



www.StandUpCanada.Solutions

YOUR RIGHT TO PROTEST

This legal information was provided to Stand Up Canada by Jane Scharf Paralegal and Carly Benjamin Paralegal in Training

We have five (5) things to help you when planning a protest.

Please note that we are not lawyers at Stand Up Canada, as such we are not providing you with legal advice. We are providing you with information given to us by a licensed paralegal. This information is to support your Constitutional right and freedom to hold a peaceful protest. We sincerely hope this information will be useful to you as a protest organizer, and to help with good and open communication with your local police.

Legal Authorities:

We have colour-coded the 2 different authorities for ease of reference:

1. **Canadian Charter of Rights and Freedoms** (Federal)
2. **Police Services Act**, Ontario (provincial)

Below are the 5 items to help:

1. KNOWLEDGE IS POWER

As part of Stand Up Canada's support to you as an organizer for your local protest, we decided that we would send you our document named **Ontario Declaration of Emergency Analysis**. We have updated it with COVID-19 city specific information for your city or town. This is for informational purposes which you could share with everyone in your city, your mayor and town council or even police. You will find information specific to your city on Page 5. Please note that this document normally does not contain any city specific information. We decided to make an insert for each city where protests will be held. This document will be included as a separate PDF attachment on our email to you along with this publication.



2. CHARTER RIGHT TO PROTEST

Your *Canadian Charter of Rights and Freedom* [section 2](#) gives you a full right and freedom to protest.

FUNDAMENTAL FREEDOMS

Marginal note: Fundamental freedoms

2. Everyone has the following fundamental freedoms

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

Here is the link to the entire *Charter* for your reference: [Constitution Acts, 1867 to 1982](#)

Here is a link to a discussion by the Canadian Department of Justice including relevant case law on the freedom of assembly. [Charterpedia - Section 2\(c\) – Freedom of peaceful assembly](#)

3. a) POLICE – THEIR OBLIGATION

When speaking to the **Police** - remember you are letting them know respectfully what you will be doing so they can ensure everyone is safe (you want them on your side). **It is their job to keep the public safe and control the traffic.** We must remain respectful to them at all times and we need to ensure that the protest is PEACEFUL otherwise we are not respecting the *Charter*.

The Police must adhere to their **Police Services Act**, Ontario, section 1 - which is their Declaration of principles:

Declaration of principles

1 Police services shall be provided throughout Ontario in accordance with the following principles:

1. The need to ensure the safety and security of all persons and property in Ontario.
2. The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.

Your freedom to **protest** falls under **section 2** of the *Canadian Charter of Rights and Freedoms*

- the Police need to uphold this and not fine you for your Constitutional Right to protest under this section 2

Here is a link to the **Police Services Act**, Ontario <https://www.ontario.ca/laws/statute/90p15>

3. b) POLICE - THEIR OATH

There are four (4) different Oaths - 3 out of 4 all make reference to upholding the Constitution of Canada. The *Canadian Charter of Rights and Freedoms* falls under the Constitution of Canada.

"I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the (insert name of municipality) Police Services Board faithfully, impartially and according to the Police Services Act, any other Act, and any regulation, rule or by-law."

Here is a link to their Oaths:

[https://www.ontario.ca/laws/regulation/910144/v1#:~:text=I%20solemnly%20swear%20\(affirm\)%20that,impartially%20and%20according%20to%20the](https://www.ontario.ca/laws/regulation/910144/v1#:~:text=I%20solemnly%20swear%20(affirm)%20that,impartially%20and%20according%20to%20the)

4. PRO BONO

If a protest organizer of a Freedom Rally in Ontario receives a ticket for holding a protest - Jane Scharf, licensed paralegal of MJS Legal Services will provide pro bono legal representation (*thank you Jane!*).

5. SUGGESTED READING

We are including a wonderful article called "**How to Have a Lawful Public March and Peaceful Protest**" written by Kimberly Neudorf of Aylmer, Ontario (*thank you Kimberly!*)

<https://kimberlyneudorf.com/how-to-have-a-lawful-public-march-and-peaceful-protest/>

STAND UP  DEBOUT
CANADA CANADA