

Dear New Brunswick MLA,

**RE: Bill 11 – Denial of Equal Access to Public Education**

As you are aware, Members of the New Brunswick Legislative Assembly will soon be asked to vote on *Bill 11: An Act Respecting Proof of Immunization*. As an informed citizen who is deeply concerned with the violation of fundamental constitutional rights and freedoms, I request that you vote against *Bill 11*.

If passed, *Bill 11* will remove all non-medical exemptions and prevent parents from exercising their right to informed consent in New Brunswick. Currently, New Brunswick law upholds the medical, conscientiously held and religious freedoms of New Brunswickers to refuse some or all vaccinations for their children. *Bill 11* will change that, resulting in the denial of access to daycare and public school to thousands of New Brunswick children. Beyond being a violation of constitutional rights, such a result is discriminatory and morally reprehensible.

New Brunswick already enjoys high vaccination rates, some of the highest in Canada, and low infection rates. There is no medical justification to violate the constitutional rights and freedoms of New Brunswick citizens.

As clearly outlined in the legal brief to the Committee on Law Amendments regarding Bill 39, *Bill 11* violates the conscientious and religious freedom rights, as protected by section 2(a) of the *Canadian Charter of Rights and Freedoms*, of parents who decline vaccination for themselves and their children due to sincerely held beliefs regarding vaccines. It also violates parents' and children's right to liberty and security of the person, as protected by section 7 of the *Charter*, to decide for themselves what will and will not enter their bodies, while not being deprived of the free public education they are otherwise entitled to access.

Perhaps even worse, *Bill 11* invokes section 33 of the *Charter*, known as the notwithstanding clause. By doing so, the Bill, if passed, precludes New Brunswickers harmed by the Bill from asserting their constitutional and human rights in the courts. This is unacceptable.

Invoking the notwithstanding clause, a means that permits a government to consciously and expressly violate the fundamental rights and freedoms of its citizens, is an extreme measure that

ought only be utilized in response to a grave societal problem. **No such problem currently exists in New Brunswick.** There is no scientific or medical evidence to justify egregiously violating our rights and freedoms.

The inclusion of section 33 of the Charter is a tacit admission that the proposed legislation would not withstand the scrutiny of the courts and the *Charter*. It would seem that invoking the notwithstanding clause in *Bill 11* is a clear attempt to disempower those citizens concerned by Bill 11 and to silence their valid criticisms. When serious overreach such as this occurs, more than a small group of citizens are affected. Our entire democracy is weakened and disrespected.

The preamble to the New Brunswick *Human Rights Act* states that “people and institutions remain free only when freedom is founded on respect for moral and spiritual values and the rule of law.” You cannot credibly claim to understand and agree with the foregoing if you vote in favour of *Bill 11*.

I implore you to reflect on your moral and democratic obligation to uphold fundamental human rights and to abstain from enabling state overreach. As my representative, your first obligation is to respect the constitutional rights of your constituents, not attempt to control people’s medical choices. In this time of increased medical tyranny, I ask you to soberly consider if evermore impositions, restrictions, and impediments on the lives of New Brunswickers is possibly in the public interest.

Gravely,

P.S. James Kitchen’s legal brief to the committee regarding Bill 39 is available [online here](#).