

Vancouver Olympics Invite Further Charter Challenges

The Vancouver Olympic Committee (VANOC) is under increasing scrutiny. Various measures it has undertaken to protect commercial interests behind the upcoming winter Olympics may infringe Canadians' [Charter](#) rights. Municipal, police and university authorities are also raising concerns as they prepare for the 2010 games.

According to VANOC's website, the organization is "guided by a 20-member board of directors nominated by the Government of Canada, the Province of British Columbia, the City of Vancouver, the Resort Municipality of Whistler, the Canadian Olympic Committee, the Canadian Paralympic Committee and local First Nations."[\[2\]](#) A trial court determined last month that VANOC is government-controlled for much of its activity and decision-making, so certain of its decisions need to be consistent with the *Charter*.

The [B.C. Civil Liberties Association](#) (BCCLA) looked at recent activity by VANOC and its partners, and came to the conclusion that "free speech is not welcome at the Olympics."[\[3\]](#) Examples of possible *Charter* section 2(b) free speech infringements include VANOC's purchase of *all* billboard space in the Vancouver area during the game - a move apparently designed to monopolize control of advertising.[\[4\]](#)

VANOC has also sought to expand its reach into realms that are normally under more democratic control. The Committee has asked the Canada Border Agency to share information it gathers at border crossings regarding Olympic athletes. In a similar move, the Committee also asked the RCMP for an information-sharing arrangement. *The Globe and Mail* reports comments from an RCMP document: "While current Canadian law restricts sharing of information collected by federal departments and agencies, significant precedents exist internationally for information-sharing mechanisms and co-operation between governments and sports agencies."[\[5\]](#)

Not all of the potential Olympics-related *Charter* infringements originate in VANOC activities. The City of Vancouver has passed a special civic bylaw giving municipal officials the right to remove "illegal signs" for the duration of the games.[\[6\]](#) Vancouver city council is also considering implementing a three-month ban on posting bills and placards on construction hoardings surrounding the Olympic venues.[\[7\]](#) (The Supreme Court of Canada considered a similar municipal ban - covering all public property - and found it unconstitutional in [Corporation of](#)

[the City of Peterborough v. Kenneth Ramsden](#).^[8]) VANOC and Vancouver city council are also developing “free speech zones,” within which Olympic protests will have to take place.^[9]

There is also concern about incidents involving police and the Vancouver Integrated Security Unit (in charge of coordinating security during the games). According to Vancouver Councillor Ellen Woodsworth, there have been “at least 15 to 20 anti-Olympic activities tracked down and questioned by police in June.”^[10]

The University of British Columbia, perhaps drawing on its experience with the [APEC protests](#) of 1997, has required students in residence to sign housing contracts stating they will not post “signage or displays that create a false or unauthorized commercial association with the Olympics.”^[11] Robert Holmes, director of the BCCLA said, “It boggles the mind ... what they are doing to try to limit what people can say and do.”^[12] UBC vice-president Stephen Owen, by contrast, insists, “There’s absolutely no impact on free expression of personal or political views.”^[13]

Daphne Bramham, a Vancouver Sun columnist, compared the emerging 2010 clampdown to measures imposed by Chinese authorities during the last summer Olympics in Beijing, but pointed out that Canada faces less international scrutiny.^[14]

Further Reading

Anna-May Choles, “[Bid to Challenge VANOC over No Female Ski-jumping Event Fails](#)” *Centre for Constitutional Studies* (20 July 2009).

Anna-May Choles, “[Equality Challenge for Vancouver Olympics over Ski Jumping](#)” *Centre for Constitutional Studies* (11 May 2009).

Natasha Dube, “[Olympics and Equality Rights: Is VANOC Above the Law?](#)” *Centre for Constitutional Studies*(16 June 2008).

Geoff Dembicki, “[Fears of APEC-style Clash in 2010](#)” *TheTyee.ca* (16 February 2009).

^[1] Chris Younker is a student in the Faculty of Law, University of Alberta. The author’s views do not necessarily reflect those of the Management Board and staff of the Centre for Constitutional Studies.

[2] [“Organizing Committee” Vancouver 2010.](#)

[3] Rod Mickleburgh, “VANOC curbing free speech, group says” *The Globe and Mail* (3 July 2009); News release, “Free speech faces Olympics-size threat, says BCCLA” *British Columbia Civil Liberties Association*(3 July 2009).

[4] *Ibid.*

[5] Caroline Alphonso, “VANOC seeks access to border searches” *The Globe and Mail* (7 July 2009).

[6] Mickleburgh, *supra* note 2.

[7] Charlie Smith, [“Woodsworth wants IOC to abide by charter, but what about RCMP?”](#) *Georgia Straight* (21 July 2009).

[8] [1993] 2 S.C.R. 1084.

[9] Daphne Bramham, “Canadians [shouldn’t accept repressive Olympic security](#)” *Vancouver Sun* (7 July 2009).

[10] *Ibid.*

[11] “Free speech at risk during 2010 Olympics, group says” *CBC.ca* (4 July 2009).

[12] Mickleburgh, *supra* note 2.

[13] *Supra* note 10.

[14] *Supra* note 8.