

IN THE SUPREME COURT OF CANADA
(ON APPEAL FOR THE COURT OF APPEAL OF ONTARIO)

BETWEEN:

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

Appellants

- and -

LAW SOCIETY OF UPPER CANADA

Respondent

- and -

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Interveners

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF BRITISH COLUMBIA)

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

Appellant

- and -

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

Respondents

- and -

LAWYERS' RIGHTS WATCH CANADA, NATIONAL COALITION OF CATHOLIC SCHOOL TRUSTEES', INTERNATIONAL COALITION OF PROFESSORS OF LAW, CHRISTIAN LEGAL FELLOWSHIP, CANADIAN BAR ASSOCIATION, THE ADVOCATES' SOCIETY, ASSOCIATION OF REFORMED POLITICAL ACTION (ARPA) CANADA, CANADIAN COUNCIL OF CHRISTIAN CHARITIES, CANADIAN CONFERENCE OF CATHOLIC BISHOPS, CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS, LAW STUDENTS'

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(Pursuant to rule 37 of the *Rules of the Supreme Court of Canada*)

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PART I - OVERVIEW

1. Lawyers' Rights Watch Canada (LRWC) is a non-profit corporation with a membership of lawyers and other human rights defenders, dedicated to providing legal research, education, and advocacy promoting knowledge of and adherence to, International Human Rights Law (IHRL), particularly in relation to advocacy rights, the integrity of legal systems, and the Rule of Law.

2. LRWC was granted intervener status to make submissions on the application of IHRL in interpreting the *Charter* rights raised in these Appeals.

3. In *R. v. Hape*, this Court confirmed that “[w]herever possible [the Court] has sought to ensure consistency between its interpretation of the *Charter*... and Canada’s [IHRL] obligations...”¹ In *Divito v. Canada (Public Safety and Emergency Preparedness)* this Court affirmed the principle that “the *Charter* should be presumed to provide at least as great a level of protection as is found in the international human rights documents that Canada has ratified.”² These principles were recently reaffirmed by this Court in *Saskatchewan Federation of Labour v. Saskatchewan*.³ In *R. v. Keegstra*, this Court noted that:

... the international human rights obligations taken on by Canada reflect the values and principles of a free and democratic society, and thus those values and principles that underlie the *Charter* itself.⁴

4. LRWC accepts the facts regarding the Trinity Western University (TWU) Community Covenant (Covenant) set out in the Law Society of British Columbia (LSBC) Factum at paras. 38 to 41 and the Law Society of Upper Canada (LSUC) Factum at paras. 6, 23, 24 (a), (b), (c) and 25. LRWC accepts that the LSBC and the LSUC are statutory bodies mandated to, *inter alia*, uphold the public interest in ensuring equal, non-discriminatory and merit-based access to the legal profession and to the education necessary to become a jurist, as referred to in the LSBC Factum at para. 8 and the LSUC Factum at paras. 39-41.

¹ *R v Hape*, 2007 SCC 26, [2013] 3 SCR 157, at para. 55.

² *Divito v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 47, [2013] 3 SCR 157, at para. 23.

³ *Saskatchewan Federation of Labour v. Saskatchewan* 2015 SCC 4, [2015] 1 SCR 245, at para. 64.

⁴ *R v Keegstra*, 1990 CanLII 24 (SCC), [1990] 3 SCR 697, at p. 750.

PART II – POSITION ON THE ISSUES

5. The issue in these Appeals is whether the right to manifest a religious belief in Canada includes the right, in this case of TWU, to obtain public approval, in this case from the LSBC and the LSUC, of a law school with admission and discipline policies that discriminate on the basis of sexual orientation, a basis of discrimination prohibited by the Charter and IHRL. LRWC submits that the answer to this question must be no.

6. The decisions of the LSUC and LSBC to reject approval of the proposed law school in order to maintain equal, non-discriminatory merit-based access to the education necessary to be a jurist, are consistent with Canada's IHRL obligations to: a/ guarantee rights to equality, non-discrimination and privacy; b/ prohibit discriminatory and unequal access to education on the basis of sexual orientation; c/ prohibit violation of privacy rights in relation to consensual sexual activity; d/ guarantee absolutely the freedom to hold religious and non-religious beliefs; e/ prohibit absolutely coercion that would impair the freedom to adopt or have a belief of choice and to act on such belief in private; f/ allow limitations of the right to manifest religious belief, where necessary to protect the fundamental rights and freedoms of others, and, g/ prevent violations by both public and private actors.

PART III – STATEMENT OF ARGUMENT

A. IHRL requires states to respect and to ensure rights to equality, non-discrimination, privacy, belief, and education. Under IHRL, self-governing professional associations of lawyers shall be permitted to operate without external interference.

7. In respecting rights, States must refrain from restricting the exercise of the rights where such restriction is not expressly allowed under IHRL. The obligation to ensure is a positive duty that requires states to both fulfill and to protect rights.⁵ The protection of rights requires that positive measures be taken to prevent actions by non-State actors that could interfere with their exercise.⁶

⁵ *Plattform "Ärzte Für Das Leben" v Austria*, (1991) 13 EHRR 204, [1988] ECHR 15 (1988).

⁶ *Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies*, UN Human Rights Council (UNHRC), 31st Sess, UN Doc. A/HRC/31/66 (2016), at para. 14.

8. The application of IHRL is guided by the principles of universality, respect for the inherent dignity of human beings, and non-discrimination enshrined in Art. 1 of the *Universal Declaration of Human Rights* (UDHR)⁷, and the guarantees of rights to equality and non-discrimination embedded in Art. 2 and 7 of the UDHR and codified and incorporated into many IHRL instruments binding on Canada, including the: *International Covenant on Civil and Political Rights* (ICCPR)⁸, Art. 2(1), 3, 14 (1) and 26; *International Covenant on Economic, Social and Cultural Rights* (ICESCR)⁹, Art. 2(2), 3; *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW)¹⁰, Art. 2; *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD)¹¹, Art. 5; *Convention on the Rights of the Child* (CRC)¹², Art. 2; and the *American Declaration on the Rights and Duties of Man* (ADRDM)¹³, Art. II and XII. Under the ICCPR, Art. 2(1) guarantee of rights to equality and non-discrimination must be read together with all other rights in the ICCPR, while Art. 26 provides a stand-alone prohibition on discrimination generally.

9. As a party to the ICCPR, Canada has a duty to guarantee freedom from arbitrary interference with privacy (Art 17(1)), freedom to hold a belief without coercion (Art 18(1) and (2)), and to act on the belief in private, and equal access to effective remedies for human rights violations, including of the rights to equality and non-discrimination on any ground (Art 26). As a party to the ICESCR, Canada has a duty to guarantee equal, non-discriminatory, merit-based access to education (Articles 13(2)(c), , 2(2) and 3).

⁷ *Universal Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948).

⁸ *International Covenant on Civil and Political Rights*, GA Res. 2200A(XXI), UN GAOR, 21st Sess. (1966) (ICCPR) UN Treaty Series, vol. 999, at p. 171.

⁹ *International Covenant on Economic, Social and Cultural Rights*, GA Res. 2200(XXI) A-C, UN GAOR, 21st Sess., UN Treaty Series, vol. 993, at p. 3.

¹⁰ *Convention on the Elimination of All Forms of Discrimination against Women*, GA Res. 2263(XXII), UN GAOR, 34th Sess., UN Doc. A/RES/34/180 (1979).

¹¹ *International Convention on the Elimination of All Forms of Racial Discrimination*, GA Res. 2106(XX), UN GAOR, 20th Sess., Supp. No. 14, UN Doc. No. A/RES/2106(XX)A-B (1966).

¹² *Convention on the Rights of the Child*, GA Res. 44/25, 44th Sess. UN Doc. No. A/RES/44/25 (1989).

¹³ *American Declaration on the Rights and Duties of Man*, O.A.S. Res. XXX, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OAS/Ser.L/V/I.4 Rev. 9 (2003); 43 AJIL Supp. 133 (1949) (ADRDM).

10. Rights to equality and non-discrimination, privacy, belief, and freedom from coercion to adopt a belief are also guaranteed by the *European Convention on Human Rights* (ECHR), Articles 8, 9, and 14.¹⁴ While Canada is not a party to the ECHR, this Court has expressly found that international law jurisprudence “must . . . be relevant and persuasive sources for the interpretation of the *Charter’s* provisions,”¹⁵ and has on numerous occasions cited decisions of the European Court of Human Rights in interpreting the content and scope *Charter* rights.¹⁶

11. In the landmark case *Toonen v Australia* the UN Human Rights Committee (HR Committee) affirmed that the word “sex” in ICCPR Article 26 includes sexual orientation.¹⁷ The Committee on Economic, Social and Cultural Rights (CESCR), has indicated that sexual orientation discrimination is also prohibited by ICESCR, Articles 2(2) and 3 (on equal rights between men and women).¹⁸ Gender identity has also been mentioned as a prohibited basis of discrimination by both Committees.¹⁹

¹⁴ Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5.

¹⁵ *Reference re Public Service Employee Relations Act (Alberta)*, [1987] 1 SCR. 313, 1987 CanLII 88 (SCC), at para. 57.

¹⁶ See, for example, *United States v Burns*, 2001 SCC 7, [2001] 1 SCR 283 at paras. 52-53; *R v Pharmaceutical Society (Nova Scotia)*, [1992] 2 SCR 606, 1992 CanLII 72 (SCC), at paras. 56, 58, and 111; *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12, [2015] 1 SCR 613 at para. 45.

¹⁷ *Toonen v Australia*, CCPR/C/50/D/488/1992 (1994)), at para. 8.7. See also *Young v Australia*, CCPR/C/78/D/941/2000, at para. 10.4; *X v Colombia*, CCPR/C/89/D/1361/2005, at para. 9.

¹⁸ See CESCR GCs: *GC No. 14: The right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*, E/C.12/2000/4, at para. 18; *GC No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)*, E/C.12/2002/11, 2002, at para. 13; *GC No. 18: The Right to Work (Art. 6 of the Covenant)*, 2006, E/C.12/GC/18, at para. 12; and, *GC No. 20: Non-discrimination in economic, social and cultural rights (Art. 2(2) of the Covenant)*, 2009, E/C.12/GC/20, at para. 32.

¹⁹ See, for example *Concluding observations of the Human Rights Committee on the fourth periodic report of Ireland* (CCPR/C/IRL/CO/4), at para. 7; and *Concluding observations of the Human Rights Committee on the United Kingdom of Great Britain and Northern Ireland* (CCPR/C/GBR/CO/6), at para. 5; and CESCR *GC No. 20, supra*, note 18, at para. 32.

12. The duty of states to prevent discrimination on prohibited grounds by private and public agencies has been confirmed by a number of international bodies including the HR Committee,²⁰ UN Committee on CEDAW,²¹ CESCR,²² and the OHCHR.²³

i. Rights to equality and non-discrimination are fundamental.

13. The Inter-American Court of Human Rights (IACtHR) has stated

... the fundamental principle of equality and non-discrimination has entered the realm of *jus cogens*. The juridical framework of national and international public order rests on it and it permeates the whole juridical system.²⁴

The nature and non-derogability of *jus cogens* has been described by this Court as,

“...a higher form of customary international law. In the same manner that principles of fundamental justice are principles “upon which there is some consensus that they are vital or fundamental to our societal notion of justice”...*jus cogens* norms are customs accepted and recognized by the international community of states from which no derogation is permitted”²⁵

ii. Special attention must be paid to prevent discrimination on the basis of gender identity and sexual orientation.

14. In spite of significant advances in recent years, LGBTQ persons continue to suffer egregious human rights violations around the world at the hands of both State and non-state actors that include killings, rape, physical attacks, torture, arbitrary detention, the denial of rights to assembly, expression, and information, and discrimination in employment, health, and education.²⁶

²⁰ *Nahlik v. Austria*, U.N. Doc. CCPR/C/57/D/608/1995 (1996), at para. 8.2.

²¹ *A. T. v. Hungary*, Communication No.: 2/2003, Views of CEDAW, adopted 26 January 2005, at the thirty-second session, at para. 9.2

²² CESCR *GC No. 20*, *supra*, note 18, at para. 11.

²³ UNHRC, *Discrimination and violence against individuals based on their sexual orientation and gender identity*, UN HRC, 29th Sess., UN Doc. A/HRC/29/23 (2015), at paras. 16 and 41.

²⁴ *Yatama v. Nicaragua*, Series C No. 127, Inter-American Court of Human Rights (IACtHR), 23 June 2005, at para. 184.

²⁵ *Kazemi Estate v. Islamic Republic of Iran*, 2014 SCC 62, [2014] 3 SCR 176, at para. 151.

²⁶ See, for example, International Commission of Jurists (ICJ), *Sexual orientation and gender identity in international human rights law: The ICJ UN compilation*, 2013, 5th ed., at pp. 6-7; UN HRC, *Report of the Commissioner for Human Rights: Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, UN HRC, 19th Sess., UN Doc., A/HRC/19/41 (2011), at para. 1. See also: UN OHCHR, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* (New York and Geneva, 2012), at pp. 7, 10; ICJ, *Yogyakarta Principles - Principles on the application of*

The OAS has repeatedly called on member states to eliminate barriers based on sexual orientation and prevent interference with the private lives of LGBTQ persons.²⁷ In 2016, the OHCHR, identified education as a key context in which LGBTQ people experience discrimination and recommended strong legal measures at the state level, applicable in the public and private sectors, to prohibit discrimination on the basis of “**sexual orientation, gender identity, gender expression and sex characteristics**” along with effective measures to investigate and remedy discriminatory actions.²⁸

iii. IHRL prohibits arbitrary or unlawful interference with privacy.

15. The ICCPR Art. 17(1) and ADRDM Art. V guarantee the right to be protected from arbitrary or unlawful interference with privacy and family life. In *Toonen*, the HR Committee found that “adult consensual sexual activity in private is covered by the concept of ‘privacy’ in ICCPR, Art 17 and that a criminal prohibition of homosexuality” interferes with privacy rights, “even if these provisions have not been enforced for a decade”.²⁹

16. The IACtHR has ruled that “privacy is exempt and immune from abusive or arbitrary intrusion or aggression by third parties or by the public authorities”³⁰ and that,

The concept of privacy is a broad term that cannot be defined exhaustively, but comprises, among other protected spheres, sexual life and the right to establish and develop relationships with other human beings.³¹

international human rights law in relation to sexual orientation and gender identity, March 2007, at p. 6.

²⁷ O.A.S., GA, 46th Sess., *Promotion and Protection of Human Rights*, AG/Res.2887 XLVI-O/16 (2016).

²⁸ UN OHCHR, “Living Free and Equal: What states are doing to tackle violence and discrimination against lesbian gay, bisexual, transgendered and intersex people” (New York and Geneva, 2016), at p. 63. See also, UN HRC, *Protection against violence and discrimination based on sexual orientation and gender identity*, 32d Sess., UN Doc. A/HRC/RES/32/L.2/Rev.1. (2016).

²⁹ *Toonen*, *supra* note 17, at paras. 8.7 and 8.2.

³⁰ *Atala Riffo and Daughters v. Chile*, (2012) (IACtHR) (Ser. C) No. 239, at para. 161.

³¹ *The Massacres of El Mozote and Nearby Places v El Salvador*, (2012) IACrHR (Ser. C) No 252, at para. 166.

17. The ECtHR Court has repeatedly held that, “just like differences [in treatment] based on sex, differences based on sexual orientation require ‘particularly convincing and weighty reasons’ by way of justification”.³²

iv. IHRL protects freedoms to hold a belief without coercion and to act on a belief in private.

18. The right of LGBTQ persons and others to have or adopt a belief that allows sex between unmarried and/or same-sex people is an absolute right under the ICCPR (Article 18(1)) from which no derogation is allowed (ICCPR Art 4(2)):

[ICCPR] Article 18(2) bars coercion that would impair the right to have or adopt a religion or belief, including the use or threat of physical force or penal sanction to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education... are similarly inconsistent with article 18(2).³³

The ECtHR, in *Eweida v. the United Kingdom*, recalled that

as enshrined in [ECHR] Article 9, freedom of thought, conscience and religion is one of the foundations of a “democratic society” within the meaning of the Convention. In its religious dimension it is one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it...³⁴

v. IHRL protects the right to equal access to education

19. The ICESCR, Art. 13(2)(c), provides that “higher education shall be made equally accessible to all”. Stressing the “equal and inalienable rights of all” to education,³⁵ the CESCR has identified the obligation of states to remedy historic inequities.³⁶

³² *Vallianatos and Others v. Greece [GC]*, Legal Summary [2014] ECHR 116, at para. 77; *Smith and Grady v. the United Kingdom*, [1999] ECHR 72 at para. 90; *Karner v. Austria*, [2003] ECHR 395, at paras. 37 and 42; *X and Others v. Austria [GC]*, Legal Summary [2013] ECHR 425, at para. 99.

³³ UN HR Comm., *CCPR GC No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, UN Doc. 30 July 1993, CCPR/C/21/Rev.1/Add.4 (1993), [*GC No. 22, Article 18*] at para. 5.

³⁴ *Eweida and Others v The United Kingdom*, [2013] ECHR 37, at para. 79.

³⁵ *CESCR GC No. 20, supra*, note 18, at para. 3.

³⁶ *Ibid.* at para. 9.

20. The *Basic Principles on the Role of Lawyers (Basic Principles)*³⁷, cited by this Court³⁸ and the HR Committee³⁹ as an authoritative statement of state duties to enable and maintain a properly functioning legal profession, clearly require non-discriminatory entry to the legal profession. Article 10 states,

Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status...

vi. IHRL permits specified limitations on the right to manifest a religion or belief.

21. Under the ICCPR, Article 18(3), freedom to manifest religion or beliefs may be subject to “such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”.⁴⁰ Similar language is contained in the ECHR.⁴¹

22. The ECtHR has observed that, under the ECHR Art. 9(1), freedom of religion “does not protect every act motivated or inspired by a religion or belief...”⁴² and that ECHR Art. 9(2), reflects the fact that in pluralistic democratic societies

[I]t may be necessary to place restrictions on this freedom [to manifest belief] in order to reconcile the interests of the various groups and ensure that everyone’s beliefs are respected.⁴³

³⁷ UN, *Basic Principles on the Role of Lawyers*, Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

³⁸ *Canada (Attorney General) v. Federation of Law Societies of Canada*, 2015 SCC 7, [2015] 1 SCR 401, at para. 101.

³⁹ *Concluding observations of the Human Rights Committee: Russian Federation*, CCPR/C/RUS/CO/6, (2009) at para. 22; *Concluding observations of the Human Rights Committee: Belarus*, CCPR/C/79/Add.86, (1997) at para. 14; *Idieva v Tajikistan*, CCPR/C/95/D/1276/2004, (2009) at para. 3.6.

⁴⁰ ICCPR, *supra*, note 8, Article 18(3). See also, *UDHR*, *supra*, note 7, Art. 29(2); *American Convention on Human Rights*, Article 12(3); *ECHR*, *supra*, note 14, Article 9(2); *Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief*, A/RES/36/55, UN GAOR, 36th Sess., (1981), Article 1(3).

⁴¹ *European Convention on Human Rights*, *supra*, note 14, Article 9(2).

⁴² *Leyla Şahin v Turkey* [GC], [2005] ECHR 819, at para. 105.

⁴³ *Kokkinakis v Greece*, [1993] ECHR 20, at para. 33.

23. Discriminatory limitations are not permitted:

Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner. [...] limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.⁴⁴

24. In interpreting the scope of limitations under the ICCPR, the HR Committee states,

States parties should proceed from the need to protect the rights guaranteed under the [ICCPR], including the right to equality and non-discrimination on all grounds specified by articles 2, 3 and 26.⁴⁵

25. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.⁴⁶ The ECtHR has said that the word “necessary” in ECHR Art. 9(1) means that there must be a “pressing social need” for the restriction. The reasons given by the State to justify the restriction must be “relevant and sufficient”.⁴⁷

27. In *Eweida and Others v The United Kingdom*, the ECtHR noted that the aim pursued by the local authority in refusing to exempt a registrar from conducting civil unions of same-sex couples was to provide a service in a non-discriminatory manner and which promoted equal opportunities.⁴⁸

vii. IHRL protects the right of law societies to operate without external interference

28. In order to ensure compliance with substantive international law obligations, including non-discrimination in legal educational institutions, The *Basic Principles* further requires self-governing professional associations be permitted to operate without external interference:

24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

⁴⁴ *GC No. 22, Article 18, supra*, note 33, at para. 8.

⁴⁵ *Ibid.*

⁴⁶ *CCPR GC No. 22, Article 18 supra*. Note 33.

⁴⁷ *Lingens v. Austria*, [1986] ECHR 7, at paras. 39-40.

⁴⁸ *Eweida, supra*, note 34, at para. 105.

29. Applying these principles, the decisions of the LSUC and LSBC (Decisions) to deny TWU the approval sought were consistent with lawful limitations under IHRL of the right to manifest belief claimed by TWU and in compliance with Canada’s international legal obligations to ensure rights impaired by the Covenant. The Decisions were:

(a) directly related to the aim under ICCPR, Article 18(3) of protecting the “rights and freedoms of others” to dignity and privacy, equality and non-discrimination, freedom from coercion in holding, adopting or acting in private on, a belief and of ensuring equal access to education;

(b) necessary to protect these rights from impairment by the Covenant and to address the pressing social needs to: prevent discrimination and interference with rights to privacy; and, ensure that the right to equal access to the education necessary to enter the legal profession is enjoyed by all persons regardless of religion, marital status, gender and sexual orientation; and,

(c) proportionate to achieve these aims.

30. The Decisions did not impair or if at all, minimally⁴⁹ TWU’s rights to manifest its religious beliefs. On the other hand, the Decisions were necessary to prevent serious impairment of the rights to privacy, education, equality and non-discrimination, freedom of belief and the right to act on beliefs in private, of members of the LGBTQ community and others whose beliefs do not allow compliance with the Covenant. The Decisions also properly uphold and protect the public interest in the administration of justice.⁵⁰

PART IV. COSTS

31. LRWC does not seek costs and requests that no award of costs be made against LRWC.

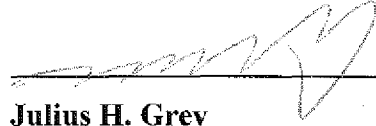
PART V. NATURE OF ORDERS SOUGHT

32. LRWC respectfully requests that: the appeal from the decision of the OCA be dismissed; and, the appeal from the decision of the BCCA be granted and the Resolution of the LSBC restored.

⁴⁹ LSUC Factum at paras. 132-133.

⁵⁰ *Trinity Western University v The Law Society of Upper Canada*, 2016 ONCA 518, at para. 138.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 28th DAY of AUGUST 2017



FOR

Julius H. Grey
Counsel for the Interveners,
Lawyers' Rights Watch Canada

PART VI. TABLE OF AUTHORITES

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<u>UN HRC, Protection against violence and discrimination based on sexual orientation and gender identity, UN HRC, 32nd Sess., UN Doc. A/HRC/RES/32/L.2/Rev.1. (2016).</u>	14
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<u>UN HRC, <i>Discrimination and violence against individuals based on their sexual orientation and gender identity</i>, UN HRC, 29th Sess., UN Doc. A/HRC/29/23 (2015).</u>	12
<u>UN HRC, <i>Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies</i>, UN HRC, 31st Sess, UN Doc. A/HRC/31/66 (2016).</u>	7
<u>UN HRC, <i>Report of the Commissioner for Human Rights: Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity</i>, UN HRC, 19th Sess., UN Doc. A/HRC/19/41 (2011).</u>	14
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