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People's Commission pushes for post-convoy apologies as joint parliamentary committee readies report

Despite nearing the end of its work, the special committee studying the use of the Emergencies Act will add the new Ottawa People's Commission report to its evidence.

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Nearly 14 months after the so-called Freedom Convoy left the streets of Ottawa, a community-led commission says the sense of abandonment and broken trust felt by downtown Ottawa residents still has to be addressed. Its latest report calls for “meaningful apologies,” compensation for residents, and the creation of a municipal human rights charter, but a law professor says there are more practical applications of existing tools as long as there is improved oversight to ensure officials actually do their job.

On April 4, the Ottawa People's Commission on the Convoy Occupation (OPC), a series of resident-led public hearings that began in late September 2022, released its second report on the effects of the February 2022 protests. The report makes recommendations to all three levels of government on ways to prevent similar incidents in the future and rebuild Ottawa residents' broken trust in their institutions.

At a press conference following the release of the report, titled After the Occupation: Change, Alex Neve, one of four commissioners who heard testimony from more than 200 residents, said the last thing governments should be doing is pretending that “all is fine, lessons have been learned, and it is time to move on.”

Neve, an adjunct professor in international human rights law and former secretary-general of Amnesty International Canada, told The Hill Times he found it striking how much of what went wrong during the convoy occupation reflected a total absence of human rights considerations.

“Human rights obligations were simply not on the table as governments and police were deciding what they were going to do,” Neve said. “That goes a long way in explaining why the impact was so heavy, in particular, for vulnerable and marginalized communities in central Ottawa and the deep sense of abandonment that everyone in those commu-

An April 4 report from the Ottawa People's Commission on the Convoy Occupation calls for a municipal human rights framework, saying police and all three levels of government failed and abandoned residents during the winter 2022 protests. The Hill Times photograph by Andrew Meade

nities felt.”

Neve said the commission's findings demonstrated “how weak and essentially non-existent the human rights architecture for the City of Ottawa is,” noting that while there is the Charter of Rights and Freedoms at the federal level and the Ontario Human Rights Code provincially, there is no similar framework at the municipal level.

“If that had been in place before the convoy came into town, then I think a lot of the decisions that were taken simply wouldn't have been an option,” Neve added, pointing to the decision to suspend Para Transpo during the protests due to blocked streets and security concerns, with seemingly no follow-up

questions on what the consequences of that decision would be for the thousands of residents who rely on it every day.

Errol Mendes, a University of Ottawa law professor who researches constitutional law and human rights, told The Hill Times that while a municipal charter could be beneficial, he isn't sure how effective it would have been when no one was paying attention to the provincial and federal equivalents.

Mendes said that from the evidence he's seen from the Rouleau Commission, rather than an indication there was a need for a municipal charter, he saw "massive failures" by officials to do their job and uphold existing laws and Charter rights.

"With all of the evidence and the benefit of hindsight, it has become clear that there needs to be a lot more supervision and regulation of how the Ottawa police are monitored and regulated, with greater civilian oversight," Mendes said. "There was a massive assault on the rights of the Ottawa residents. Still, even if a municipal charter was in existence at the time, if the police weren't paying any attention to it, who would enforce it?" Instead, Mendes said there are more "practical" actions to ensure that existing frameworks are better interpreted and enforced. As an example, Mendes pointed to the lack of clarity on what advice then-Ottawa police chief Peter Sloly had been given to conclude that the federal Charter prevented him from stopping vehicles from entering Wellington Street when the convoy arrived.

"Toronto police did precisely what Sloly said he couldn't do, which was restrict the traffic into certain parts of down-

town Toronto," Mendes said, adding that during future demonstrations, there would need to be better internal monitoring and regulations on who could challenge those judgements by police.

The OPC report also draws a number of conclusions surrounding deficiencies in the responsiveness of governments and police, which Neve said includes "weak policies, poor communication protocols, and problematic decisions" made by not enforcing existing criminal laws and city bylaws.

The report provides 25 recommendations categorized under eight "calls to action" for governments and law enforcement to take, which include committing to the United Nations Declaration on the Rights of Indigenous Peoples; amending provincial legislation to strengthen human rights protections; and providing compensation for expenses and lost wages and income incurred by residents during the protest.

"There is a compensation program in place for businesses for losses they experienced, but there's nothing for residents and workers," Neve added, pointing to the \$20-million in federal funding and an additional \$10-million grant from the provincial government for downtown businesses affected by the convoy.

Additionally, the 2023 federal budget allocated \$91-million to Public Safety Canada to reimburse municipalities and the RCMP for financial costs incurred during the protests. The City of Ottawa calculated its own costs at \$2.3-million before accounting for lost transit, parking, and business revenue. However, while Neve said the compensation could be allocated from that federal money,

the commission doesn't believe offering redress to residents is solely the responsibility of the federal government.

"We did point out that it's all three levels of government that need to step up to the plate, because all three of them fell short of upholding the human rights of central Ottawa residents," Neve said.

Alongside the recommendations, the OPC suggests a timeline for implementation, concluding in June 2024. The most urgent recommendations on that timeline, Neve said, are those related to re-earning the trust of Ottawa residents.

"In order to earn that back, it's going to take some deliberate action on the part of all three levels of government," Neve explained. "We've suggested a good starting point would be to convene town halls in some of the most directly impacted neighbourhoods to have an opportunity for dialogue between officials and community members." These events would be a venue for government and police officials to offer "meaningful" apologies to the residents of Ottawa.

"We're not looking for officials to apologize for what the convoy participants did; it's an apology for the abandonment of residents," Neve said.

The commission's second report was submitted to all three levels of government, with copies being sent to Prime Minister Justin Trudeau (Papineau, Que.), Ontario Premier Doug Ford, Ottawa Mayor Mark Sutcliffe and members of the city council, as well as all four Ottawa-riding MPs and to the parliamentary Special Joint Committee on the Declaration of Emergency.

"We had the usual polite acknowledge-

ment that they would read it ‘with interest,’ but we did specifically say that we’d welcome the opportunity to meet, so we’ll see if any of them take us up on that,” Neve said.

Joint Emergencies Act committee in final phase of work NDP MP Matthew Green (Hamilton Centre, Ont.), one of the committee joint chairs, told The Hill Times that while the commission’s report was submitted after the committee had completed its witness list and begun drafting its own report, a motion has been accepted to allow for the recommendations to be included in the evidence.

“I’ve reviewed it, and it’s certainly going to be part of my intervention,” Green added, noting that the committee recognizes the importance of bringing the joint committee’s work to a conclusion and producing a report that accounts for all of the available evidence.

“I think it’s clear that there was a failure at every level of government and a complete breakdown of the institution of policing around information sharing and intelligence,” Green said, adding that he agrees with the OPC conclusion that there had been a lack of consideration by those officials regarding the effect the protest had on residents.

“There needs to be greater contemplation of the ongoing and prolonged impact on civilian populations during a public and social disorder emergency that goes beyond economic or national security considerations.”

Green said he expects the committee’s report to be submitted to Parliament before the end of the spring sitting. He added that he is hopeful, “despite moments of partisanship,” that there will be

common ground within the final recommendations.

“Now our work is going to be summarizing and synthesizing all of the expert witness testimony and cross-examination evidence that was presented to the committee, and the pertinent points as presented through the Rouleau Commission and the [OPC],” Green said, adding that he believes the Emergencies Act will require modernization to update the legislation originally drafted in 1988.

“It’s totally inadequate for whatever’s to come next, and there’s going to be a ‘next,’” Green said. “I’m certain things are likely to get worse before they get better.”

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