and children can be separated in violation of other international laws protecting children and family unification.

The Act goes against terms established in the UN 1951 Refugee Convention (later expanded by the 1967 Protocol), like seeking to protect refugees given that they no longer have the “protection and assistance” of the state they are fleeing, and therefore need protection of another state. It also recognized that refugees should not suffer discrimination, be denied freedom of movement, or access to justice.

Bill C-31 also imposes a five-year moratorium on seeking permanent residency status for some, imposing a further half-decade of uncertainty and accompanying fear upon individuals who have literally run for their lives. It also creates discrimination among “classes” of refugees. Rather than grant juridical rights, Bill C-31 strips many existing rights and creates discriminatory and discretionary practices. We understand the objective to safeguard the refugee process against abuse, but Bill C-31 is more like throwing the baby out with the bath water.

In language supporting Bill C-31, there seems to be a conflation of the terms “refugee” and “asylum seeker” with “human smuggler” and “human trafficking.” One must remember that a refugee is fleeing persecution, and trying to find safe haven for herself and her family. The people who exploit the vulnerabilities of refugees, profiting at their expense, and other criminals who engage in human trafficking and enforced slavery such as forced prostitution and labour in foreign lands should be the targets of punitive legislation.

Bill C-31 does not adequately target human smugglers or traffickers. Bill C-31 punishes refugees and asylum-seekers. In Casablanca, the narrator at the beginning of the film tells us of the “tortuous roundabout refugee trail” that sprang up through Europe across the Mediterranean to Morocco, the embarkation point where refugees turned eyes “hopefully or desperately” towards freedom in the Americas. If Bill C-31 had been in existence then, those refugees would not have been looking to Canada – is that the point?

An earlier version of this op-ed was published on April 4, 2012 in the Huffington Post.
IT’S GETTING BETTER… OR IS IT?

THE LEGAL RIGHTS OF LGBTQ PEOPLE IN CANADA
HAVE SEEN SOME IMPROVEMENTS OVER THE YEARS, BUT
FOR MANY LGBTQ YOUTH, THE PERVERSIVE REALITY OF
HOMOPHOBIA – ON THE GROUND AND INSTITUTIONALLY –
REMAINS OPPRESSIVE.

One of this year’s successes for lesbian, gay, bisexual, trans, two-spirited, queer, questioning (LGBTQ) rights is the progress of federal private member’s Bill C-279 through Parliament. If passed, this bill will give formal statutory recognition to the equality rights of trans people, by amending the Canadian Human Rights Act and the Criminal Code to include gender identity and gender expression as a recognized ground for protection from discrimination and hate crimes. CCLA formally endorsed the bill when it was in the House of Commons and the bill is currently proceeding through the Senate. This year, we also mark 10 years of legally recognized same-sex marriage in Canada. The first marriage license issued to a gay couple in Canada was in June 2003, following a decision of the Ontario Court of Appeal. Many other provincial and territorial legal actions were likewise successful, and the evolution of the law on this issue culminated in the enactment of the federal Civil Marriage Act in 2005, granting same-sex couples the right to marry across Canada. The decade since that first license was issued saw Canadian society move swiftly from legal entrenchment to social normalization.

In the United States, by contrast, there has been far more legal and social controversy on this topic, leading to the same-sex marriage cases that were brought before the U.S. Supreme Court this spring. The legal status of same-sex marriage in the U.S. has an impact on rights and freedoms in Canada in a number of ways, including the question of trans-border validity of same-sex marriages contracted here, and the fact that discriminatory practices in a neighbouring country undermine efforts to end homophobic practices and hate crimes in Canada. CCLA was invited to join a group of organizations from four continents that submitted a brief to the U.S. Supreme Court on the issue of same-sex marriage. The groups were brought together by the International Center for Advocates Against Discrimination (ICAAD) to file an amicus brief in the case of Hollingsworth v. Perry, highlighting how both foreign and international law are rapidly evolving to recognize marriage equality as a basic right.

Other successes for LGBTQ rights have taken place across the provinces and territories. Gender identity was recognized as a prohibited ground of discrimination in a number of provincial human rights acts, including those of Manitoba, Ontario, and Nova Scotia. It has been included in the Northwest Territories Human Rights Act since its enactment in 2002. In the educational context there have been numerous new equity and anti-bullying legislative or policy initiatives aimed at creating schools that are equitable and inclusive for all people, regardless of their sexual orientation, gender identity, and gender expression. Some of these initiatives have also included provisions confirming the rights of students to establish organizations in their schools promoting awareness and respect for people of all sexual orientations and gender identities, such as gay-straight alliances (GSAs). CCLA made submissions to the Ontario Legislative Assembly on one such initiative, Bill 13. CCLA strongly endorsed the new protections and support for LGBTQ students, while also setting out where the bill had fallen short, where it might infringe unnecessarily on free speech, and how new mandatory penalties could unfairly impact students from marginalized communities.

Unfortunately, however, for all the legal successes, there are still numerous cases of homophobia, in particular for LGBTQ youth who face institutional homophobia, and whose rights have not been adequately protected by those in positions of authority. Indeed, we receive many calls in which it is the authorities themselves who are the alleged rights violators. These cases include allegations that: schools denied students the right to form a GSA – in violation of the Charter, and frequently in violation of explicit educational policies or legal provisions; a principal refused to take action in the face of a homophobic act of vandalism against a student; or a teacher bullied a lesbian student by singling her out for harsh and unfair treatment. In these cases, CCLA has been able to activate our contacts in the legal community, tapping into a generous spirit and a sense shared by many that young people should not have to handle such situations alone. On several occasions, we have turned to expert lawyers to assist the youth pro bono, and time and again, the assistance has been readily granted. This help, CCLA’s direct involvement, and sometimes both, has helped to empower LGBTQ youth and help them affirm their fundamental rights. Some of these situations are not yet resolved, and we continue to work both publicly and behind the scenes to assist youth who wish to protect their fundamental rights. It is likely that there are many more LGBTQ youth whose stories of discrimination and of struggles with peers, teachers and administrators have not been told. CCLA continues to be committed to assisting, supporting and empowering LGBTQ youth.
A few years, and tens of thousands of students later, I’ve learned a great deal more about the answers to these questions while delivering CCLET’s education programming in schools across Ontario than I ever learned in Teacher’s College. While training to be a guest speaker for CCLET’s Civil Liberties in the Schools and Teaching Civil Liberties programs, I learned that educators should not be afraid of students who ask challenging questions or think critically about the rules. On the contrary, these are the skills that should be modeled for our youth, encouraged, and fostered if we want them to be the future leaders and advocates for a just society.

In the fall of 2012, I met a teacher who demonstrated just how valuable and rewarding teaching critical thinking could be. During one of her classes, she asked her students a simple question: what do you think is unfair? Her relatively small special education class of eight, fifth-grade students – all with various kinds of learning challenges – had no shortage of examples to share. But there was one particular injustice that roused the students into action. When the class tried to book a field trip to a local environmental centre, they were told their request was denied because the class size did not meet the required minimum of 20 students. The students quickly realized that this policy effectively discriminated against special education classes, most of which have fewer students than the average class.

The students researched to find out the names of the centre’s board members, senior staff, and funding sources, and sent letters to all of them. Almost immediately, the students received a response from the Chair of the Board who agreed to meet with them. Not long after the meeting, the community centre’s policy, website, and training materials were changed and the students finally got to enjoy their field trip.

By questioning the rules and lawfully challenging authority, this small group of fifth-grade students was able to recognize and fight against systemic discrimination, not only for the betterment of themselves, but also on behalf of over 10,000 students in special education programs across their local school board. I am happy to report that this small class of grade five students taught me an invaluable lesson. When I consider what those students were able to achieve and the lessons they learned about participating actively in our democracy, then surely we teachers can and must cast our fears aside and make teaching critical thinking a priority in all our classrooms.
ART IS THE ULTIMATE MODE OF COMMUNICATION. IT IS A RAPID-MESSAGE-DELIVERY-SYSTEM THAT CAN SIMULTANEOUSLY TARGET ITS AUDIENCES’ EMOTIONAL AND INTELLECTUAL CENTRES. HOWEVER, ART CAN BE MESSY. BY ITS VERY NATURE, THE ACT OF CREATION CAN BE UNPREDICTABLE AND UNCONTROLLABLE.

Artists know this. There is often a gaping chasm between the intention and result of a work of art. The message intended by the artist isn’t always the one that’s received. But this is a good thing. It means that artists are open to, indeed invite, the unexpected. Creation is inherently chaotic, and therein resides its strength and beauty.

Yet, this tension between state control and artistic freedom is anticipated by our democratic rights. This is why we cherish the right to free expression, one of democracy’s core tenets. The free exchange of ideas contributes to a healthy and vigorous society of tolerance and acceptance. This is the ideal anyway. The job of a democratic government in this arrangement is to listen and respond to these ideas, debate, discuss, and choose among them the ones that seem to offer the greatest benefit to society as a whole. But this can only work when ideas are free to be expressed and passed around, discussed, and dissected. If the state attempts to control which ideas take preference, if it attempts to assert its preferred ideologies, democracy suffers. The result can be veritable or actual autocracy, oligarchy, or worse. Maintaining an atmosphere in which citizens feel secure in expressing their opinions is not only desirable; it is one of a democracy’s central tasks. Freedom of expression should always remain non-partisan.

I know it seems like a long shot for the country once dubbed the “peaceable kingdom” to descend into totalitarianism. Canadians have been mostly sheltered from first-hand experiences with fascism and tyranny. The tendency is to assume that such things could never happen here.

But the truth is, I don’t feel particularly confident that Canada is immune to fascism. Given the right circumstances, anything is possible. There is nothing inherently ‘good’ about us Canadians. We are just as prone to hatred and fear as anyone else. History provides numerous examples. Violations of civil liberties occurred in Canada during both World Wars; during the 1970 October Crisis; and yet again in 2010 during the G20 summit in Toronto. We tend to forget or try to justify these bad memories. But they’re there. They happened. And who knows? Maybe next time will be worse.

We artists inevitably find ourselves at the frontlines of the conflict between control and free expression. Our livelihoods and identities rely on our being able to express what we feel no matter its political implications. Often, our work engages with emotions and ideas that are complicated, complex, that cannot be easily articulated. This is why we turn to art instead of just saying, “I am sad” or, “I am angry.” Sometimes, we have to risk misunderstanding or controversy to communicate what we believe.

This is why we started the Canadian Artists for Civil Liberties project. I don’t trust our political leaders to leave our rights alone. I don’t trust them to make sure our rights are secure and protected for future generations. Ongoing civil engagement is really the only way to make sure we keep the rights we have. It is a project that is never completed, a case that is never closed.

Many artists use art as a platform for protesting the infringement of civil rights. With the introduction of this initiative, artists can continually show their support for the protection of rights and freedoms. Musicians, painters, dancers, filmmakers, and other artists are invited to sign on to this project by taking the Canadian Artists for Civil liberties pledge and offering their names to a list in support of the Canadian Civil Liberties Association.
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*C indicates contribution to the Canadian Civil Liberties Education Trust only

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