



January 10, 2022

The Honourable François Legault  
Premier of Québec  
Édifce Honoré Mercier, 3<sup>ème</sup> étage, 835, boulevard René-Lévesque Est  
Québec (Québec) G1A 1B4  
[premierministre@quebec.ca](mailto:premierministre@quebec.ca)

Dear Premier Legault,

We are writing to you concerning your government's decision to impose a province-wide curfew and severely restrict private gatherings as of December 31, 2021. The Canadian Civil Liberties Association (CCLA) is a national human rights organization that has been active in protecting and promoting fundamental rights and freedoms since 1964. We appreciate that the pandemic, and particularly this latest wave, pose serious challenges to governments and stress on the health care system. We also understand the severity of the situation in Quebec. Nevertheless, we believe that some of the measures most recently implemented are not rationally connected to the goal of reducing transmission of the virus and that they impose severe and unjustified restrictions on the most basic rights and liberties of Quebecers. We urge you to reconsider and rescind the curfew immediately.

We have several concerns about the use of a curfew as a public health measure, particularly when the government has decided that many ordinary economic activities can continue. Your government has allowed businesses to stay open (with restrictions), while requiring individuals to limit their activities even when those activities may pose no risk to public health. An individual who goes for a walk or drive at night, alone, or with members of their own household, poses no threat to the health care system, yet this activity is precluded by a curfew. Activities that are permitted to take place during the day do not become more dangerous because they take place after 10 p.m.

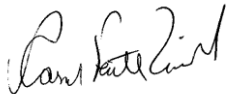
Moreover, enforcement of a curfew implicitly gives police officers the power to stop and question individuals who are outside of their homes after 10 p.m. We know that some communities, particularly racialized and Indigenous communities, are subject to greater police scrutiny, and anticipate that the curfew will impact them more severely than other populations. We are also troubled by some of the stories that surfaced during Quebec's last curfew; some individuals were ticketed because police officers did not believe they were on their way to work or did not consider their reason for being out legitimate. We also understand that individuals going to access safe injection sites were subject to unjustified questioning and searches.

As you know, when your government introduced a curfew last January, it was set to last for four weeks and intended to address the serious concerns about hospital resources. However, the curfew persisted for almost five months thereafter. Even after most businesses were open with minimal restrictions, Quebecers were precluded from leaving their homes after a certain time of day. The government provided no meaningful explanation for maintaining the curfew for as long as it did and no notice of how it would determine when it was no longer necessary. Similarly, the government's announcement on December 30, 2021 did not address what information the government will rely upon to determine when the curfew can be lifted. The people of Quebec deserve to have more information about how the government is making its decisions and the evidence upon which it relies. Clearly a curfew is intended to be both a measure of

last resort and a temporary restriction. Your government must state clearly what criteria it will use to determine when it is no longer necessary. With respect, we believe the government should define the metrics that both trigger the use of a draconian measure like a curfew and justify its termination with greater clarity and precision, as soon as possible.

We urge your government to carefully consider the concerns we have outlined above. Quebecers, like all Canadians, have had their activities severely restricted for significant lengths of time over the last two years. Your government has frankly acknowledged the absence of evidence that a curfew is an effective means of curbing transmission. It is a draconian measure that will disproportionately impact racialized communities and could negatively impact the mental health of many of your citizens. We urge you to rescind the curfew immediately.

Sincerely,



Cara Faith Zwibel, LL.M., LL.B.  
Acting General Counsel &  
Director, Fundamental Freedoms Program