



NEWS RELEASE

British Columbia Civil Liberties Association
David Asper Centre for Constitutional Rights
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Make government compensate victims for Charter violations, BCCLA argues in Supreme Court of Canada

Vancouver, B.C. – The BC Civil Liberties Association (BCCLA) and the David Asper Centre for Constitutional Rights (the Asper Centre) will appear in the Supreme Court of Canada as an intervener on Monday, January 18, 2010 in *Ward v. Province of British Columbia* and *Ward v. City of Vancouver*. The Court will decide whether monetary damages are available to Canadians whose Charter rights have been violated even if the government did not intentionally or willfully violate the person's rights.

The appeals stem from a case brought by a Vancouver lawyer, Cameron Ward. Mr. Ward was stopped by police investigating a tip that someone was planning to throw a pie at former Prime Minister Jean Chretien. He was wrongly jailed, strip-searched, and had his car illegally seized by the Vancouver Police Department.

The government argues that a declaration from a court saying that the right has been breached should be enough, and that monetary damages would limit government's flexibility. Police officers were acting in accordance with jail policy when they searched Mr. Ward, but that policy ignored previous court decisions limiting strip searches to prisoners who might pose a threat.

Kent Roach, University of Toronto Faculty of Law, disagrees: "Courts have told the police over and over again—don't strip search people coming into jails without a good reason. The police keep doing it. In cases like this where there is a clear trend to just ignore declarations, cash damages might help get the message across. In any event, Mr. Ward deserves more than a declaration, and the government's arguments would mean that the Charter has added little if anything to the remedies of individuals."

Cheryl Milne, Executive Director of the Asper Centre, explains the importance of this case in terms of access to justice: "It is important to Canadian society that our constitutional rights are upheld in a meaningful way. When a person's human rights are infringed there must be a remedy that addresses the harm that may be personally and deeply felt by the individual."

Grace Pastine, Litigation Director for the BCCLA: "For people like Mr. Ward who have committed no crime, unless there is a possibility of receiving money from the government, there is no reason to go to court to protect your rights. Even if you win, the only thing you get is a pat on the head and a huge legal bill. Most people would have no choice but to shrug it off."

Kent Roach, University of Toronto Faculty of Law, Cheryl Milne, Executive Director of the Asper Centre, and Grace Pastine, BCCLA Litigation Director represent the Asper Centre and the BCCLA.

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