

Canadian Rights & Freedoms - Clergyman

Canadian Criminal Code 176 (1,2)

OBSTRUCTING OR VIOLENCE TO OR ARREST OF OFFICIATING CLERGYMAN

176. (1) Every one who

- (a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling, or
- (b) knowing that a clergyman or minister is about to perform, is on his way to perform or is returning from the performance of any of the duties or functions mentioned in paragraph (a)
 - (i) assaults or offers any violence to him, or
 - (ii) arrests him on a civil process, or under the pretence of executing a civil process,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

- (2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.
- (3) Every one who, at or near a meeting referred to in subsection (2), wilfully does anything that disturbs the order or solemnity of the meeting is guilty of an offence punishable on summary conviction.

=====

Federal Emergency Act preamble states clearly that emergency orders cannot, and do not, supersede the Charter of Rights and Freedoms and the Canadian Bill of Rights:

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and must have regard to the International Covenant on Civil and Political Rights, particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency

=====

Charter of Rights and 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.**
- 7. **Everyone has the right to life, liberty, and security of the person and the right to not be deprived thereof except in accordance with the principles of fundamental justice.**
- 8. **Everyone has the right to be secure against unreasonable search and seizure.**
- 9. **Everyone has the right not to be arbitrarily detained or imprisoned.**

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

=====

Bill of Rights

- 1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,
 - (a) **the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;**
 - (b) **the right of the individual to equality before the law and the protection of the law;**
 - (c) **freedom of religion;**
 - (d) **freedom of speech;**
 - (e) **freedom of assembly and association; and**
freedom of the press.

=====

Canadian Human Rights Act

Denial of commercial premises or residential accommodation

- 6 It is a discriminatory practice in the provision of commercial premises or residential accommodation
 - (a) **to deny occupancy of such premises or accommodation to any individual, or to differentiate adversely in relation to any individual, on a prohibited ground of discrimination.**

=====

BC Public Health Act states a person has the ability to make health decisions and to decline medical treatments. ****Masks are PPE and therefore medical treatment**

Part 3 — Preventing Disease and Other Health Hazards Division
1 — Preventing Disease and Other Health Hazards

Must not cause health hazard

- 15 A person must not willingly cause a health hazard, or act in a manner that the person knows, or ought to know, will cause a health hazard.**

Preventive measures

- 16 (1) Preventive measures include the following:
 - (a) **being treated or vaccinated;**
 - (c) **washing with, applying or ingesting a substance, or having a substance injected or inserted;**
 - (d) **undergoing disinfection and decontamination measures;**
 - (e) **wearing a type of clothing or other personal protective equipment, or changing, removing or altering clothing or personal protective equipment;**

- (4) A person subject to a regulation requiring preventive measures may, if permitted by the regulation, make an objection to a medical health officer, either in person or in the prescribed manner, stating that the person
- (a) **believes that the preventive measures would be harmful to his or her health, or**
 - (b) **objects to the preventive measures for reasons of conscience.**
- (6) A person who has made an objection must not
- (a) **be required to take the preventive measures**

=====

B.C. Human Rights Act

Discrimination in accommodation, service and facility

- 8 (1) A person must not, without a bona fide and reasonable justification,
- (a) **deny to a person or class of persons any accommodation, service or facility customarily available to the public, or**
 - (b) **discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or class of persons.**

=====

BC Emergency Program Act M425, November 24 2020

Exemption from use of face covering

- 4 Section 3 does not apply as follows:
- (a) to a person who is less than 12 years of age;
 - (b) **to a person who is unable to wear a face covering because of**
 - (i) **a psychological, behavioural or health condition, or**
 - (ii) **a physical, cognitive or mental impairment;**
 - (e) while inside a courtroom
 - (f) while consuming food or beverage at a location designated for those purposes by the operator of the indoor public space;
 - (g) while participating in a sport or fitness activity at a sport or fitness facility;
 - (h) while receiving a personal service, or a service at a health professional's office, if removing the face covering is necessary in order to receive the service.