MAR.
2023

ARPA CANADA'S LEGAL ARGUMENTS

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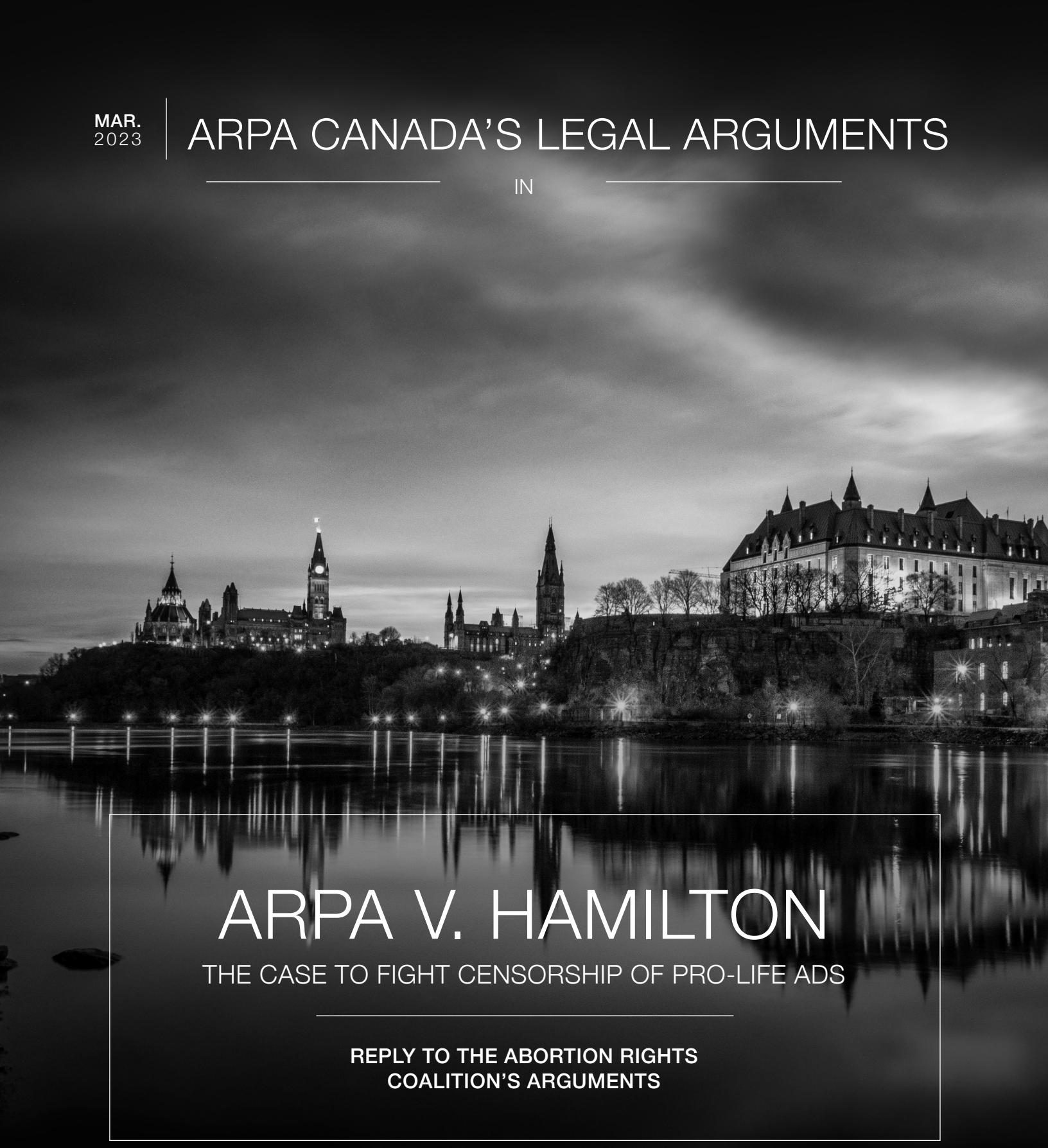

ARPA V. HAMILTON

THE CASE TO FIGHT CENSORSHIP OF PRO-LIFE ADS

REPLY TO THE ABORTION RIGHTS COALITION'S ARGUMENTS

ARPA CANADA

Court File No. 833/21

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

BETWEEN:

THE ASSOCIATION FOR REFORMED POLITICAL ACTION (ARPA) CANADA and JOHN BOEKEE

Applicants

- and -

CITY OF HAMILTON

Respondent

- and -

ABORTION RIGHTS COALITION OF CANADA

Proposed Intervener

APPLICATION UNDER rules 14.05(1), 38 and 68 of the *Rules of Civil Procedure* and the *Judicial Review Procedure Act,* RSO 1990, c.J.1, s 2

APPLICANTS' REPLY FACTUM

March 24, 2023

The Association for Reformed Political Action
130 Albert Street, Suite 1705
Ottawa, ON, K1P 5G4

John Sikkema, LSO# 67933W
john@arpacanada.ca

Counsel for the Applicants, The Association for Reformed Political Action (ARPA) and John Boekee

TABLE OF CONTENTS

PART I: OVERVIEW

ARCC's submissions demonstrate the unreasonableness of rejecting the Ad

1. The Abortion Rights Coalition of Canada ("ARCC") goes beyond the proper role of an intervener (and the Order granting it leave to intervene[1]) by arguing the merits and outcome of the case,[2] raising substantive new issues,[3] adducing new factual claims and evidence,[4] and repeating Respondent's arguments.[5] These improprieties aside, ARCC's intervention further illustrates that this case is about political differences, not about misstating Canadian law. ARCC's additional purported justifications for censoring the Ad have no more merit than the City's original reasons. ARCC's submissions thus further demonstrate that there is no reasonable basis for rejecting the Ad and that remitting the matter for reconsideration would serve no useful purpose.

PART 2: FACTS

2. On November 30, 2022, Justice Nishikawa granted leave to intervene to ARCC and gave the Applicants permission to file a factum, not exceeding 15 pages, "to respond to the issues raised in ARCC's factum."[6]

PART 3: ISSUES AND ARGUMENT

A. By ARCC's own description and analysis, the Ad is inescapably political

3. ARCC claims (at para 7) the Ad "is an assertion that foetuses have personhood and a right to life" and is therefore not political. Yes, the Applicants believe unborn children have a right to life, which is a legitimate philosophical, moral, and political position. More specifically, the Ad is about not aborting girls because they are girls.

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[1] *Association for Reformed Political Action v City of Hamilton*, 2022 ONSC 6691 at paras 17, 24.
[2] *Yatar v TD Insurance Meloche Monnex*, 2022 ONCA 173.
[3] Especially in paras 27-32 of ARCC's factum.
[4] In paras 21-26 of ARCC's factum.
[5] In paras 1-2, 33-35, 39-48 of ARCC's factum.
[6] *Association for Reformed Political Action v City of Hamilton*, 2022 ONSC 6691 at para 24.

4. ARCC points out (at para 7) that the Ad does not refer to Bill C-233. Indeed, but the substance of the Ad (not to mention the website) is clearly related to that of the bill, which posits in its preamble that sex-selective abortion is "a form of sex-based discrimination […] inconsistent with [Canada's] commitment to the protection of equality rights".[7] Thus, both the Ad and bill state a political position, which differs from ARCC's. ARCC claims (at para 7) the bill "did not have the support of any political party," which, if true, would not mean the is Ad not political. But the Conservative Party's Policy Declaration condemns sex-selective abortion (in Article 89, which is about women's sexual equality rights)[8] and 82 Opposition MPs (out of 119) voted for this private member's bill.[9]

5. Whether the general impression the Ad makes has more to do with sexual equality or with unborn children's rights in general, it is political. Likewise, ARCC's view that an unborn child has no rights is political, as is the view that the "right to choose" must always prevail over an unborn child's rights. Indeed, as a political debate, this is commonly (albeit simplistically) framed as the "right to choose" vs. "right to life".

6. ARCC argues (at para 11) it is "disingenuous" to say the Ad is political "given the wholly inaccurate assumptions on which the 'opinion' is based." ARCC does not explain why underlying inaccurate assumptions (let alone explicit falsehoods) preclude an ad from being political. But the Ad is plainly not based on an assumption that Canadian law protects unborn girls – the Applicants are acutely aware that it does not. That is why the Applicants invite their fellow citizens to "defend girls" and share that "We're for

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[7] Bill C-233, *An Act to amend the Criminal Code (sex-selective abortion)*, 2nd Sess, 43rd Parl, 2021, (first reading September 23, 2020).
[8] Affidavit of Anna Nienhuis, sworn November 8, 2021, at paras 11, [**Nienhuis Affidavit**], Application Record of the Applicant at 82 [**APAR 82**]
[9] House of Commons, Vote No. 125, 2nd Sess, 43rd Parl, June 2, 2021, online: https://www.ourcommons.ca/members/en/votes/43/2/125.

women's rights" – begging the question: are you, too? If so, do you care about discrimination at the earliest stages of life?

7. ARCC (at para 11), like the Respondent, suggests the Applicants might be allowed to say unborn children "should" have rights. Some pro-life groups have tried this, but their ads were unreasonably rejected anyway – for the same reason given by the City.[10] But more importantly, saying "unborn girls *should* have rights" would misrepresent the Applicants' position. In their view (as in liberal political theory), rights are not created by positive law. Rather, government's purpose is to protect rights, and laws can violate or fail to protect rights. ARCC and the Respondent prefer to ignore the meaning and common use of the term "rights" in a liberal democracy.

B. ARCC's inapt analogy: a scientific claim of cause and effect

8. ARCC analogizes the Ad to ads that state or imply that vaccines cause autism (at paras 12-14). This example illustrates the difference between making a scientific claim (e.g. "X is the physical cause of Y") and stating one's political position or belief (e.g. "We're for abortion rights" or "We're for animal rights" etc.). Even saying "*We're against* autism caused by vaccines" is not comparable to the Applicants' Ad, as "autism caused by vaccines" is a scientific claim, not a moral or political concept or ideal.

C. The UN report on sex selection and competing policy views

9. The UN interagency report on prenatal sex selection, like the Ad and Bill C-233, reflects the view that sex-selective abortion violates the rights of women and girls, including in the passage quoted by ARCC (at para 19).[11] Notably, the Applicants' "Defend Girls" campaign aligns with the Report's call for "advocacy to change attitudes

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[10] *Guelph and Area Right to Life v City of Guelph*, 2022 ONSC 43 at paras 22, 27-38 [***Guelph***]; *Lethbridge and District Pro-Life Association v Lethbridge (City)*, 2020 ABQB 654 at paras 27-45, 40 [***Lethbridge Pro-Life***].

[11] "Preventing gender-biased sex selection: an interagency statement OHCHR, UNFPA, UNICEF, UN Women and WHO", *World Health Organization* (Geneva, Switzerland: 2011) at p v, 3, 4, 11, ARCCBOA Tab 1 [***UN Interagency Statement***].

and behaviour" and for giving "high visibility […] to groups that support fulfilling the human rights of girls and boys equally, and who therefore oppose prenatal sex selection."[12]

10. ARCC is correct that the UN Report also calls on governments to facilitate access to abortion "to the full extent of the law" – thus respecting that nearly all nations, unlike Canada, have legal restrictions on abortion. ARCC also notes that the Report opposes measures that would expose women to "the risk of death or serious injury,"[13] but preventing *sex-selective* abortion does not preclude abortion for health reasons. In any event, different organizations may have different policy views on whether or how to reduce sex-selective abortions, without their views being "inaccurate."

D. The Code of Advertising Standards (CCAS) must be applied on its own terms

11. ARCC (at para 6-7) and the Respondent (at para 53) argues that the City must apply Clause 1 of the CCAs to the Ad because the City's Policy requires compliance with the CCAS. Rather, the CCAS – as part of the City's Policy and as the purported legal basis for rejecting the Ad and limiting freedom of expression – must be applied intelligibly, *according to its own terms,* and not according to the City's (or Ad Standards') whims.[14] The CCAS says categorically that "political advertising … is excluded". ARCC (at para 9) quotes this Court in *Guelph*[15] to suggest Clause 1 is relevant regardless of the political advertising exclusion. In that case, however, the issue of whether the ads constituted "political advertising" within the meaning of the CCAS was not before the

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[12] *UN Interagency Statement*, *supra* note 11 at p 11.
[13] *Ibid*, at p 4.
[14] *Greater Vancouver Transportation Authority v Canadian Federation of Students – British Columbia Component*, 2009 SCC 31 at para 50 et seq [***Greater Vancouver***].
[15] *Guelph*, *supra* note 10 at para 82, says "The concerns over inaccuracy must be weighed against the applicant's right to freedom of expression."

court.[16] Likewise, the political advertising exclusion clause was not in issue in *Greater Vancouver*.[17]

E. The City's Advertising Policy is bigger than the CCAS

12. Just because an advertisement is excluded from the CCAS does not mean it is excluded from scrutiny under the City's Policy, which (among other things) refers to the *Criminal Code* and *Human Rights Code*. An ad that is discriminatory or hateful, for example, will likely contain falsehoods, but inaccuracy *per se* would not be the basis for censorship; rather, the discriminatory or hateful content would be. Also, various criminal offences have to do with prohibiting falsehoods, such as the offence of passing off (s. 408) or the offence of defamatory libel (s. 297), and the City should not allow such offences. In short, there may be various legitimate reasons to reject an ad based on legal sources or rules other than the CCAS, but the City found no such reasons.

F. The baseless allegation of intent to deceive with respect to Canadian law

13. ARCC (at paras 2, 11, 18) alleges that the Applicants *intended* to deceive people into thinking Canadian law protects unborn children's right to life. This is bewildering. "Defend Girls" is part of ARPA Canada's "We Need A Law" campaign – so called because Canada lacks laws protecting preborn children.[18] The Applicants' uncontroverted evidence is that they intended to advocate for legal protections that do *not* exist, which is what the Ad and website do.[19] To deceive people into thinking the law *already* protects unborn girls' rights would nullify their own advocacy.

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[16] *Guelph*, *supra* note 10 at paras 2, 77-78, frame the issues. The exclusion clause is not discussed.
[17] *Greater Vancouver*, *supra* note 14 at para 79.
[18] *Nienhuis Affidavit*, *supra* note 8 at paras 6-17 [**APAR 81**].
[19] *Nienhuis Affidavit*, *supra* note 8 at paras 7-17 [**APAR 81-84**].

14. ARCC even alleges the Applicants intend to mislead people into thinking abortion "equates to murder" (at paras 11, 18), but the City has never claimed the Ad might make people think abortion is illegal, let alone a serious crime, nor is such a claim plausible.

15. ARCC hangs its accusation of intent to deceive on Mr. Boekee – the pro-life volunteer who believes unborn children have a right to life – agreeing with Respondent counsel on cross-examination that "the implication with respect to the consistent use of 'hers' relates to right to life and the equivalence of the right to life for the fetus, correct?".[20] Just so. A person's life begins before birth, and the Applicants believe that an unborn girl who loses her life to sex-selective abortion is treated unjustly. Respondent's counsel was careful *not* to ask Mr. Boekee or Ms. Nienhuis whether the Ad implies unborn girls have the same *legal* rights or *legal* status as women since they obviously do not.

16. Arguments about "legal deception" (intentional or not) ring hollow given that the Respondent said it would reject an ad saying only "*Abortion ends a child's life*" for the same reasons it rejected the "defend girls" Ad.[21] But "*Abortion ends a child's life*" is a simple statement of fact. It communicates nothing about the law. Besides, both the *Criminal Code* (if it were relevant here) and the Supreme Court of Canada refer to unborn human beings with the term "child".[22] Moreover, people would not mistake "child" in this context ("*Abortion ends a child's life*") as referring to a born child. There is simply no "legal misleading" going on here. Rather, the City's objection (before this litigation), was simply that "her" is a term that (like "child") may "imply personhood" – a

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[20] Respondent's Transcript Brief, Tab 1, Cross-examination of J. Boekee, p. 10, q. 38.
[21] Factum of the Respondent at para 30.
[22] See, *Winnipeg Child and Family Services (Northwest Area) v G.(D.F.)*, [1997] 3 SCR 925, 121 Man R (2d) 241 [***Winnipeg Child***]. See also, *Reference Re Assisted Human Reproduction Act*, 2010 SCC 61, at para 99.

philosophical position that may not be shared by most people or reflected in positive law, but which is not "inaccurate".

G. The Supreme Court treats *legal* status as a distinct, narrow issue

17. ARCC suggests (in paras 16-17) that the Applicants misuse *Winnipeg Child.* Not so. The Applicants were clear in their main factum (at para 57) that they were referring to the dissenting Justice's observations about how the "born alive rule", a *legal* rule, appears outdated in light of modern scientific knowledge about unborn children. But there is no disagreement about what the legal rule is. Indeed, as McLachlin C.J. said, "the law of Canada does not recognize the unborn child as a legal or juridical person."[23] The Court takes care to clarify that it is *not* deciding "biological status, nor indeed spiritual status" – nor ontological or moral status – but "legal status."[24] Indeed, "For legal purposes there are great differences between the unborn and the born child."[25] The Court thus avoids taking sides in scientific, moral, philosophical, or political debates about the status of unborn children. By labelling the "implied personhood" underlying the Ad as "inaccurate" and censoring the Ad on that basis, the City, consciously or not, has effectively taken a side in such debates.

H. A message from the government of Hamilton?

18. ARCC claims (at paras 15, 24) that the mere fact that an ad appears on the side of a bus has the effect of "imbuing it with government authority." They cite no authorities. This argument is contrary to case law that treats public spaces such as this as *Charter-*

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[23] *Winnipeg Child*, *supra* note 22 at para 11 (emphasis added).
[24] *Ibid*, at para 12 (emphasis added).
[25] *Ibid*, at para 25 (emphasis added).

protected public forums for citizens to express their views.[26] The City itself has never raised this point and its Policy says the City does not endorse ads by accepting them.[27]

I. No captive audience

19. ARCC claims (at para 38) that "the impugned advertisement targets a captive audience". Since the Ad does not (in the Applicants' submission) violate the Policy, the "captive audience" question is irrelevant. But it is hard to grasp how an ad on the outside of a bus – which moves almost constantly and stops only briefly – could have a captive audience. A person can ignore this Ad as easily as any other. ARCC cites no comparable cases but relies on cases involving protestors in fixed locations outside abortion clinics.

J. Unfounded and implausible claims that the Ad will cause "very real harm"

20. ARCC's factum (paras 21-33, 37) disregards the Court's direction that "ARCC will accept the record as prepared by the parties and not add to it, adduce further evidence, or raise any new issues beyond those raised by the parties."[28] Interventions under Rule 13.02 are for submissions on issues of law (not evidence) already before the court.[29]

21. These improprieties aside, ARCC's submissions demonstrate the futility of trying to find alternative justifications for censoring the Ad. The journal articles ARCC cites (in paras 23-26), which make general claims about "stigma" in relation to abortion, cannot support a finding that this Ad causes "very real harms". They do not even study the impact of pro-life advertising in general, and such advertising is very diverse.

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[26] See, *Greater Vancouver*, *supra* note 14 at paras 32-36.
[27] Affidavit of Jennine Recine, Exhibit 1, Respondent's Application Record, Tab 1. (1). See the first paragraph of the policy which says, "[t]he advertisement of a product or service does not necessarily act as the City's endorsement of any product or service."
[28] *Association for Reformed Political Action v. City of Hamilton*, 2022 ONSC 6691, at para 24.
[29] Rules of Civil Procedure, RRO 1990, Reg 194, 13.02. See also, Paul R. Muldoon, *Law of Intervention* (Aurora: Canada Law Book 1989), at pp 119-120, note in particular that the amicus curiae is to "persuade by giving reasons."

22. ARCC asks this Court to find that the Ad "perpetuates stigma" based in large part on a law journal article opining that "abortion travel" in the Maritimes resulting from a lack of public health funding creates "harms" that "are best captured by the sociological concept of stigma."[30] Not funding abortions is connected, in Erdman's view, with women being "devalued, rejected, and excluded".[31] Erdman posits that such a policy contributes to stigma, in part because public health care services are "symbolic of Canadian citizenship."[32] In the passage quoted by ARCC about "an individual stigmatized within their community, branded with the letter A," Erdman is referring to someone who had to travel out of their home province to get an abortion.[33] The essay does not discuss sex-selective abortion at all (nor its connection with women being devalued).

23. ARCC makes a generic statement that "[l]anguage can have a stigmatizing effect" (at para 24), without explaining how or why the language used in the Ad would have that effect. To give its claims that the Ad would cause "stigma" and "very real harm" a veneer of plausibility, ARCC cites a 4-page medical journal article that never mentions sex-selective abortion.[34] The Cook and Dickens article discusses stigma in connection with contraception, vasectomies, abortion, mental illness, rape, denying IVF treatment to smokers, taxing cigarettes (at 91), and more. With respect to abortion, it specifically mentions (at 90) the stigmatizing effect of "presenting women requesting abortions and doctors performing them as 'murderers,' or employing holocaust descriptions." None of the "evidence" contained in this article could possibly support a finding that the Applicant's Ad would cause harm, even if it were properly before the Court.

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[30] Joanna N. Erdman, "The Law of Stigma, Travel, and the Abortion-Free Island" (2016) 33:1 Colum J Gender & L 29, ARCC BOA Tab 2 at p 31 [***Law of Stigma***].
[31] *Law of Stigma*, *supra* note 30, at p 32.
[32] *Ibid*.
[33] *Ibid* at p 33.
[34] Rebecca J. Cook and Bernard M. Dickens, "Reducing stigma in reproductive health" (2014) 125 Int'l Gynecology & Obstetrics 89 at 90, ARCC BOA Tab 3.

K. The Ad does not demean or degrade anyone

24. ARCC asserts (at para 23) that the Ad "demeans and degrades people capable of pregnancy." Yet the City never relied on Clause 14 of the CCAS, which forbids ads that "demean, denigrate, or disparage" groups of persons. Nor did the City rely on the *Human Rights Code* or claim the Ad was demeaning or discriminatory. The City's non-reliance on Clause 14 speaks volumes given the context. The City consulted Ad Standards, which referred the City to a recent Ad Standards decision that which relied explicitly on Clause 14.[35] Several other Ad Standards and municipality decisions rejecting pro-life ads have relied on Clause 14, as reported in court decisions, as the Respondent's legal counsel would have known when advising on the Decision.

25. The most plausible explanation for the City not relying on Clause 14 in any of its three sets of reasons is that it did not seem reasonable to the various staff and legal counsel involved in making the decision to claim that the Ad demeans or disparages women. And rightly so. The Ad uses no insulting, demeaning, or offensive language. It contains no graphic or disturbing images. In this respect, the Ad brings to mind an ad in *Guelph*, which had an ultrasound image of a child and said, "Life Should Be the Most Fundamental Right – Say No to Abortion". Regarding that Ad:

> It was [Ad Standards] Council's unanimous decision that the ad did not demean or disparage women who have had or are considering having an abortion, nor did it undermine women's rights when facing an unwanted pregnancy. The imagery in no way offended standards of public decency.[36]

26. Of course, the Applicants' Ad is implicitly critical of the practice of sex-selective abortion, though it does not blame women for it (nor did Bill C-233 apply to women who seek or receive sex-selective abortion). Furthermore, if moral criticism of a practice amounts automatically to an attack on the dignity of persons who engage in it, then

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[35] Affidavit of Jenine Racine at para 36, Respondent's Application Record, Tab 1.
[36] *Guelph*, *supra* 10, at para 27.

Mothers Against Drunk Driving would have to close up shop for "disparaging" alcoholics and PETA would have to stop advertising so as not to "demean" meat eaters. Such reasoning would stifle moral and political debate.

27. Such reasoning contrasts starkly with the Supreme Court's conclusion that avoiding offence is not a pressing objective.[37] And as the Ontario Court of Appeal warned in *Bracken v Fort Erie*[38] censoring speech based on discomfort it may cause would "swallow whole *Charter* rights." The Court of Appeal expanded on this point in *Bracken v Niagara Parks Police*[39]

> Political messages are always provocative. They imply that others are wrong, perhaps through ignorance, mistake, negligence or even moral failure. They frequently risk offending those with contrary views. But in a free society, individuals are permitted to use open public spaces to address the people assembled there – to challenge each other and to call government to account. The idea that the parks are somehow different – that they are categorically a "safe space" where people are to be protected from exposure to political messages – is antithetical to a free and democratic society and would set a dangerous precedent. [...] The analysis must always be contextual. But in this instance […] the display of the sign, despite its profanity, did not constitute the use of insulting or abusive language within the meaning of s. 2(9)(a).

28. By ARCC's logic, its own arguments—which claim that the Applicants' advocacy undermines the rights of people capable of pregnancy—disparage the Applicants as rights deniers or abusers. Of course, ARCC should be free to share its views, even if they imply the Applicants are wrong, through ignorance or moral failure. "Rights talk" is the language of political debate. Nobody has a monopoly on its use.

L. The Ad does not violate anybody's freedom of conscience

29. ARCC says (at para 28) that "a state that is perceived to take sides on the issue of abortion […] endorses one conscientiously-held view at the expense of another," which is exactly right. But the state does *not* "take sides on the abortion issue" by *permitting*

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[37] *Greater Vancouver*, *supra* note 14, at para 76.
[38] 2017 ONCA 668 at para 82.
[39] 2018 ONCA 261 at para 93.

people to express an opinion in a public forum. The state takes sides, in this case, by *censoring* one point of view. It is only the Applicants' *Charter* s. 2(a) rights that are violated here, because the state has shut out their conscientiously held views from a public forum. Their freedom of conscience is *not* violated, however, when they encounter opposing views, like ARCC's. Likewise, even if obtaining or providing sex-selective abortion is protected by s. 2(a), s. 2(a) would not be violated by government *not censoring* points of view that are critical of sex-selective abortion.[40]

M. The Ad does not violate *Charter* section 7 rights

30. For similar reasons, the notion that *not censoring* the Ad violates or undermines *Charter* section 7 rights has no merit. To violate section 7, a deprivation of life, liberty, or security or the person must be non-trivial, substantial, state-caused, and in breach of a principle of fundamental justice.[41] The City never claimed that the Ad would interfere with anyone's ability to access abortion, nor is such a claim credible.

N. The Ad does not violate section 15 equality rights

31. ARCC argues (at para 32) that s. 15 of the *Charter* requires access to "necessary sexual and reproductive health care services." Of course, preventing sex-selective abortion need not interfere with necessary health care services. But the main issue here is whether the government, merely *by not censoring criticism* of sex-selective abortion, violates or undermines s. 15 of the *Charter*. This is untenable. The disagreement between ARCC and the Applicants amounts to a difference of political views about how to protect and promote sexual equality. The Applicants believe their advocacy promotes sexual equality by urging an end to the sex-selective abortion of girls, while ARCC believes this advocacy undermines sexual equality. ARCC's strident opposition to the Ad illustrates

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[40] See *S.L. v Commission scolaire des Chênes*, 2012 SCC 7, at paras 39-40, on "cognitive dissonance".
[41] *Canada (Attorney General) v Bedford*, 2013 SCC 72 at para 76.

why political advertising is appropriately excluded from the CCAS and why Canadian law so jealously guards freedom of expression, especially in relation to political issues.

O. Requiring the City to accept the Ad does not preclude adjudicating complaints

32. ARCC contends (at para 48) that requiring the City to accept the Ad would remove the City's discretion to remove it if "true harms" are "realized" only after the Ad is posted. This is a red herring. The City's Policy has a separate section governing complaints about ads that have been accepted. This Court can find that the City has no reasonable basis for censoring the Ad without precluding complaints. Potential complaints about the Ad and how they are dealt with is not in issue before this Court.

P. The website defendgirls.ca was before the City and is before this Court

33. Both ARCC (para 47) and the Respondent (para 99) assert that the Court must return this matter to the City for reconsideration because the record before the Court is inadequate, supposedly because the website is not before the Court. In fact, the website (including an update to note that Bill C-233 did not pass on June 2, 2021) was before the City when it reviewed the Ad again and made its final Decision on September 8, 2021. Not only is the website before the Court, so are external media articles to which the website links. Moreover, the City never (in its three sets of reasons or in Ms. Recine's affidavit) identified any issue with the website.

34. This argument is yet another red herring and a last-ditch effort to escape the inevitable conclusion that, even with ARCC's help, the City cannot find any reasonable basis to censor the Ad. Remitting the matter would thus serve no useful purpose.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 24th day of March, 2023.

John Sikkema
john@arpacanada.ca

Schedule 1

Jurisprudence

Association for Reformed Political Action v City of Hamilton, 2022 ONSC 6691.
Bracken v Fort Erie, 2017 ONCA 668.
Bracken v Niagara Parks Police, 2018 ONCA 261.
Canada (Attorney General) v Bedford, 2013 SCC 72 at para 76.
Greater Vancouver Transportation Authority v Canadian Federation of Students – British Columbia Component, 2009 SCC 31.
Guelph and Area Right to Life v City of Guelph, 2022 ONSC 43.
Lethbridge and District Pro-Life Association v Lethbridge (City), 2020 ABQB 654.
Reference Re Assisted Human Reproduction Act, 2010 SCC 61.
S.L. v Commission scolaire des Chênes, 2012 SCC 7.
Winnipeg Child and Family Services (Northwest Area) v G.(D.F.), [1997] 3 SCR 25, 121 Man R (2d) 241.
Yatar v TD Insurance Meloche Monnex, 2022 ONCA 173.

Secondary Sources

"Preventing gender-biased sex selection: an interagency statement OHCHR, UNFPA, UNICEF, UN Women and WHO", *World Health Organization* (Geneva Switzerland: 2011).

Schedule 2

Legislation

Bill C-233, *An Act to amend the Criminal Code (sex-selective abortion)*, 2nd Sess, 43 Parl, 2021.