



March 22, 2021

Premier François Legault
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Minister Geneviève Guilbault
Minister of Public Security
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Re: Ongoing imposition of curfew

Dear Premier Legault and Minister Guilbault,

I am writing to you on behalf of the Canadian Civil Liberties Association (CCLA) with serious concerns about the ongoing imposition of a curfew throughout much of the province of Quebec. Even if it were necessary in January, it is neither necessary nor proportionate today. To keep it in place is to erode Quebecers rights by attrition. In a word, it is time to undo the curfew.

As you know, when the curfew was introduced in early January, it was to last for four weeks as a form of “shock treatment” intended to address the serious concerns about hospital resources and to convey to the public the seriousness of the situation. Ten weeks later, the situation in hospitals has significantly improved. The numbers that initially prompted the extreme measure of imposing a curfew have been cut by more than half. Meanwhile, your government has taken steps to loosen restrictions throughout the province. Even in red-zones, individuals are permitted to go to a movie theatre, school sports have re-started, and indoor gyms will be re-opening soon. The curfew, although recently modified to start ninety minutes later, has remained in place. We have not heard your government offer any compelling justification for maintaining this measure for over two months and we strongly urge you to rescind it immediately.

We appreciate that the COVID-19 pandemic has presented governments with unique challenges and that measures that restrict basic rights and liberties have, in some cases, been deemed necessary and proportionate by governments. Nevertheless, in our view a curfew is a particularly draconian measure that is not at all tailored to achieve the public health objectives that are at the root of many other restrictions. While shutting down access to places where people tend to gather in large groups is tied directly to concerns about virus transmission, a curfew curtails *any and all* activities outside of the home *regardless* of their level of risk from a public health perspective. Individuals cannot go for solitary walks or drives with members of their household without risking being stopped, questioned and ticketed by police. Although we are aware that the curfew includes exceptions, ultimately your government has handed a huge amount of discretion over to law enforcement who will decide whether an individual’s reason for being out of their house is good



enough. Quebec society is now a place where police have the authority to stop and question anyone out past 9:30 p.m. In a society that values liberty and freedom, this is simply unacceptable.

Finally, we understand that for many Quebecers, the curfew may pose no real hardship. For some people, it is rare that they would be out of their homes between the hours of 9:30 p.m. and 5:00 a.m. in any event. For others, however, the curfew does impose a very harsh restriction that is having a significant negative effect on mental health. People who live alone and work all day from home may experience the curfew as particularly confining. Just as your government thought of the needs of families during the school break and made a decision to allow cinemas to re-open, the needs of those for whom the curfew poses a genuine hardship should receive the same consideration.

We ask that you rescind the curfew immediately.

Sincerely,

Cara Faith Zwibel, LL.B., LL.M.
Director, Fundamental Freedoms Program