

FILE NO: 36351

IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE QUEBEC COURT OF APPEAL)

BETWEEN:

JEAN-FRANÇOIS MORASSE

Appellant  
(Respondent)

and

GABRIEL NADEAU-DUBOIS

Respondent  
(Appellant)

and

CANADIAN CIVIL LIBERTIES ASSOCIATION,  
ALBERTA PUBLIC INTEREST RESEARCH GROUP and  
AMNISTIE INTERNATIONALE, SECTION CANADA FRANCOPHONE

Interveners

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On March 4, 2016, Intervener, the Canadian Civil Liberties Association (CCLA) was granted permission to intervene in the present appeal;

### **CCLA's Position**

The CCLA submits that the law of contempt must be interpreted and applied in light of the broad protection of freedom of expression enshrined in the *Canadian Charter of Rights and Freedoms* and the *Quebec Charter of Human Rights and Freedoms*;

And specifically, that freedom of expression must be adequately considered in contempt proceedings;

### **I. THE FACTS**

1. The CCLA takes no position on any contested questions of fact.

### **II. QUESTIONS IN DISPUTE**

2. The CCLA's submissions are confined to the question of the relationship between freedom of expression and contempt of court.
3. In particular, the CCLA will make submissions on two issues: (i) whether there was a breach of the Court order in this case; and (ii) whether the actions of the Respondent interfered with the orderly administration of justice or impaired the authority or dignity of the Court.

### **III. THE ARGUMENT**

4. CCLA's argument can be summarized as follows:

- I. In light of the protection of freedom of expression and the extraordinary powers conferred by the law of contempt, it must be strictly construed and only an actual breach of the law will justify a finding of contempt;
- II. The Respondent did not impede students' access to their courses, contrary to the injunction, nor did his statements even advocate for breach of the injunctions;
- III. The Respondent expressed his views on the use of the courts to undermine the student strike and his statements constitute protected expression;
- IV. The Respondent's statements do not interfere with the orderly administration of justice nor do they impair the authority or dignity of the court;
- V. Allowing for critical debate and discussion on judicial orders helps to foster democracy and further the administration of justice.

5. The injunction in question reads as follows:

(59) ORDONNE à l'Université Laval, l'Association des étudiants en arts plastiques ainsi qu'à toute personne informée de la présente ordonnance de laisser libre accès aux salles de cours de l'Université Laval où sont dispensés les cours menant au certificat en arts plastiques, et ce, afin que ces cours puissent être donnés à l'horaire prévu à la session d'hiver 2012;

(60) ORDONNE à tous les étudiants et autres personnes qui pratiquent présentement le boycottage des cours de s'abstenir d'obstruer ou de nuire à l'accès aux cours par intimidation ou de poser toute action susceptible d'empêcher négativement l'accès à ces cours;

6. In an interview, the Respondent made the following statement which is the basis of the accusation:

Ce qui est clair c'est que ces décisions-là, ces tentatives-là de forcer les retours en classe, ça ne fonctionne jamais parce que les étudiants et les étudiantes qui sont en grève depuis 13 semaines sont solidaires les uns les autres, respectent, de manière générale là, respectent la volonté démocratique qui s'est exprimée à travers le vote de grève et je crois qu'il est tout à fait légitime pour les étudiants et les étudiantes de prendre les moyens pour faire respecter le choix démocratique qui a été fait d'aller en grève. C'est tout à fait regrettable là qu'il y ait vraiment une minorité d'étudiants et

d'étudiantes qui utilisent les tribunaux pour contourner la décision collective qui a été prise. Donc nous, on trouve ça tout à fait légitime là, que les gens prennent les moyens nécessaires pour faire respecter le vote de grève et si ça prend des lignes de piquetage, on croit que c'est un moyen tout à fait légitime de le faire.

7. It is submitted that the law of contempt, including the provisions laid out in arts. 50 and 761 of the *Code of Civil Procedure*, must be interpreted in light of freedom of expression.
8. The Appellant, at paragraphs 149 and 150 of his factum, argues that if the validity of Art. 50 C.p.c. is not put in issue, the *Charter* has no role in determining whether the ordonnance has been breached.
9. The Appellant's position ignores the fact that in determining whether a statement constitutes contempt, the Court is involved in applying a particular set of facts to the law, and is involved in making a discretionary determination. As such, *Charter* values must be considered.
10. It would clearly be an unreasonable violation of *Charter* rights for all strongly negative comments about a judgment to constitute contempt of court. Judges must exercise discretion in drawing the line between what is and what is not permitted. *Charter* values are a vital tool in this line-drawing exercise.
11. In *Doré v. Barreau du Québec*, [2012] 1 S.C.R., 395, Abella J. said at par. 56 and 66 :

56. Then the decision-maker should ask how the *Charter* value at issue will best be protected in view of the statutory objectives. This is at the core of the proportionality exercise, and requires the decision-maker to balance the severity of the interference of the *Charter* protection with the statutory objectives. This is where the role of judicial review for reasonableness aligns with the one applied in the *Oakes* context. As this Court recognized in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 S.C.R. 199, at para. 160, "courts must accord some leeway to the legislator" in the *Charter* balancing exercise, and the proportionality test will be satisfied if the measure "falls within a range of reasonable alternatives". The same is true in the

context of a review of an administrative decision for the reasonableness, where decision-makers are entitled to a measure of deference so long as the decision, in the words of *Dunsmuir*, “falls within a range of possible, acceptable outcomes” (para. 47).

66. We are, in other words, balancing the fundamental importance of open, and even forceful, criticism of our public institutions with the need to ensure civility in the profession. Disciplinary bodies must therefore demonstrate that they have given due regard to the importance of the expressive rights at issue, both in light of an individual lawyer’s right to expression and the public’s interest in open discussion. As with all disciplinary decisions, this balancing is a fact-dependent and discretionary exercise. [emphasis added]

12. Applying *Charter* values does not mean that statements made by an individual can never form the subject of a contempt conviction, but the protection of freedom of expression enshrined in the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms* means that courts should be reluctant to use the contempt power to interfere with the exercise of this fundamental freedom and should interpret orders and contempt provisions with due regard for *Charter* protected rights.

13. In short, as with all areas of law, the law of contempt must be interpreted and applied in a manner consistent with *Charter* values.

*Slaight Communications Inc. v. Davidson*, [1989] 1 S.C.R. 1038, pp. 1049, 1050, 1052;

*Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6, at para. 107;

*Chamberlain v. Surrey School District No. 36*, 2002 SCC 86, at para. 11;

14. In general, contempt of court is “*strictissimi juris*” so that contempt must be strictly proven and the act on which the conviction is grounded must correspond exactly to the one forbidden by the court’s order.

*Droit de la famille – 10472*, 2010 QCCS 865, at paras. 11 – 14;

*Daigle v. St. Gabriel de Brandon*, [1991] CanLII 3806 QC C.A., p. 2, 3;

*Aquila Networks v. Borgnetta*, 2004 BCSC 849, at para. 18;

*Fertek Inc. v. C.C.Q.*, REJB 1997-507, pp. 9-11;

*Wallace v. Enos*, Que. C.A. 500-09-000904-847, p. 2;

15. The Respondent was brought to court in contempt proceedings for allegedly breaching the injunction order set out in para. 1 above and, in particular, for allegedly taking steps that could impede or negatively affect students' access to courses at a particular location.
16. The Respondent did not literally block access, obstruct, or intimidate anyone himself; nor did he even counsel or advocate that others should do so.
17. Rather, the Respondent simply stated his opinion on the legitimacy of the student strike, the use of the courts by some students to obtain injunctions, and the decision to picket which, in his view, was a legitimate means of taking action.
18. The Respondent's statements on these issues constitute protected expression and cannot form the basis of a conviction for contempt.
19. Moreover, the CCLA submits that the Respondent cannot be convicted of contempt on the basis of the second part of art. 50 of the C.p.c., namely that he acted in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the court, given that he did not have notice that this part of the provision was at issue. However, even if the Judge did not err in considering this portion of art. 50, the CCLA submits that the Respondent should nevertheless have been acquitted in light of the *Charter* values raised.
20. The question raised by this particular aspect of the appeal is whether one can be critical of the courts and their decisions, without being convicted for contempt.



21. It has been recognized that comments regarding the functioning and operation of a public institution, including the courts, are matters of public interest and benefit from *Charter* protection.

*R. v. Kopyto*, 1987 CanLII 176 (ONCA), at paras. 8 – 12, 15, 16, 19;

22. *Kopyto*, supra, makes it clear that statements by individuals and not only articles of law enjoy *Charter* protection and that is clear, too, from *Doré*, supra; it is not necessary to seek to invalidate a law to claim *Charter* protection. In other words, the *Charter* can be applied in defense of a statement to show that it is permissible and not only to invalidate a law.

23. An excessive use of the power of contempt of court would have a chilling effect similar to that described by McLachlin, J. in *Rocket v. Royal College of Dental Surgeons of Ontario*, [1990] 2 S.C.R. 232; people would fear to criticize at all lest they be summoned and punished.

24. It is the essence of democracy that disapproval of all three facets of government may be freely voiced.

25. In recent years, the Ontario Court of Appeal has declined to apply an overly strict interpretation of contempt of court rules in cases of aboriginal protest; noting that the rule of law means more than strict adherence to court orders.

*Henco Industries v. Haudenosaunee Six Nations confederacy Council*  
(2006) 82 O.R. (3d) 721, at paras. 136, 141 – 143;

*Frontenac Ventures Corporation v. Ardoch Algonquin First Nation*, 2008,  
ONCA 534, at paras. 42 – 43;

26. In *Henco Industries*, supra, the Court said:

But the rule of law has many dimensions, or in the words of the Supreme Court of Canada is “highly textured”. One dimension is certainly that focused on by the motions judge: the court’s exercise of its contempt power to vindicate the court’s authority and ultimately to uphold the rule of law. The rule of law requires a justice system that can ensure orders of

the court are enforced and the process of the court is respected.

Other dimensions of the rule of law, however, have a significant role in this dispute. These other dimensions include respect for minority rights, reconciliation of Aboriginal and non-Aboriginal interests through negotiations, fair procedural safeguards for those subject to criminal proceedings, respect for Crown and police discretion, respect for the separation of the executive, legislative and judicial branches of government and respect for Crown property rights.

It seems to me that in focusing on vindicating the court's authority through the use of the contempt power, the motions judge did not adequately consider these other important dimensions of the rule of law. (para. 141-143).

27. These authorities do not, of course, suggest that there is a right to break the law or disobey injunctions; however criticism and disagreement with court orders and mere approval or even advocacy of civil disobedience cannot be forbidden or punished without unduly narrowing the scope for individual conscience and protest.

28. Significantly, freedom of individual conscience, like freedom of expression, is specifically enshrined in the *Charter*; conscience necessarily includes the right to dissent and criticize.

*Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551, 2004 SCC 47, at paras. 47, 50 – 52, 55;

29. The importance of these freedoms has never been doubted. In *Committee for the Commonwealth of Canada v. Canada*, [1991] 1 R.C.S. 139, N.R. 41, the Supreme Court said, citing *Kopyto*, supra:

It is difficult to imagine a more important guarantee of freedom to a democratic society than that of freedom of expression. A democracy cannot exist without the freedom to express new ideas and to put forward opinions about the functioning of public institutions.

30. Indeed, rather than interfering with the orderly administration of justice, or impairing the authority or dignity of the court, comments critical of judicial

institutions help to strengthen them. It would severely impair the authority and dignity of the court if its extraordinary contempt powers could be used to silence its critics, even those who express their views vehemently.

31. Finally, CCLA notes that this appeal is not about the approval of the Respondent's position but rather whether the simple statement of his views can ground a conviction for contempt.
32. Freedom of expression and conscience are particularly important in the case of unpopular or controversial views and therefore the expression must remain protected regardless of one's views on the Respondent's position or the student strike.
33. The purpose of *Charter* protection is to prevent the imposition of ideology. Constitutional protection of freedom of expression is not necessary for mainstream or popular views; as McLachlin, J., pointed out in *Zundel, No. 2*, supra, it is the protection of unpopular or minority views that is important in a democracy. This point was also made by Baudoin J.A. in *Ville de Montréal v. Cabaret Sex Appeal*, supra at p. 2142-2143:

Une société libre et démocratique comme la nôtre doit nécessairement faire preuve d'un haut degré de tolérance pour l'expression de pensées, d'opinions, d'attitudes ou d'actions qui non seulement ne font pas l'Unanimité ou ne rallient pas les vues de la majorité des citoyens, mais encore peuvent être dérangeantes, choquantes ou même blessantes pour certaines personnes ou pour certains groupes. La liberté d'expression ne doit pas être couchée dans le lit de Procuste du political correctness. Ce n'est que dans l'hypothèse d'abus clairs et donc de danger pour le caractère libre et démocratique de la société, qu'au nom de la protection de certaines valeurs fondamentales, alors non négociables, on peut imposer l'intervention légitime de la loi...

C'est donc ici, par le biais de l'affichage, l'activité et l'entreprise elle-même que vise le règlement et, au-delà, l'opinion sur ce genre de commerce. Dès lors, il me paraît difficilement acceptable, à partir du moment où d'un autre côté, ce type de commerce est permis et licite et, d'un autre côté, la façon de l'annoncer n'est pas pornographique, obscène ou indécente au point de contrevenir au standard communautaire, de pouvoir justifier l'existence de

ce règlement. A travers la conduite prohibée par lui, donc la liberté d'expression, c'est aussi et surtout la liberté d'action et d'opinion que l'on touche. La charte est précisément là pour protéger aussi les expressions d'opinions qui ne sont pas populaires. Comme l'écrivait, au début de ce siècle, Rosa Luxemburg dans les Lettres à Spartacus : « Il n'y a de liberté pour personne s'il n'y en a pas pour celui que pense autrement ». [emphasis added]

34. As such, the remarks made by Respondent are not the type of speech which must be prohibited in accordance with Baudoin J.A.'s terms "protection de certaines valeurs fondamentales, alors non négociables, on peut imposer l'intervention légitime de la loi...".

35. Critiques of the courts, and even advocating for or approving of civil disobedience, does not endanger the social fabric and no evidence to that effect was presented to the court. The importance of the right to advocate for civil disobedience and the positive impact that it has had on achieving social progress is well-recognized by academics and philosophers. It should not be ignored by our judicial institutions.

John Rawls, *A Theory of Justice*, Oxford University Press, 1972, p. 363-391;

Ronald Dworkin, *Law's Empire*, The Belknap Press of Harvard University Press, 1986, p. 112-113;

Richard A. Wasserstrom, *The Obligation to Obey the Law* in *Essays in Legal Philosophy*, Robert S. Summers, Ed., Basil Blackwell, Oxford, 1968, p. 303-304;

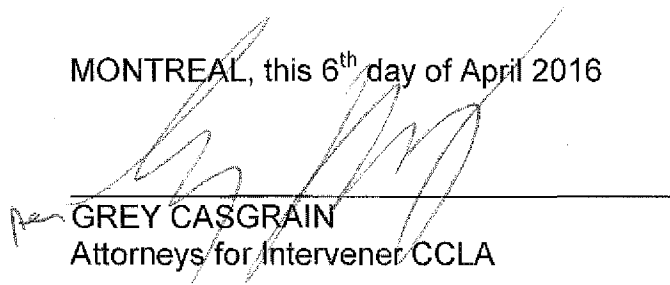
#### IV. COSTS

36. The CCLA does not seek costs and asks that no costs be awarded against it.

**V. ORDER REQUESTED**

37. The CCLA respectfully requests that it be allowed to make an oral argument of not more than ten (10) minutes.

MONTREAL, this 6<sup>th</sup> day of April 2016



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GREY CASGRAIN  
Attorneys for Intervener CCLA

## PART VI

## Table of Authorities

Cases	Paragraphs
<i>Aquila Networks v. Borgnetta</i> , 2004 BCSC 849.	14
<i>Chamberlain v. Surrey School District No. 36</i> , 2002 SCC 86.	13
<i>Committee for the Commonwealth of Canada v. Canada</i> , [1991] 1 R.C.S. 139, N.R. 41.	29
<i>Daigle v. St. Gabriel de Brandon</i> , [1991] CanLII 3806 QC C.A..	14
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<i>Droit de la famille – 10472</i> , 2010 QCCS 865.	14
<i>Fertek Inc. v. C.C.Q.</i> , REJB 1997-507.	14
<i>Frontenac Ventures Corporation v. Ardoch Algonquin First Nation</i> , 2008, ONCA 534.	25
<i>Henco Industries v. Haudenosaunee Six Nations confederacy Council</i> , (2006) 82 O.R. (3d) 721.	25, 26
<i>Montréal (Ville) v. Cabaret Sex Appeal inc.</i> , 1994 CanLII 5918.	33
<i>Multani v. Commission scolaire Marguerite-Bourgeoys</i> , 2006 SCC 6.	13
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<i>Rocket v. Royal College of Dental Surgeons of Ontario</i> , [1990] 2 S.C.R. 232.	23
<i>Slaight Communications Inc. v. Davidson</i> , [1989] 1 S.C.R. 1038.	13
<i>Syndicat Northcrest v. Amselem</i> , [2004] 2 S.C.R. 551, 2004 SCC 47.	28
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Richard A. Wasserstrom, <i>The Obligation to Obey the Law in Essays in Legal Philosophy</i> , Robert S. Summers, Ed., Basil Blackwell, Oxford, 1968, p. 303-304;.	35
Ronald Dworkin, <i>Law's Empire</i> , The Belknap Press of Harvard University Press, 1986, p. 112-113.	35

**PART VII – STATUTES**

<b>Statutes</b>	
<i>Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11.</i>	1, 2, 8 -12, 19, 21-22, 28, 33
<i>Charter of Human Rights and Freedoms, CQLR c C-12.</i>	1, 3
<i>Code of Civil Procedure (chapter C-25.01). (2014, c. 1, s. 833).</i>	7, 50, 761

## CONSTITUTION ACT, 1982 <sup>(80)</sup>

### PART I

#### CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

#### GUARANTEE OF RIGHTS AND FREEDOMS

##### Rights and freedoms in Canada

1. 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.

#### FUNDAMENTAL FREEDOMS

##### 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.

**(80) Enacted as Schedule B to the *Canada Act 1982, 1982, c. 11 (U.K.)*, which came into force on April 17, 1982. The *Canada Act 1982*, other than Schedules A and B thereto, reads as follows:**

An Act to give effect to a request by the Senate and House of Commons of Canada

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The *Constitution Act, 1982* set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.
2. No Act of the Parliament of the United Kingdom passed after the *Constitution Act, 1982* comes into force shall extend to Canada as part of its law.
3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.
4. This Act may be cited as the *Canada Act 1982*.



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## LOI CONSTITUTIONNELLE DE 1982 <sup>(80)</sup>

### PARTIE I

#### CHARTRE CANADIENNE DES DROITS ET LIBERTES

Attendu que le Canada est fonde sur des principes qui reconnaissent la sup rema-  
tie de Dieu et la primaute du droit :

#### GARANTIE DES DROITS ET LIBERTES

##### Droits et libe rtes au Canada

1. La *Charte canadienne des droits et libertes* garantit les droits et libe rtes qui y  
sont enonces. Ils ne peuvent etre rest reints que par une regle de droit, dans des li-  
mites qui soient raisonnables et dont la justification puisse se demontrer dans le  
cadre d'une societe lib re et democratique.

#### LIBERTES FONDAMENTALES

##### Libe rtes fondamentales

2. Chacun a les libe rtes fondamentales suivantes :

a) libe rte de conscience et de religion;

b) libe rte de pensee, de croyance, d'opinion et d'expression, y comp ris la libe rte  
de la presse et des autres moyens de communication;

**(80) tdictée comme l'annexe B de la Loi de 1982 sur le Canada, 1982, ch. 11 (R.-U.),  
entrée en vigueur le 17 avril 1982. Texte de la Loi de 1982 sur le Canada, a l'exception  
de l'annexe B :**

#### ANNEXE A - SCHEDULE A

Loi donnant suite a une demande du Senat et de la Chambre des communes du  
Canada

Sa Tres Excellente Majeste la Reine, conside rant :

qu'a la demande et avec le consentement du Canada, le Parlement du Royaume-  
Uni est invite a adopter une loi visant a donne r effet aux dispositions enoncees ci-  
apres et que le Senat et la Chambre des communes du Canada reunis en  
Parlement ont presente une adresse demandant a Sa Tres Gracieuse Majeste de  
bien vouloir faire déposer devant le Parlement du Royaume-Uni un projet de loi a  
cette fin,

sur l'avis et du consentement des Lords spirituels et tempo rels et des Communes  
reunis en Parlement, et par l'auto rite de celui-ci, edicte :

1. La *Loi constitutionnelle de 1982*, enoncee a l'annexe B, est edictee pour le  
Canada et y a force de loi. Elle entre en vigueur conformement a ses dispositions.

2. Les lois adoptées par le Parlement du Royaume-Uni après l'entrée en vigueur de la *Loi constitutionnelle de 1982* ne font pas partie du droit du Canada.
3. La partie de la version française de la présente loi qui figure à l'annexe A a force de loi au Canada au même titre que la version anglaise correspondante.
4. Titre abrégé de la présente loi : *Loi de 1982 sur le Canada*.

**(80) édictée comme l'annexe B de la *Loi de 1982 sur le Canada*, 1982, ch. 11 (R.-U.), entrée en vigueur le 17 avril 1982. Texte de la *Loi de 1982 sur le Canada*, à l'exception de l'annexe B :**

#### ANNEXE A - SCHEDULE A

Loi donnant suite à une demande du Sénat et de la Chambre des communes du Canada

Sa Très Excellente Majesté la Reine, considérant :

qu'à la demande et avec le consentement du Canada, le Parlement du Royaume-Uni est invité à adopter une loi visant à donner effet aux dispositions énoncées ci-après et que le Sénat et la Chambre des communes du Canada réunis en Parlement ont présenté une adresse demandant à Sa Très Gracieuse Majesté de bien vouloir faire déposer devant le Parlement du Royaume-Uni un projet de loi à cette fin,

sur l'avis et du consentement des Lords spirituels et temporels et des Communes réunis en Parlement, et par l'autorité de celui-ci, édicte :

5. La *Loi constitutionnelle de 1982*, énoncée à l'annexe B, est édictée pour le Canada et y a force de loi. Elle entre en vigueur conformément à ses dispositions.
6. Les lois adoptées par le Parlement du Royaume-Uni après l'entrée en vigueur de la *Loi constitutionnelle de 1982* ne font pas partie du droit du Canada.
7. La partie de la version française de la présente loi qui figure à l'annexe A a force de loi au Canada au même titre que la version anglaise correspondante.
8. Titre abrégé de la présente loi : *Loi de 1982 sur le Canada*.

## chapter C-12

**CHARTER OF HUMAN RIGHTS AND FREEDOMS**

WHEREAS every human being possesses intrinsic rights and freedoms designed to ensure his protection and development;

Whereas all human beings are equal in worth and dignity, and are entitled to equal protection of the law;

Whereas respect for the dignity of human beings, equality of women and men, and recognition of their rights and freedoms constitute the foundation of justice, liberty and peace;

Whereas the rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being;

Whereas it is expedient to solemnly declare the fundamental human rights and freedoms in a Charter, so that they may be guaranteed by the collective will and better protected against any violation;

Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows:

**PART I  
HUMAN RIGHTS AND FREEDOMS****CHAPTER I  
FUNDAMENTAL FREEDOMS AND RIGHTS**

**1.** Every human being has a right to life, and to personal security, inviolability and freedom.

He also possesses juridical personality.

1975, c. 6, s. 1; 1982, c. 61, s. 1.

**2.** Every human being whose life is in peril has a right to assistance.

Every person must come to the aid of anyone whose life is in peril, either personally or calling for aid, by giving him the necessary and immediate physical assistance, unless it involves danger to himself or a third person, or he has another valid reason.

1975, c. 6, s. 2.

**3.** Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of

peaceful assembly and freedom of association.

1975, c. 6, s. 3.

## chapitre C-12

### CHARTRE DES DROITS ET LIBERTÉS DE LA PERSONNE

CONSIDÉRANT que tout être humain possède des droits et libertés intrinsèques, destinés à assurer sa protection et son épanouissement;

Considérant que tous les êtres humains sont égaux en valeur et en dignité et ont droit à une égale protection de la loi;

Considérant que le respect de la dignité de l'être humain, l'égalité entre les femmes et les hommes et la reconnaissance des droits et libertés dont ils sont titulaires constituent le fondement de la justice, de la liberté et de la paix;

Considérant que les droits et libertés de la personne humaine sont inséparables des droits et libertés d'autrui et du bien-être général;

Considérant qu'il y a lieu d'affirmer solennellement dans une Charte les libertés et droits fondamentaux de la personne afin que ceux-ci soient garantis par la volonté collective et mieux protégés contre toute violation;

À ces causes, Sa Majesté, de l'avis et du consentement de l'Assemblée nationale du Québec, décrète ce qui suit:

#### **PARTIE I**

#### **LES DROITS ET LIBERTÉS DE LA PERSONNE**

##### **CHAPITRE I**

##### **LIBERTÉS ET DROITS FONDAMENTAUX**

**1.** Tout être humain a droit à la vie, ainsi qu'à la sûreté, à l'intégrité et à la liberté de sa personne.

Il possède également la personnalité juridique.

1975, c. 6, a. 1; 1982, c. 61, a. 1.

**2.** Tout être humain dont la vie est en péril a droit au secours.

Toute personne doit porter secours à celui dont la vie est en péril, personnellement ou en obtenant du secours, en lui apportant l'aide physique nécessaire et immédiate, à moins d'un risque pour elle ou pour les tiers ou d'un autre motif raisonnable.

1975, c. 6, a. 2.

## chapitre C-25

**CODE DE PROCÉDURE CIVILE**

*Le chapitre C-25 est remplacé par le Code de procédure civile (chapitre C-25.01). (2014, c. 1, a. 833).*

**50.** Est coupable d'outrage au tribunal celui qui contrevient à une ordonnance ou à une injonction du tribunal ou d'un de ses juges, ou qui agit de manière, soit à entraver le cours normal de l'administration de la justice, soit à porter atteinte à l'autorité ou à la dignité du tribunal.

En particulier, est coupable d'outrage au tribunal l'officier de justice qui manque à son devoir, y compris le shérif ou huissier qui n'exécute pas un bref sans retard ou n'en fait pas rapport ou enfreint, en l'exécutant, une règle dont la violation le rend passible de sanction.

1965 (1<sup>re</sup> sess.), c. 80, a. 50; 1966, c. 21, a. 3; 1992, c. 57, a. 187.

**761.** Toute personne nommée ou désignée dans une ordonnance d'injonction, qui la transgresse ou refuse d'y obéir, de même que toute personne non désignée qui y contrevient sciemment, se rendent coupables d'outrage au tribunal et peuvent être condamnées à une amende n'excédant pas 50 000 \$, avec ou sans emprisonnement pour une durée d'au plus un an, et sans préjudice à tous recours en dommages-intérêts. Ces pénalités peuvent être infligées derechef jusqu'à ce que le contrevenant se soit conformé à l'injonction.

Le tribunal peut également ordonner que ce qui a été fait en contravention à l'injonction soit détruit ou enlevé, s'il y a lieu.

1965 (1<sup>re</sup> sess.), c. 80, a. 761.

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chapter C-25**CODE OF CIVIL PROCEDURE**

*Chapter C-25 is replaced by the Code of Civil Procedure (chapter C-25.01). (2014, c. 1, s. 833).*

**50.** Anyone is guilty of contempt of court who disobeys any process or order of the court or of a judge thereof, or who acts in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the court.

In particular, any officer of justice who fails to do his duty, and any sheriff or bailiff who does not execute a writ forthwith or does not make a return thereof or, in executing it, infringes any rule the violation whereof renders him liable to a penalty, is guilty of contempt of court.

1965 (1st sess.), c. 80, a. 50; 1966, c. 21, s. 3.

**761.** Any person named or described in an order of injunction, who infringes or refuses to obey it, and any person not described therein who knowingly contravenes it, is guilty of contempt of court and may be condemned to a fine not exceeding \$50,000, with or without imprisonment for a period up to one year, and without prejudice to the right to recover damages. Such penalties may be repeatedly inflicted until the contravening party obeys the injunction.

The court may also order the destruction or removal of anything done in contravention of the injunction, if there is reason to do so.

1965 (1st sess.), c. 80, a. 761.