

**IN THE SUPREME COURT OF CANADA**  
(APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

IN THE MATTER OF the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11  
AND IN THE MATTER OF the Criminal Code, R.S.C. 1985, c. C-46  
AND IN THE MATTER OF Sex Offender Information Registration Act, S.C. 2004, c. 10  
AND IN THE MATTER OF Christopher's Law (Sex Offender Registry), 2000, S.O. 2000, c. 1

B E T W E E N:

**ATTORNEY GENERAL OF ONTARIO**

Appellant  
(Respondent)

-and-

**G.**

RESPONDENT  
(Appellant)

-and-

**THE EMPOWERMENT COUNCIL**  
**THE CRIMINAL LAWYERS' ASSOCIATION (ONTARIO)**  
**THE CANADIAN CIVIL LIBERTIES ASSOCIATION**  
**THE DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS**  
**THE CANADIAN MENTAL HEALTH ASSOCIATION (ONTARIO)**  
**THE ATTORNEY GENERAL OF CANADA**

INTERVENERS

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**FACTUM OF THE INTERVENER,**  
**THE EMPOWERMENT COUNCIL**

(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

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**ANITA SZIGETI ADVOCATES**  
400 University Avenue Suite 2001  
Toronto, Ontario M5G 1S5

**Anita Szigeti**  
Tel.: (416) 504-6544  
Fax: (416) 204-9562

**SUPREME ADVOCACY LLP**  
100- 340 Gilmour Street  
Ottawa, Ontario K2P 0R3

**Marie-France Major**  
Tel: (613) 695-8855  
Fax: (613) 695-8580

Email: [anita@asabarristers.com](mailto:anita@asabarristers.com)

**DAVIES BARRISTERS**  
352 Elgin Street  
Ottawa, Ontario, K2P 1M8

**Michael Davies**  
**Meaghan McMahon**  
Tel.: (613) 230-0222  
Fax: (613) 691-1373  
Email: [mdavies@daviesbarristers.com](mailto:mdavies@daviesbarristers.com)

**MORPHEW SYMES MENCHYNSKI  
BARRISTERS**  
55 University Avenue, Suite 1100  
Toronto, Ontario, M5H 4E2

**Andrew Menchynski**  
Tel.: (416) 628-3753  
Fax: (416) 607-7395  
Email: [menchynski@msmbarristers.com](mailto:menchynski@msmbarristers.com)

**THOMPSON RIVERS UNIVERSITY,  
FACULTY OF LAW**  
895 University Dr.  
Kamloops, BC V2C 0J6

**Ruby Dhand**  
Tel: 778-471-8457  
Fax: 250-852-7641  
Email: [rdhand@tru.ca](mailto:rdhand@tru.ca)

**Counsel for the Intervener,  
The Empowerment Council**

E-mail: [mfmajor@supremeadvocacy.ca](mailto:mfmajor@supremeadvocacy.ca)

**Ottawa Agent for the Intervener,  
Empowerment Council**

**ATTORNEY GENERAL OF ONTARIO**

720 Bay Street, 4th Floor  
Toronto, Ontario  
M7A 2S9

**S. Zachary Green**

Tel: (416) 326-8517  
Fax: (416) 326-4015  
E-mail: [zachary.green@ontario.ca](mailto:zachary.green@ontario.ca)

**Counsel for the Appellant**

**SWADRON ASSOCIATES**

115 Berkeley Street  
Toronto, Ontario  
M5A 2W8

**Marshall A. Swadron**

**Joanna H. Weiss**

**Arooba Shakeel**

Telephone: (416) 362-1234  
Fax: (416) 362-1232  
Email:

**Counsel for the Respondent**

**DEPARTMENT OF JUSTICE CANADA**

Guy-Favreau Complex, East Tower, 9th Floor  
200 René-Lévesque Boulevard West  
Montréal, Quebec  
H2Z 1X4

**Marc Ribeiro**

Tel: (514) 283-6386  
Fax: (514) 283-3103  
Email: [marc.ribeiro@justice.gc.ca](mailto:marc.ribeiro@justice.gc.ca)

**Counsel for the Intervener, Attorney  
General of Canada**

**BORDEN LADNER GERVAIS LLP**

1300-100 Queen Street  
Ottawa, Ontario  
K1P 1J9

**Karen Perron**

Tel: (613) 369-4795  
Fax: (613) 230-8842  
E-mail: [kperron@blg.com](mailto:kperron@blg.com)

**Ottawa Agent for the Appellant**

**CHAMP AND ASSOCIATES**

43 Florence Street  
Ottawa, Ontario  
K2P 0W6

**Bijon Roy**

Tel: (613) 237-4740  
Fax: (613) 232-2680  
E-mail: [broy@champlaw.ca](mailto:broy@champlaw.ca)

**Ottawa Agent for the Respondent**

**DEPARTMENT OF JUSTICE**

50 O'Connor Street  
Suite 500  
Ottawa, Ontario  
K1A 0H8

**Christopher Rupar**

Tel: (613) 670-6290  
Fax: (613) 954-1920  
Email: [christopher.rupar@justice.gc.ca](mailto:christopher.rupar@justice.gc.ca)

**Agent for Counsel for the Intervener,  
Attorney General of Canada**

**CANADIAN CIVIL LIBERTIES  
ASSOCIATION**  
90 Eglinton Ave. East  
Suite 900  
Toronto, Ontario  
M4P 2Y3

**Cara Faith Zwibel**  
Tel: (416) 363-0321 Ext: 255  
Fax: (416) 861-1291  
Email: [czwibel@ccla.org](mailto:czwibel@ccla.org)

**Counsel for the Intervener, Canadian Civil  
Liberties Association**

**EMBRY DANN LLP**  
116 Simcoe Street  
Suite 100  
Toronto, Ontario  
M5H 4E2

**Erin Dann**  
Tel: (416) 868-1203  
Fax: (416) 868-0269  
Email: [edann@edlaw.ca](mailto:edann@edlaw.ca)

**Counsel for the intervener, Criminal  
Lawyers' Association (Ontario)**

**UNIVERSITY OF TORONTO**  
78 Queen's Park Cres. East  
Toronto, Ontario  
M5S 2C3

**Kent Roach**  
**Cheryl Milne**  
Tel: (416) 978-0092  
Fax: (416) 978-8894  
Email: [kent.roach@utoronto.ca](mailto:kent.roach@utoronto.ca)

**Counsel for David Asper Centre for  
Constitutional Rights**

**GOWLING WLG (CANADA) LLP**  
160 Elgin Street  
Suite 2600  
Ottawa, Ontario  
K1P 1C3

**D. Lynne Watt**  
Telephone: (613) 786-8695  
FAX: (613) 788-3509  
Email: [lynne.watt@gowlingwlg.com](mailto:lynne.watt@gowlingwlg.com)

**Agent for Counsel for the Intervener,  
Canadian Civil Liberties Association**

**SUPREME ADVOCACY LLP**  
100- 340 Gilmour Street  
Ottawa, Ontario K2P 0R3

**Marie-France Major**  
Tel: (613) 695-8855  
Fax: (613) 695-8580  
E-mail: [mfmajor@supremeadvocacy.ca](mailto:mfmajor@supremeadvocacy.ca)

**Agent for the intervener, Criminal  
Lawyers' Association (Ontario)**

**NORTON ROSE FULBRIGHT CANADA  
LLP**  
45 O'Connor Street  
Suite 1500  
Ottawa, Ontario  
K1P 1A4

**Matthew J. Halpin**  
Tel: (613) 780-8654  
Fax: (613) 230-5459  
Email:  
[matthew.halpin@nortonrosefulbright.com](mailto:matthew.halpin@nortonrosefulbright.com)

**Agent for Counsel for David Asper Centre  
for Constitutional Rights**

**MCCARTHY TÉTRAULT LLP**

Suite 5300, Toronto Dominion Bank Tower  
Toronto, Ontario  
M5K 1E6

**Adam Goldenberg**

**Ljiljana Stanic**

Tel: (416) 601-8200

Fax: (416) 868-0673

Email: [agoldenberg@mccarthy.ca](mailto:agoldenberg@mccarthy.ca)

**Counsel for Canadian Mental Health  
Association, Ontario**

**GOWLING WLG (CANADA) LLP**

2600 - 160 Elgin Street  
P.O. Box 466, Stn. A  
Ottawa, Ontario  
K1P 1C3

**Matthew Estabrooks**

Tel: (613) 786-0211

Fax: (613) 788-3573

Email: [matthew.estabrooks@gowlingwlg.com](mailto:matthew.estabrooks@gowlingwlg.com)

**Agent for counsel for Canadian Mental  
Health Association, Ontario**

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## **PART I – OVERVIEW AND STATEMENT OF FACTS**

### **A. OVERVIEW**

1. The Empowerment Council, representing persons with mental health and addictions histories, highlights for this Court how the impugned legislation, *Christopher's Law*,<sup>1</sup> discriminates and unjustifiably harms members of this vulnerable community. In Ontario, all convicted offenders who have committed crimes of a sexual nature are subject to registration and reporting requirements under *Christopher's Law*.<sup>2</sup> This registry also applies to accused who have received the special verdict of not criminally responsible on account of mental disorder (“NCR” and “NCR accused”).<sup>3</sup>

2. Unlike NCR accused, individuals who are convicted of sexual offences have opportunities either to avoid inclusion on this sex offender registry (should they receive a discharge on sentencing) or to be removed from the registry (once they receive a “pardon” or “record suspension”).<sup>4</sup> These “exit ramps,”<sup>5</sup> however, are not available to NCR accused. Instead, NCR accused face certain inclusion on this registry – and have no hope of ever escaping the “sex offender” label.<sup>6</sup>

3. Keeping this factual background in mind, the Empowerment Council makes three submissions. First, the Empowerment Council submits that *Christopher's Law* fails to live up to the substantive equality promise of s. 15 of the *Canadian Charter of Rights and Freedoms* (“*Charter*”).<sup>7</sup> Put simply, the impugned law discriminates on the basis of mental disability. Instead of acknowledging that NCR accused are vulnerable individuals who have not committed a crime,

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<sup>1</sup> *Christopher's Law (Sex Offender Registry)*, S.O. 2000, c.1 [*Christopher's Law*].

<sup>2</sup> *Christopher's Law (Sex Offender Registry)*, S.O. 2000, c.1, s. 11.

<sup>3</sup> *Criminal Code*, R.S.C. 1985, c. C-46, s. 16(1) [*Criminal Code*].

<sup>4</sup> *Christopher's Law (Sex Offender Registry)*, S.O. 2000, c.1, s. 9.1.

<sup>5</sup> See *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at paras 114-115.

<sup>6</sup> *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at paras 127 and 134; *R. v. C.C.*, 2007 ABPC 337 at paras. 18, 43, 59 & 84 [C.C.]. See also *R v Redhead*, 2006 ABCA 84 at para. 31 and Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 at pgs 94-96 [Szigeti & Perez]. [Book of Authorities (“BOA”), Tab 2]

<sup>7</sup> *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982. (UK), 1982, c 11.

*Christopher's Law* brands them as presumptively and irredeemably dangerous “sex offenders.”<sup>8</sup> Once caught by *Christopher's Law*, NCR accused can never get out – even if they have been treated, rehabilitated, and fully re-integrated into the community. *Christopher's Law* treats NCR accused, who lack moral culpability for their actions on account of mental disorder, worse than those who choose to commit sexual offences (i.e. those who do have “exit ramps” available to them).<sup>9</sup>

4. Second, the Empowerment Council highlights for this Court how *Christopher's Law* unjustifiably impedes the recovery of NCR accused. The impugned law does not just deny NCR accused hypothetical rights or cause minor inconvenience. The impugned law can actually psychologically harm NCR accused by impeding their road to recovery. In some cases, this harm begins when NCR accused are still subject to Ontario Review Board (“Board”) supervision. The harm then continues after the Board, comprised of experts trained in assessing risk, decides that these NCR accused no longer present a danger to public safety and absolutely discharges them.

5. Finally, the Empowerment Council submits that the only way for *Christopher's Law* to be constitutionally compliant with ss. 15 and 1 of the *Charter* is for the legislative scheme to provide an eventual opportunity to escape registration. This Court has long recognized in its jurisprudence on Part XX.1 of the *Criminal Code* that NCR accused cannot be presumed dangerous. In order to achieve substantive equality (under s. 15) and minimally impair the rights of absolutely discharged NCR accused (under s. 1),<sup>10</sup> *Christopher's Law* must provide an “exit ramp” for NCR accused who do not pose a risk of sexual re-offending.

## **B. STATEMENT OF FACTS**

6. The Empowerment Council takes no position with respect to the facts as advanced by the parties and defers to the parties on the factual record.

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<sup>8</sup> *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at paras 127 and 134; *R. v. C.C.*, 2007 ABPC 337 at paras. 18, 43, 59 & 84 [C.C.]. See also *R v Redhead*, 2006 ABCA 84 at para. 31 and Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 at pg 94-96 [Szigeti & Perez]. [BOA, Tab 2]

<sup>9</sup> *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at paras 127 and 134.

<sup>10</sup> *R. v. Oakes*, [1986] 1 SCR 103.



## **PART II – QUESTIONS IN ISSUE**

7. The Appellant identifies four issues in this appeal. Of those, the Empowerment Council only participates in answering the question of whether *Christopher's Law* infringes s. 15 rights of absolutely discharged NCR accused, and if so, whether it is then saved by section 1.

8. The Empowerment Council's position is that *Christopher's Law* infringes the substantive equality interests of vulnerable NCR accused where it operates to impede their rehabilitation and re-integration into society. This is a discriminatory impact contrary to s. 15 of the *Charter* and the principles enshrined in Part XX.1 of the *Criminal Code*. This impact cannot be justified pursuant to s. 1 of the *Charter*. The Empowerment Council's submissions focus on the breadth and depth of the continued impact of *Christopher's Law* on the recovery and reintegration of NCR accused who have been absolutely discharged.

## **PART III – STATEMENT OF ARGUMENT**

### **A. OVERVIEW**

9. The Empowerment Council provides the Court with a contextual analysis that highlights how *Christopher's Law* discriminates against NCR accused and impedes their road to recovery. The Empowerment Council argues that NCR accused need the opportunity to seek exemption or termination from the impugned sex offender registry in order to achieve substantive equality. Ultimately, such an "exit ramp" would provide NCR accused hope at the end of the tunnel and reduce the stress associated with the current regime that offers no escape from the "sex offender" label.<sup>11</sup>

### **B. CHRISTOPHER'S LAW VIOLATES THE SUBSTANTIVE EQUALITY GUARANTEE UNDER S. 15(1) OF THE CHARTER BY FAILING TO PROVIDE DIFFERENTIAL TREATMENT FOR NCR ACCUSED**

#### ***(1) The impugned registries create a distinction based on the enumerated ground of mental disability***

10. *Christopher's Law* discriminates against NCR accused based on the enumerated ground of mental disability. An applicant claiming discrimination first needs to demonstrate that the

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<sup>11</sup> See *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at paras 114-115.

impugned law creates a distinction based on an enumerated ground (of which mental disability is one).<sup>12</sup> And, as this Court explained in *Winko*, “it has long been held that s. 15(1) guarantees more than the formal equality of like treatment; it guarantees substantive equality. Discrimination may arise either from treating an individual differently from others on the basis of group affiliation, or from failing to treat the individual differently from others on the basis of group affiliation.”<sup>13</sup>

11. In the case of NCR accused, this Court has long recognized that this group must be treated differently than the comparator group of convicted offenders. Indeed, this is why NCR accused are exempt from criminal responsibility by virtue of their mental disability in the first place. Treating NCR accused fairly means “acknowledging their mental illness as the root cause of their criminal conduct, and, to the extent consistent with public safety, seeking to treat and alleviate the adverse effects of that mental disability.”<sup>14</sup> This differential treatment is also what animates Part XX.1 of the *Criminal Code*.

12. Instead of maintaining the distinction, however, *Christopher’s Law* treats NCR accused as if they were offenders. The registry casts the same net over *both* groups. By subjecting persons found NCR to the sex offender registry system, *Christopher’s Law* treats NCR accused exactly like “morally culpable offenders, without any regard for their mental disability or their unique status in the eyes of the criminal law.”<sup>15</sup>

13. The provisions of Part XX.1 of the *Criminal Code*<sup>16</sup> are specifically designed to assist NCR accused in their rehabilitation, recovery and re-integration into society. The registries’ reporting requirements impose barriers that are incompatible with these purpose-built provisions of Part XX.1.<sup>17</sup> The legislation is discriminatory because there are coercive burdens imposed upon NCR

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<sup>12</sup>*R. v. Kapp*, 2008 SCC 41 at para. 17 [*Kapp*]. See also *Withler v. Canada (Attorney General)*, 2011 SCC 12 [*Withler*] and *Quebec v A.*, 2013 SCC 5 at para. 324.

<sup>13</sup> *Winko v. British Columbia (Forensic Psychiatric Institute)*, [1999] 2 SCR 625 at para. 82.

<sup>14</sup> *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at para 133.

<sup>15</sup> *G. v. Ontario (Attorney General)*, 2019 ONCA 264 at para 132, 134; Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 at pgs 94-96 [Szigeti & Perez]. [BOA, Tab 2]

<sup>16</sup> *Criminal Code*, R.S.C., 1985, c. C-46, Part XX.1.

<sup>17</sup> *Christopher’s Law (Sex Offender Registry)*, 2000, S.O. 2000, c. 1, s. 3(1)(b).

accused, restricting their rights to rehabilitation, recovery and re-integration. These burdens are imposed indefinitely, without the same opportunity (that is available to those who *choose* to commit sexual offences) to escape the continuing application of the registries. NCR accused (even once discharged absolutely) are deprived of an “exit ramp” only as a result of their mental disability, contrary to the unique non-punitive and remedial purpose and effect of the NCR Verdict, under Part XX.1 of the *Criminal Code*.

**(2) *The distinction creates disadvantage by perpetuating prejudice and stereotyping***

14. As explained by this Court in *Kapp*, applicants claiming discrimination must also establish that the impugned law creates a “disadvantage” by perpetuating prejudicial views or stereotypes.<sup>18</sup> The first obvious stereotype perpetuated by *Christopher’s Law* is that NCR accused are inherently and irredeemably dangerous “sex offenders.” Persons found NCR are – by definition – *not* criminals and have not committed any criminal wrongdoing. But the legislation perpetuates, in effect, the stereotypical attitude that NCR accused are dangerous criminals by treating them *the same* as convicted criminals.

15. *Christopher’s Law* also perpetuates psychological prejudice that is acutely felt by individuals with mental disabilities. As documented in cases where NCR accused sought exemptions from the federal *Sex Offender Information Registries Act* (“SOIRA”),<sup>19</sup> the stigma of being placed on a sex offender registry is experienced as “more troubling” by this vulnerable group. They also feel themselves subject to “double stigma” as both “mentally ill” and as “sex offenders.”<sup>20</sup> As a result, *Christopher’s Law* not only imposes practical burdens (e.g. reporting

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<sup>18</sup> *R. v. Kapp*, 2008 SCC 41 at para. 17 [*Kapp*]. See also *Withler v. Canada (Attorney General)*, 2011 SCC 12 [*Withler*] and *Quebec v A.*, 2013 SCC 5 at para. 324.

<sup>19</sup> See *Sex Offender Information Registration Act*, SC 2004, c. 10 [SOIRA]; See *Criminal Code*, RSC, 1985, c C-46, s. 490.023 [*Criminal Code*]. Under SOIRA, NCR accused (and convicted offenders) can seek an exemption from the federal sex offender registry pursuant to s. 490.023(2) of the *Criminal Code*.

<sup>20</sup> *R. v. C.C.*, 2007 ABPC 337 at paras. 18, 43, 59 & 84 [*C.C.*]. See also *R v Redhead*, 2006 ABCA 84 at para. 31; Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 at pgs 94-96 [BOA, Tab 2]; See *Winko v. British Columbia (Forensic Psychiatric Institute)*, [1999] 2 SCR 625 at para. 40.

obligations) on NCR accused but also imposes significant psychological burdens (that exist “only in the offender’s mind”).<sup>21</sup> Indeed, even if *Christopher’s Law* can somehow be seen as regulatory legislation,<sup>22</sup> NCR accused view the label of “sex offender” as a criminal consequence.

16. Unlike convicted offenders, NCR accused have no hope of ever escaping the label of “sex offender.” *Christopher’s Law* perpetuates, in effect, the stereotypical attitude that individuals with mental health issues are *always* dangerous and cannot be effectively treated. *Christopher’s Law* subjects persons found NCR, who are *not* criminals, to this criminal / quasi-criminal system. A breach of the impugned legislation would transform NCR accused into criminals, leading to further indignity, stigma, and social marginalization.<sup>23</sup>

**C. CHRISTOPHER’S LAW CANNOT BE SAVED UNDER S. 1 OF THE CHARTER BECAUSE IT IMPEDES THE RECOVERY AND REINTEGRATION OF NCR ACCUSED**

17. The Empowerment Council’s position is that the Attorney General of Ontario cannot save *Christopher’s Law* by invoking s. 1 of the *Charter*. Under s. 1, the government can justify limits on constitutional rights only if the impugned law has a pressing and substantial objective, the means of the law are rationally connected to the objective, the law minimally impairs the *Charter* right at issue, and the benefits of the impugned legislation outweigh its deleterious effects.<sup>24</sup>

18. The Empowerment Council submits that *Christopher’s Law* cannot be saved under the last part of the *Oakes* analysis because the impugned legislation impedes the recovery and re-

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<sup>21</sup> *R. v. C.C.*, 2007 ABPC 337 at paras. 18, 43, 59 & 84 [C.C.]. See also *R v Redhead*, 2006 ABCA 84 at para. 31; Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 at pgs 94-96 [BOA, Tab 2]; See *Winko v. British Columbia (Forensic Psychiatric Institute)*, [1999] 2 SCR 625 at para. 40.

<sup>22</sup> The Empowerment Council’s position is that *Christopher’s Law* is at least quasi-criminal legislation that can lead to quasi-criminal consequences (i.e. provincial offences charges).

<sup>23</sup> *R. v. C.C.*, 2007 ABPC 337 at paras. 18, 43, 59 & 84 [C.C.]. See also *R v Redhead*, 2006 ABCA 84 at para. 31; Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 at pgs 94-96 [BOA, Tab 2]; See *Winko v. British Columbia (Forensic Psychiatric Institute)*, [1999] 2 SCR 625 at para. 40.

<sup>24</sup> *R. v. Oakes*, [1986] 1 S.C.R. 103.

integration of NCR accused into society. NCR accused comprise a population whose mental health is distinctly and almost invariably vulnerable to stressors. As explained above, registration on a sex offender registry interacts with the conditions NCR accused experience in a manner that enhances its burden and impedes rehabilitation and reintegration. The knowledge that there is no way out even once they improve to the point that they are granted an absolute discharge can engender hopelessness and serve as a disincentive to progress within the forensic mental health system toward discharge.

19. Importantly, the significant and deleterious impact of *Christopher's Law* on NCR accused does not begin at the point of their absolute discharge. Rather, the failure to provide an “exit ramp” has a prejudicial impact on the NCR accused even before they reach that milestone. *Christopher's Law* requires NCR accused to comply with the sex offender registry process while they are still subject to ORB oversight pursuant to a *conditional* discharge.<sup>25</sup> Conditionally discharged NCR accused subject to sex offender registries must, for a period of time, comply with both the ORB conditions of their discharge *and* the sex offender registry requirements. However, conditionally discharged NCR accused are already subject to ORB restrictions that are necessary to manage their risk.<sup>26</sup>

20. In some cases, it is reasonably foreseeable that registration can increase the risk of recidivism by impeding recovery. In *Odebiyi*,<sup>27</sup> for example, the NCR accused applicant successfully obtained an exemption from SOIRA pursuant s. 480.12 of the *Criminal Code* (available only prior to April 2011).<sup>28</sup> Mr. Odebiyi was so terrified of being registered as a “sex offender” that his caregivers delayed his conditional discharge for an extended period of time to avoid triggering his registration in a sex offender database.<sup>29</sup>

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<sup>25</sup> *Christopher's Law (Sex Offender Registry)*, 2000, S.O. 2000, c. 1, s. 3(1)(b).

<sup>26</sup> Terms of a Conditional Discharge Disposition could include a host of conditions including for example: frequent reporting, including reporting as required, travel restrictions, prohibition on alcohol consumption, random drug testing, weapons prohibitions, treatment compliance terms on consent of the accused person, among others.

<sup>27</sup> *R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) (unreported) [*Odebiyi*]. [BOA, Tab 1]

<sup>28</sup> *R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) (unreported) [*Odebiyi*]. [BOA, Tab 1]

<sup>29</sup> *R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) (unreported) at pg 6-8 [*Odebiyi*]. [BOA, Tab 1]

21. The court considering Mr. Odebiyi's application for an exemption found that the sex offender registry at issue impeded his recovery and rehabilitation in a way that was disproportionate to the public's interest in registration and reporting.<sup>30</sup> Emphasizing the negative impact of the SOIRA obligations on Mr. Odebiyi's stability, treatment and reintegration, the court found that mental illness is "relevant to both the perception of the offender of the effect of registration and their recovery and control of their mental disorder."<sup>31</sup> The court reasoned that granting the exemption would reduce Mr. Odebiyi's risk of recidivism, which is of paramount importance to the public interest. Registration, on the contrary, would undermine his successful recovery, rehabilitation and reintegration into the community.<sup>32</sup>

22. These deleterious effects must be considered in light of the fact that some discharged NCR accused may not pose any danger of sexual re-offending to the public. Consider the situation, for example, of those NCR accused subject to conditional discharge dispositions who pose no risk of *sexual* re-offending, but remain under ORB oversight because of other types of public safety risks. In *R. v. C.C.*, the reviewing court concluded that the index offence was "an isolated event committed...in a delusional state,"<sup>33</sup> and that there was "little to support"<sup>34</sup> any future risk of *sexual* offending.<sup>35</sup> There is no public-safety rationale for psychologically branding such NCR accused as "sex offenders" and continuing to restrict their equality interests even after they are ultimately absolutely discharged.<sup>36</sup> Subjecting absolutely discharged NCR accused to the requirements of the impugned registries without the opportunity to seek exemption or termination fails to minimally impair their rights to rehabilitation, recovery and re-integration in the community on an equal basis to their convicted counterparts.

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<sup>30</sup> *R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) (unreported) at pg 11 and 12 [*Odebiyi*]. [BOA, Tab 1]

<sup>31</sup> *R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) (unreported) at pg 10 [*Odebiyi*]. [BOA, Tab 1]

<sup>32</sup> *R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) (unreported) at pg 11 and 12 [*Odebiyi*]. [BOA, Tab 1]

<sup>33</sup> *R. v. C.C.*, 2007 ABPC 337 at para 78 [*C.C.*].

<sup>34</sup> *R. v. C.C.*, 2007 ABPC 337 at para 81 [*C.C.*].

<sup>35</sup> *R. v. C.C.*, 2007 ABPC 337 at paras 78-81 [*C.C.*].

<sup>36</sup> *R. v. C.C.*, 2007 ABPC 337 at paras 84 [*C.C.*].

**D. THE NEED FOR A CONSTITUTIONALLY COMPLIANT “EXIT RAMP”**

23. While under the Review Board’s jurisdiction, NCR accused face indeterminate liberty restrictions, subject to their rehabilitation and ability to reintegrate into the wider community. The impediment to rehabilitation that the registry can pose has a distinctly prejudicial impact on NCR accused’s liberty interests and perpetuates the social exclusion experienced by persons with mental health issues in a way that does not apply to the circumstances of their convicted counterparts.<sup>37</sup>

24. In *Odebiyi*, the Court found not only that mental illness is “relevant to both the perception of the offender of the effect of registration and their recovery and control of their mental disorder,”<sup>38</sup> but also that consequently “the chance to recover from, or at least not suffer from, a debilitating mental illness is of such importance to Mr. Odebiyi that anything that could interfere with his progress has a substantial impact, in the general sense used in the section.”<sup>39</sup>

25. In the case at bar, the Court below recognized the impugned registries are imposed “without any consideration of the effect that they would have on the appellant’s mental health and continued recovery.”<sup>40</sup> By depriving only NCR accused, distinguished as a group only on the basis of mental disability, of any available “exit ramp”, the inescapable application of the impugned registries denies these persons the right to an individualized assessment of the impact of the orders on their mental health, rehabilitation, recovery and re-integration prospects. In the result the harm of the impugned registries outweighs its public interest benefit.

**PART IV – SUBMISSIONS ON COSTS**

26. The Empowerment Council makes no submissions as to costs.

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<sup>37</sup>*R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) at pp 6-8 & 10-12 (unreported) [*Odebiyi*] [BOA, Tab 1]. See also Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?,” (2008) 25 Windsor Rev. Legal Soc. Issues 69 [Szigeti & Perez] [BOA, Tab 2]

<sup>38</sup>*R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) at pg 10 (unreported) [*Odebiyi*]. [BOA, Tab 1]

<sup>39</sup>*R. v. Odebiyi* (18 June 2007), Toronto (O.C.J.) at pg 10 (unreported) [*Odebiyi*]. [BOA, Tab 1]

<sup>40</sup>*G. v. Ontario (Attorney General)*, 2019 ONCA 264 at para 135.

**PART V – ORDER SOUGHT**

27. The Empowerment Council respectfully requests that this Court consider the Empowerment Council's submissions in deciding this appeal.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 5th DAY OF FEBRUARY, 2020.

*Marie-Françoise Levesque, AS agent for*  
**Anita Szigeti, Ruby Dhand and  
Andrew Menchynski**

*Counsel for the Intervener, the  
Empowerment Council*



## PART VI – TABLE OF AUTHORITIES

<u>Cases</u>	<u>at Paragraph(s)</u>
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<i>Quebec v A.</i> , <a href="#">2013 SCC 5</a> .....	10, 14
<i>R v Redhead</i> , <a href="#">2006 ABCA 84</a> .....	2, 3, 15, 16
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<i>Withler v. Canada (Attorney General)</i> , <a href="#">2011 SCC 12</a> .....	10, 14

### Other

Anita Szigeti & Mercedes Perez, “Sex Offender Information Registries and the Not Criminally Responsible Accused: Have We Cast Too Wide a Net?” (2008) 25 Windsor Rev. Legal Soc. Issues 69 .....	2, 3, 12, 15, 16, 23
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### **Statutory Provisions**

<i>Christopher’s Law (Sex Offender Registry)</i> , S.O. 2000, c.1, ss. <a href="#">3(1)(b)</a> , <a href="#">9.1</a> , <a href="#">11</a>
<i>Loi Christopher de 2000 sur le registre des délinquants sexuels</i> , LO 2000, c 1., ss. <a href="#">3(1)(b)</a> , <a href="#">9.1</a> , <a href="#">11</a>
<i>Criminal Code</i> , R.S.C. 1985, c. C-46, ss. <a href="#">16(1)</a> , s. <a href="#">490.023</a> , <a href="#">Part XX.1</a> .
<i>Code criminel</i> , LRC 1985, c C-46, ss. <a href="#">16(1)</a> , s. <a href="#">490.023</a> , <a href="#">Part XX.1</a> .
<i>Canadian Charter of Rights and Freedoms</i> , Part I of the Constitution Act, 1982, being <a href="#">Schedule B to the Canada Act 1982. (UK)</a> , 1982, c 11.
<i>Loi constitutionnelle de 1982</i> , <a href="#">Annexe B de la Loi de 1982 sur le Canada (R-U)</a> , 1982, c 11