

COLLATERAL DAMAGE: CIVIL LIBERTIES

COLLATERAL DAMAGE FROM COVID-19 MEASURES

- Lockdowns and increased chance of infection in over-crowded homes and settings
- Unemployment
- Delay or denial of needed health care
- Unable to support dying relatives or those living in long term care
- Loneliness and isolation
- Increased domestic violence
- Disruption of global food supply



CIVIL LIBERTIES VS. PUBLIC HEALTH



THREE POINTS

- i. Civil rights and public health approaches are not in fact oppositional;
- ii. Public health needs a healthy respect for civil liberties – that in fact good public health policy requires it; and
- iii. Public health officials need to understand that the evidentiary burden falls on them to show that they could not achieve their public health objectives without overriding civil liberties, not the other way around.

FREEDOM OF EXPRESSION



FREEDOM OF ASSEMBLY



FREEDOM OF RELIGION

Calgary man in coma after contracting COVID-19 from prayer service

Jay Chowdhury is 'a model citizen,' Alberta Jason Kenney tweeted, wishing him a quick recovery



Local businessman and volunteer Jay Chowdhury is in hospital fighting for his life as he battles COVID-19. Photo courtesy of his family

Ontario churches, mosques and synagogues open for drive-in worship this weekend amid COVID-19



Some Ontario church leaders have asked Premier Doug Ford to let them fully reopen



Philip Lee-Shanok · CBC News · Posted: May 24, 2020 4:00 AM ET | Last Updated: M:



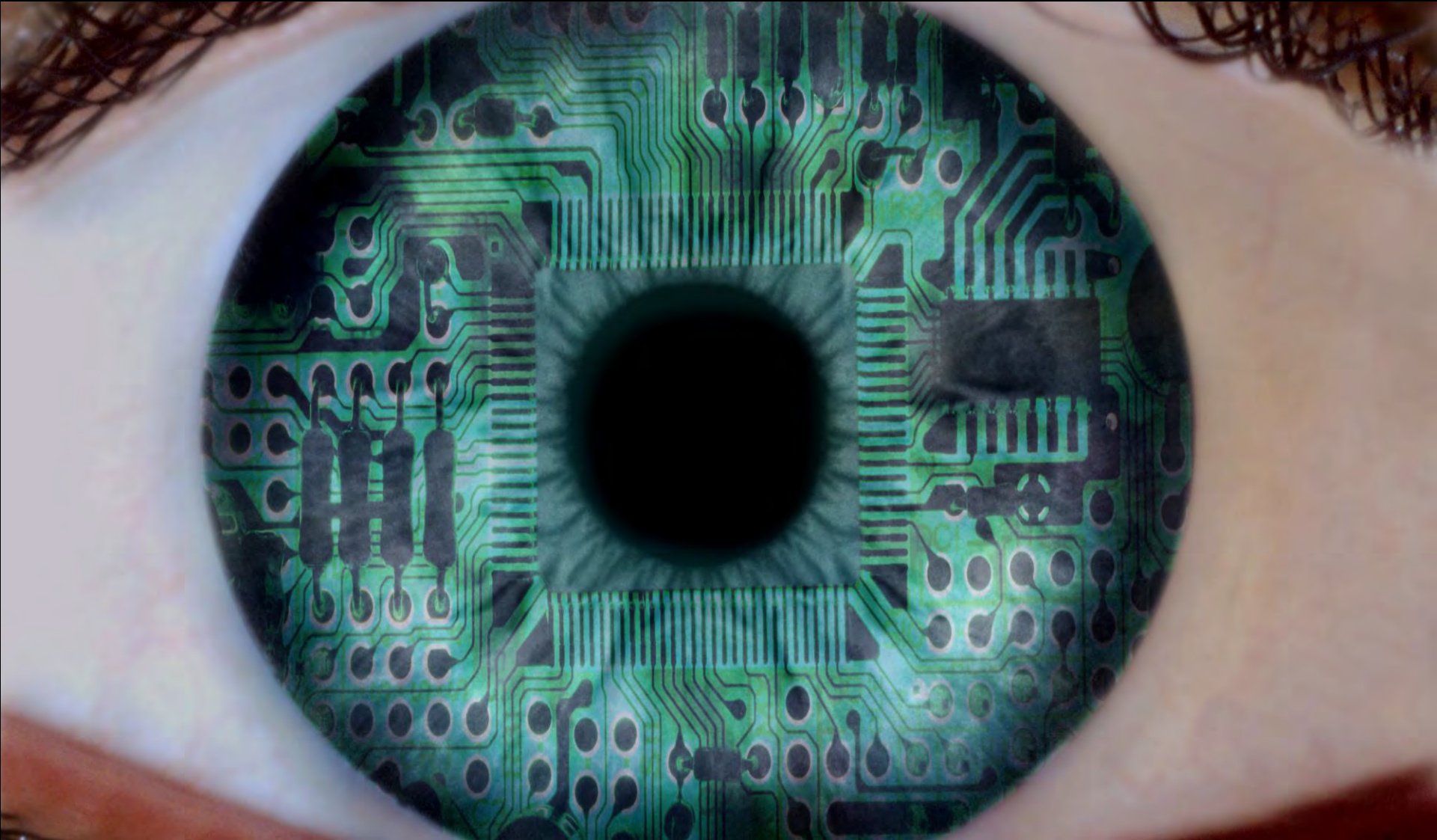
BREAKING | 22,135 views | May 23, 2020, 06:58pm EDT

Church-Related Coronavirus Outbreaks Reported As Trump Pushes For Reopening

MOBILITY RIGHTS



PRIVACY





IN CASE OF
EMERGENCY
IN CASE OF
EMERGENCY



BREAK GLASS

PROPORTIONALITY
VS.
PRECAUTIONARY PRINCIPLE



ANTHONY FAUCI,
DIRECTOR OF THE U.S. NATIONAL
INSTITUTE OF ALLERGY AND INFECTIOUS
DISEASES,

“If it looks like you're overreacting,
you're probably doing the right
thing.”



CANADIAN CHARTER OF RIGHTS AND FREEDOMS



Guarantee of Rights and Freedoms
The Charter of Rights and Freedoms is the cornerstone of the Canadian legal system. It sets out the fundamental rights and freedoms of all Canadians, including the right to life, liberty and security of the person, the right to equality before the law, and the right to a fair trial.

Foundational Principles
The Charter is based on the principles of democracy, equality, and the rule of law. It is designed to protect the rights and freedoms of all Canadians, regardless of their race, ethnicity, or religion.

Democratic Rights
The Charter guarantees the right to a fair trial, the right to a reasonable time to trial, and the right to a fair and public hearing. It also guarantees the right to a fair and public hearing.

Equality Rights
The Charter guarantees the right to equality before the law and the right to equal protection and benefit of the law. It also guarantees the right to equality of opportunity.

Minority Rights
The Charter guarantees the right to the use of one's own language in the courts and in the legislature. It also guarantees the right to the use of one's own language in the workplace.

Legal Rights
The Charter guarantees the right to a fair trial, the right to a reasonable time to trial, and the right to a fair and public hearing. It also guarantees the right to a fair and public hearing.

Equality Rights
The Charter guarantees the right to equality before the law and the right to equal protection and benefit of the law. It also guarantees the right to equality of opportunity.

Official Languages of Canada
The Charter guarantees the right to the use of one's own language in the courts and in the legislature. It also guarantees the right to the use of one's own language in the workplace.

Minority Language Educational Rights
The Charter guarantees the right to the use of one's own language in the courts and in the legislature. It also guarantees the right to the use of one's own language in the workplace.



Dispositions
The Charter of Rights and Freedoms is the cornerstone of the Canadian legal system. It sets out the fundamental rights and freedoms of all Canadians, including the right to life, liberty and security of the person, the right to equality before the law, and the right to a fair trial.

General
The Charter is based on the principles of democracy, equality, and the rule of law. It is designed to protect the rights and freedoms of all Canadians, regardless of their race, ethnicity, or religion.

Application of Charter
The Charter applies to all levels of government, including the federal government, the provinces, and the municipalities. It also applies to all individuals and organizations that are subject to the law.

Crimes
The Charter guarantees the right to a fair trial, the right to a reasonable time to trial, and the right to a fair and public hearing. It also guarantees the right to a fair and public hearing.

[Signature]
1982

I. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

PROPORTIONALITY
OAKES TEST (SUPREME COURT, 1986)

1. Is the government's objective in infringing the right is pressing and substantial?
2. Is the infringement is rationally connected with (1)?
3. Is the right minimally impaired?
4. Is the value of the objective, and the actual costs and benefits associated with pursuing it, are proportionate to the costs of the infringement?



**ONE SIZE
DOES NOT
FIT ALL**

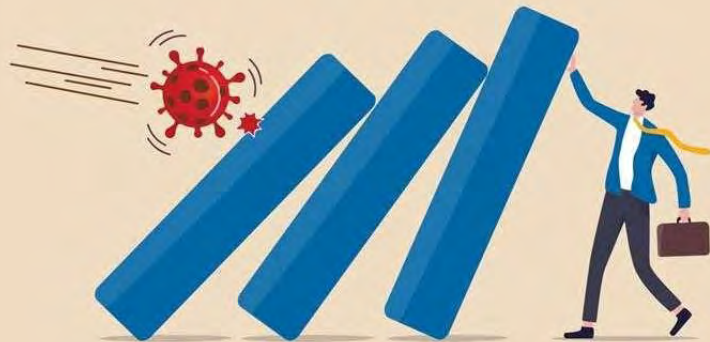
WHERE COURTS DEFER

- **Generally greater deference to high level government decisions involving tradeoffs between many people**
- **Generally, greater deference to government actions designed to protect the vulnerable**
- **Some references by the Supreme Court of deferring in matters of national emergency**



Probability Neglect

EU COMMUNICATION ON THE PRECAUTIONARY PRINCIPLE (2000)



Precautionary measures should be:

- proportional to the chosen level of protection,
- non-discriminatory,
- consistent with similar measures already taken,
- based on an examination of the potential benefits and costs of action or lack of action (including, where appropriate and feasible, an economic cost/benefit analysis),
- subject to review, in the light of new scientific data, and
- capable of assigning responsibility for producing the scientific evidence necessary for a more comprehensive risk assessment.





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