

2025

ADVOCACY TOOLKIT

A guide for animal and environmental
advocates in Ontario



ABOUT US

AEL Advocacy is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We leverage our legal and political expertise to support individuals, communities, and organizations working to protect animals and the environments where they live.



ACKNOWLEDGEMENTS

We would like to acknowledge and thank Ryan Boros for his research contributions to this resource. Ryan is a Law Society of Ontario licensing and Law Practice Program candidate at Toronto Metropolitan University. He has an Honours Bachelor of Arts in Law from Carleton University and received his Juris Doctor from Osgoode Hall Law School in 2024.

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INTRODUCTION

PURPOSE OF THIS TOOLKIT

Advocating for animals and the environment often involves public demonstrations, direct action, and other forms of activism that can bring advocates into contact with law enforcement. Understanding legal rights and potential legal consequences is essential for ensuring both personal protection and the success of advocacy efforts. This Toolkit provides animal and environmental advocates with key legal knowledge, best practices for risk management, and strategies for safely and effectively engaging in activism.

SCOPE & LEGAL DISCLAIMER

Every reasonable effort has been made to ensure that the information in the 2025 Advocacy Toolkit (the "Toolkit") is accurate as of July 2025.

This Toolkit provides legal information relevant to Ontario, with broader coverage of constitutional rights and criminal law across Canada. While it outlines key legal rights, protest strategies, and potential legal risks, it is not legal advice. Laws evolve, and their application depends on specific circumstances. Consult official legislation and seek legal counsel for individual concerns.

Any reliance on this document by third parties is at their own risk. The authors and publishers of this Toolkit assume no liability for decisions or actions taken based on its contents.

WHO THIS TOOLKIT IS FOR

This Toolkit is intended for:

- **Animal and environmental advocates** engaged in public demonstrations, direct action, or policy advocacy.
- **Organizers and participants** in protests, marches, sit-ins, or other advocacy efforts.
- **Whistleblowers and investigative advocates** exposing environmental harm and animal welfare violations.
- **Legal observers and support teams** working to protect advocates' rights.

UNDERSTANDING YOUR RIGHTS AS AN ADVOCATE

CONSTITUTIONAL RIGHTS & FREEDOMS IN CANADA

Canadians have constitutionally protected rights under the ***Canadian Charter of Rights and Freedoms*** (the “*Charter*”), which safeguard fundamental freedoms essential for advocacy.^[1] Three of the most important rights for advocates are:

- **Freedom of Expression (Section 2(b)):** Protects the right to communicate ideas through any medium, including speech, writing, photos, and videos.
- **Freedom of Peaceful Assembly (Section 2(c)):** Protects the right to gather and demonstrate in public spaces.
- **Freedom of Association (Section 2(d)):** The right to join and organize advocate groups and advocacy organizations.

These rights are not absolute and may be subject to reasonable limits. Governments can impose restrictions, such as requiring permits for large gatherings or enforcing laws against trespassing and property damage.



Photo Credit: Jo-Anne McArthur / We Animals

LEGAL PROTECTIONS WHEN DETAINED OR ARRESTED

Activists also have other legal protections under the *Charter*, including:

- **Protection Against Unreasonable Search & Seizure (Section 8):** Prohibits most warrantless searches.
- **Freedom from Arbitrary Detention (Section 9):** Prevents law enforcement from detaining individuals without valid legal justification.

If someone is arrested, **section 10** of the *Charter* guarantees their right to:

- Be informed of the reason for their arrest immediately.
- Be advised of their right to consult a lawyer as soon as possible.
- Be given a reasonable opportunity to contact and obtain legal counsel.

Once charged, **section 11** provides additional legal protections, ensuring that individuals:

- Are promptly informed of the specific offence they are charged with.
- Receive a trial within a reasonable timeframe.
- Are not required to testify against themselves.
- Are presumed innocent until proven guilty in a fair trial.
- Are not denied reasonable bail without just cause.
- Cannot be tried or punished again for the same offence once acquitted or convicted (protection against double jeopardy).

These rights are essential in safeguarding individuals from wrongful detention, ensuring access to justice, and upholding the principles of fairness in the legal system.



Photo Credit: Markus Spiske from Pexels

DETENTION VS. ARREST: UNDERSTANDING THE DIFFERENCE

In Ontario and across Canada, there is a legal distinction between detention and arrest, both of which have important implications for an advocate's rights and interactions with law enforcement.

- **Detention** occurs when a person is not free to leave, either physically or psychologically, but has not been formally arrested. Police can briefly detain someone if they reasonably suspect involvement in a crime. While no charges are laid, detention triggers *Charter* rights under sections 9 and 10(b): the right not to be arbitrarily detained and the right to counsel. Officers must explain the reason for detention, and searches are limited to safety purposes—evidence collection requires higher legal standards.
- **Arrest** means a person is formally taken into custody based on reasonable and probable grounds supported by objective evidence. Police must clearly state the reason, inform the person of their right to counsel, and may lawfully conduct more thorough searches related to the arrest. Unlike detention, arrest carries more serious legal consequences, including the possibility of criminal charges. An arrest gives police broader authority to search you and your belongings, but any search must be justified as necessary for safety, preserving evidence, or uncovering evidence related to the arrest.

In both cases, individuals have the right to remain silent, and police must provide information on how to contact a lawyer. The key difference is that detention is temporary and investigative, while arrest involves a formal charge and the potential for legal action.

PROTESTS & DEMONSTRATIONS

Protests and demonstrations are a vital form of activism that allow advocates to publicly express their opposition to animal exploitation and environmental harm. Protests can take many forms, ranging from peaceful rallies and marches to sit-ins, and other creative demonstrations aimed at drawing attention to the issues at hand.

In Canada, peaceful protests are generally protected under the *Charter*, which guarantees the right to freedom of expression and peaceful assembly. However, there are legal boundaries that activists must respect.

KEY LEGAL CONSIDERATIONS FOR PROTEST ORGANIZERS

SECURING PERMITS & UNDERSTANDING LOCAL REGULATIONS

Some protests or activities may require permits. It is important to familiarize yourself with local regulations in advance.

- Check municipal regulations for any required permits or restrictions.
- Notify local authorities about the protest, including expected crowd size and locations, to facilitate coordination.

Police have a duty to facilitate peaceful protests, but organizers should be aware of local laws.^[2]



Photo Credit: Nikki Ritcher / #unboundproject / We Animals

ESTABLISHING ROLES & RESPONSIBILITIES

- Assign key roles within the organizing team to ensure a well-run protest.
- Designate legal observers to monitor interactions with law enforcement.
- Appoint logistics coordinators to handle the event's flow and manage safety.
- Establish de-escalation teams to manage conflicts if tensions arise.

PLANNING FOR CROWD SAFETY & ACCESSIBILITY

The safety of all participants is paramount. Take steps to ensure everyone's well-being during the protest.^[3]

- Designate safe meeting points, exit routes, and first-aid stations in case of emergencies.
- Ensure accessibility by considering the mobility needs of participants, providing sign language interpretation, and offering alternative participation options for those with disabilities.

MANAGING POTENTIAL LEGAL RISKS

BE MINDFUL OF TRESPASSING AND OBSTRUCTION

- Avoid entering private property without permission.
- Ensure that the protest does not obstruct traffic or cause undue disruption to the public.

KNOW YOUR RIGHTS

- Familiarize yourself with your rights during interactions with law enforcement.
- Document interactions with police through designated legal observers to ensure transparency.

PREPARE FOR THE UNEXPECTED

It's always helpful to be prepared for the possibility of arrest or legal issues.

- Write down a criminal defence lawyer's contact information on your body in permanent marker in case you are detained (police may confiscate paper).
- Inform a friend or family member of your protest plans and have a check-in time after the event.
- Ensure that someone knows your legal support contacts and who to notify if you are detained.
- If you have dependents (children, companion animals, etc.), make arrangements for their care during the protest.

CHALKING, STICKERING, LEAFLETTING & DISRUPTIONS

Chalking, stickering, leafletting, and disruptions are effective grassroots tactics for raising awareness, sparking conversation, and challenging unjust practices. However, these activities require strategic planning to maximize impact, ensure safety, and minimize legal risks.

LEGAL CONSIDERATIONS

Many public spaces (e.g. sidewalks, parks, etc.) allow chalking, stickering, and leafletting, but check local bylaws to avoid legal issues. If on private property (e.g. malls, corporate buildings, etc.), be aware that security may ask you to leave. Under Ontario's *Trespass to Property Act*, failing to leave when asked can result in a fine of up to \$10,000.^[4]

1. BEST PRACTICES FOR CHALKING

- Use temporary, washable chalk rather than permanent materials.
- Avoid defacing public art, monuments, or surfaces that could be seen as vandalism.
- Be aware that even removable chalk can be considered "mischief" under the *Criminal Code* in certain contexts [see discussion on page 15].

2. BEST PRACTICES FOR STICKERING

- Choose less permanent adhesives to prevent damage to property.^[5]
- Stickers placed in high-traffic areas (e.g. poles, bulletin boards, etc.) tend to stay longer without removal.
- Be mindful of bylaws regarding unauthorized postings in public spaces.

3. BEST PRACTICES FOR LEAFLETTING

- Focus on areas with heavy foot traffic (e.g. transit hubs, campuses, public events).
- Avoid placing materials in mailboxes (this can violate postal laws).
- Engage respectfully with the public—if someone refuses a flyer, do not persist.

4. BEST PRACTICES FOR DISRUPTIONS

- Know your legal limits—disruptions on private property (e.g. stores, offices, etc.) can result in immediate removal or legal consequences.
- If engaging in a nonviolent disruption, be prepared to leave immediately when asked to avoid escalation.
- Have a designated spokesperson to articulate the reason for the action clearly and concisely.



Photo Credit: Instagram @torontoveganchalking

TAKING VIDEOS & PHOTOGRAPHS

In Canada, advocates have the legal right to document protests and public events through photography and videography. This right is generally protected under freedom of expression in the *Charter*, as long as the content conveys meaning, such as engaging in political debate or public discourse.

YOUR RIGHTS IN PUBLIC SPACES

- **No General Restriction:** There is no law in Canada prohibiting one from photos or videos in public spaces.
 - Individuals do not have a general right to control their image in public.
- **No Expectation of Privacy:** The criminal offence of voyeurism only applies in cases where individuals have a “reasonable expectation of privacy.” [6] This applies to places such as homes, bedrooms, bathrooms, and changing areas, but not to streets, parks, public squares, or other open areas.

LEGAL LIMITATIONS TO BE AWARE OF

- **Trespass Laws:** Under Ontario's *Trespass to Property Act*, it is an offence to enter fenced, enclosed, or restricted property without permission.
- **Private Property Restrictions:** Some locations (e.g. malls, corporate buildings, industrial sites, etc.) may prohibit photography or videography through posted signs or policies.
- **Enforcement Actions:** Property owners or police can issue a trespass notice, demand individuals leave, or make a citizen's arrest if someone refuses to comply. Fines for trespassing can reach up to \$10,000.[7]

KEY TAKEAWAYS

- **Remain on Public Property** – Streets, sidewalks, and parks are generally safe spaces to record.
- **Avoid Interfering with Law Enforcement** – Recording police actions is legal, but obstructing an officer in their duties could lead to criminal charges.
- **Understand Your Rights if Confronted** – If asked to stop recording, politely assert your right to document public events unless in a restricted area.

OTHER FORMS OF ADVOCACY

1. BEARING WITNESS

Bearing witness is a powerful form of animal activism where advocates observe and respond to the suffering of animals in industries that exploit them. At its heart, bearing witness is an act of truth-telling that shines a light on the stark power imbalance between humans and animals. Rather than engaging in rational debates, this form of advocacy focuses on emotional connections and moral recognition, urging society to acknowledge the harm inflicted upon animals.[8]

Vigils are commonly held at locations such as farms, slaughterhouses, and transport hubs, where animals experience significant suffering. These gatherings provide an opportunity for activists to document the conditions animals endure, reflect on these injustices, and share the realities of industrialized animal exploitation with the public. While Ontario law may restrict direct physical contact with animals in these settings [as outlined on page 16], advocates can still bear witness through their presence, voice, and compassion.[9]



Photo Credit: Jo-Anne McArthur / We Animals

LEGAL RESTRICTIONS ON BEARING WITNESS IN ONTARIO

The *Security from Trespass and Protecting Food Safety Act, 2020* (the "STPFSA"), often referred to as Ontario's "ag-gag" law, imposes legal restrictions on those seeking to bear witness to animal suffering.[10] Enacted in 2020, this law limits undercover investigations on farms and slaughterhouses and prevents advocates from observing animals being transported to slaughter. It specifically targets peaceful protests and activities like vigils, where advocates document animal conditions from a distance.

In response, Animal Justice (a national animal law organization), Jessica Scott-Reid (a reporter), and Louise Jorgensen (a graphic artist with the Animal Save Movement) challenged the law, arguing that it infringes on fundamental rights such as freedom of expression and the right to peacefully assemble. In 2024, the Ontario Superior Court ruled in favour of Animal Justice, declaring certain provisions of the STPFSA unconstitutional because they violated the *Charter*, particularly the right to freedom of expression. The ruling clarified that vigils are legal under specific conditions, such as:

- Advocates must avoid direct contact with animals in transport vehicles.
- There must be no interference with transport vehicles, such as blocking them in traffic.
- Advocates can gather near farms or slaughterhouses, as long as they remain on public property and do not obstruct operations.[11]

It is important to note that this decision is currently being appealed, and the legal landscape may change as the case progresses through the courts. As such, advocates should remain informed of any changes in the law that could affect their rights to protest and bear witness.

2. ANIMAL RESCUE

Animal rescue refers to the act of removing animals from harmful or distressing situations, such as farms, laboratories, or locked vehicles, to protect their well-being. However, in Ontario, there is no legal "right to rescue" for members of the public. Unlike emergency situations involving humans, ordinary citizens do not have the legal authority to remove an animal from private property without the owner's consent, even if the animal appears to be in distress.

Instead, individuals who suspect animal cruelty or neglect should report their concerns to the Ontario Animal Protection Call Centre ("OAPCC") at 1-833-926-4625, which operates 24/7. The provincial Animal Welfare Services ("AWS") has the authority to investigate, issue compliance orders, and seize animals in distress when necessary.[12] Since animals are legally considered property in Canada, removing them from farms, laboratories, or other private property without permission can result in criminal charges.

The most common charges include **theft** (under section 322 of the *Criminal Code*), where the unauthorized removal of animals may be treated as stealing property. If the stolen animals are valued over \$5,000, the offender may face:

- Up to 10 years in prison for an indictable offence, or up to two years less a day and/or a \$5,000 fine for a summary offence.

If the animals are valued at less than \$5,000, the maximum penalty is:


- Up to two years in prison for an indictable offence or the same as above for a summary offence.

Activists could also face charges related to **breaking and entering** (section 348 of the *Criminal Code*) if they forcibly enter a property with the intent to steal animals. Penalties for this crime can range from up to 10 years in prison for an indictable offence to up to two years less a day and/or a \$5,000 fine for a summary offence, depending on the property involved. If the property is a private residence, penalties could be as severe as life imprisonment.

Additionally, activists who engage in unauthorized animal rescues could face charges such as **mischief** (section 430 of the *Criminal Code*), unlawful entry or **trespass** (under the *Trespass to Property Act*), and **conspiracy** (section 465 of the *Criminal Code*) if they plan a rescue operation with others. The *Security from Trespass and Protecting Food Safety Act, 2020* also imposes potential legal consequences for activists who engage in rescues on agricultural or food-related property without permission [see discussion on page 16].



Photo Credit: Jo-Anne McArthur / We Animals



“Compassion should not be limited by species. The way we treat animals reflects our values as a society. Standing up for the voiceless isn’t just about them, it challenges injustice and shows who we choose to be.”

- Remi Martini, Animal Rights Activist, [AEL Advocate](#)

Photo Credit: Jo-Anne McArthur / We Animals

ENGAGING WITH THE POLICE



Photo Credit: Jo-Anne McArthur / We Animals

Engaging with law enforcement during activism can be stressful, but knowing your rights and staying calm can help protect you and others. Below are the key things to remember when interacting with the police.

YOUR RIGHTS WHEN APPROACHED BY POLICE

Under the *Charter*, you have specific rights if you are arrested or detained:

- **Right to be Informed:** Police must tell you immediately why you are being arrested or detained.
- **Right to a Lawyer:** You have the right to speak to a lawyer and are entitled to free legal advice through Legal Aid. If you request a lawyer, police must allow you to contact one and speak privately as soon as possible.
- **If Under 18:** If you are under 18, you also have the right to have a parent or guardian present during questioning, along with your lawyer.^[13] Anything you say may be used against you, so you have the right to remain silent.

WHAT TO DO IF YOU'RE DETAINED OR ARRESTED

- **Ask if You Are Free to Go:** If not, ask why you are being detained or arrested.
- **Remain Calm:** Even if you disagree with the situation, stay calm and cooperative.

- **Exercise Your Right to Silence:** You are not required to answer questions. Anything you say can be used against you in court.
- **Provide Basic Information When Required:** In most cases, you do not have to provide your name, address, or identification. Exceptions include if you are stopped while driving or for a bicycle offence.
- **Do Not Lie:** Providing false information to police or using fake documents can result in additional charges.
- **Do Not Give Your Phone Password:** Police cannot force you to unlock your phone or provide your password.[14]

SEARCH & SEIZURE

If the police want to search you or your belongings, you can state that you do not consent to the search. While police may still have grounds to search, saying “I do not consent” is important for your legal rights.[15]

- **Pat-Down Search:** Police may perform a pat-down search if they believe there is a safety risk.
- **Phone Searches:** In most cases, police need a warrant to search your phone.
- **Do Not Resist:** Resisting a search can escalate the situation and lead to additional charges.

WHAT TO DO IF YOUR RIGHTS ARE VIOLATED

If you believe your rights were violated, follow these steps:[16]

- **Request Police Information:** You have the right to ask for and record the officers' badge numbers and their police force affiliation.
- **Document the Incident:** Record details of the incident immediately. If possible, take video or write notes. Include:
 - Police officers' names, badge numbers, and patrol car numbers
 - Date, time, and location of the incident
 - A description of what happened
 - Contact details for any witnesses or observers that can be helpful in documenting and supporting your case.
- **Seek Medical Attention:** If you are injured, seek medical care immediately and document your injuries with photos, both before and after treatment. Keep medical records and receipts.
- **File a Complaint:** You do not need to be the direct victim or a Canadian citizen to file a complaint. However, if you face criminal charges, consult a lawyer before filing a complaint.
 - **RCMP:** File a complaint with the Civilian Review and Complaints Commission.
 - **Provincial/Municipal Police:** File with the local complaints body.
- **Seek Legal Advice:** If your rights were violated, consult a lawyer to explore your legal options. You may have grounds for a legal case.

COMMON CHARGES & LEGAL RISKS FOR ADVOCATES

Depending on the nature of the protest and interactions with law enforcement, advocates may be charged under various federal and provincial laws, as well as municipal bylaws. Below are some of the most common legal risks protesters in Ontario should be aware of:

1. MISCHIEF

Under section 430 of the *Criminal Code*, mischief is committed when a person destroys or damages property, renders it inoperative, obstructs or interferes with its lawful use, or prevents someone from lawfully using or enjoying it.

While actions such as chalking, stickering, and leafletting are generally protected under the *Charter* as forms of free expression, advocates may still face mischief charges if their actions result in property damage, interfere with its use, or pose a safety risk.

The penalties for mischief vary based on the severity of the act and the type of property involved. Mischief that endangers life carries a maximum penalty of life imprisonment, while more serious indictable offences can result in up to 10 years in prison. Less severe cases, prosecuted as summary offences, may lead to a maximum sentence of two years less a day in prison and/or a fine of up to \$5,000.

CASE STUDY: R V KEALEY (QUEBEC COURT OF APPEAL)

In this case, an individual was charged with mischief after he posted political stickers on a guardrail and stop sign around the City of Gatineau, Quebec. The court overturned the conviction, ruling that the stickers did not cause real damage and were a protected form of expression. However, the court clarified that stickers could constitute mischief in cases where they cause serious damage or safety risks. For example:

- Covering road signs, making them unreadable.
- Defacing monuments or public art.
- Using permanent adhesives or paints, making removal difficult or costly.

2. CAUSING A DISTURBANCE

Under section 175 of the *Criminal Code*, a person may be charged with causing a disturbance if they:

- Fight, scream, shout, swear, or sing loudly in a public place,
- Use insulting or obscene language, and/or
- Impede, obstruct, or harass members of the public.

While some level of noise and disruption is expected and legally permitted during protests, advocates may face charges if their actions escalate beyond peaceful assembly. This can include engaging in hostile interactions with the public, counter-protesters, or security; blocking access to businesses, transit, or government buildings without permission; or repeatedly causing disruptions that interfere with public order.

Causing a disturbance is a summary conviction offence, carrying a maximum penalty of two years less a day in jail and/or a fine of up to \$5,000.

3. TRESPASS

Ontario's *Trespass to Property Act* ("TPA") and the *Security from Trespass and Protecting Food Safety Act, 2020* ("STPFSA") impose strict regulations on trespassing, particularly at farms, animal processing facilities, and transport vehicles. These laws limit access to certain areas and are designed to prevent activities such as undercover investigations, protests, and advocacy efforts that expose farmed animal conditions.

Under the TPA, it is illegal to enter private property where entry is prohibited, including areas marked with "No Trespassing" signs (section 2(1)). If asked to leave by the property owner or someone in charge, individuals must comply immediately. Certain activities, such as protests inside private businesses, are also prohibited, even if the property is otherwise open to the public (section 2(2)). Violating the TPA can result in fines of up to \$10,000 for individuals and up to \$200,000 for corporations. Property owners or security personnel also have the authority to conduct a citizen's arrest and detain a trespasser until law enforcement arrives.

The STPFSA and its associated Ontario Regulation 701/20 establish additional restrictions for "animal protection zones", which include farms, slaughterhouses, animal research facilities, and areas designated for loading/unloading animals for transport. It is illegal to enter these zones without the consent of the property owner (section 5), remain after being asked to leave (section 4(2)), or interact with farmed animals in transport, including feeding, touching, or providing water (section 5(4)). The law also criminalizes gaining access to these areas under false pretences, with some exceptions for journalists and whistleblowers following strict criteria (sections 11-12 of the Regulation).

Additionally, blocking farm operations or interfering with transport vehicles is prohibited (section 6).

Violations of the STPFSA carry significant penalties. Trespassing in an animal protection zone can result in fines of up to \$15,000 for a first offence and up to \$25,000 for subsequent offences (section 15). Similar penalties apply for entering a farm under false pretences or interacting with animals in transport. Property owners and security personnel have the authority to conduct a citizen's arrest and turn trespassers over to law enforcement. The STPFSA also grants property owners the right to pursue civil damages in addition to criminal penalties, further discouraging advocacy efforts on farms and at transport sites.

As set out above, it is important to note that this legislation is currently subject to a legal challenge which is still in the appeal process, meaning it may change following the completion of the case. As such, advocates should remain informed of any changes in the law that could lead to legal consequences.

4. OBSTRUCTION OF A PEACE OFFICER

Under section 129(a) of the *Criminal Code*, it is an offence to obstruct or interfere with a peace officer's duties, including resisting arrest or blocking access to a location. This offence carries a maximum penalty of up to two years in prison.

5. DEFAMATION

Defamation, governed by Ontario's *Libel and Slander Act*, refers to false statements that harm the reputation of an individual, group, or organization. [17] A statement is considered defamatory if it lowers a person's reputation in the eyes of others, exposes them to hatred, contempt, or ridicule, or diminishes public confidence in their character. Defamation is categorized into two types: **libel**, which involves written or published statements (e.g. newspapers, books, blogs, social media posts, etc.), and **slander**, which involves spoken words or gestures. Slander is generally harder to prove because it lacks permanence and usually requires proof of actual harm.

To establish a defamation claim, the plaintiff must prove that a false and damaging statement was made, that it was published (communicated to a third party), that it referred to the plaintiff directly or indirectly, and that it caused reputational harm. In libel cases, harm is presumed due to the permanent nature of the statement, whereas slander typically requires specific proof of damages.[18]

There are several legal defences against defamation claims. **Truth (Justification)** is a complete defence—if the statement is true, it is not

defamatory.[19] Activists should rely on credible sources such as scientific studies, investigative journalism, or court records to support their claims. **Fair Comment** protects opinions on matters of public interest, provided they are based on true facts, are a reasonable conclusion someone could draw, and are not motivated by malice.[20] **Consent** prevents a claim if the plaintiff agreed to the publication of the statement.[21] **Responsible Communication on a Matter of Public Interest** applies when reasonable efforts were made to verify the truth of the statement before publishing.[22] **Innocent Dissemination** may apply to individuals or entities that unknowingly distribute defamatory material without playing an active role in its creation or endorsement.[23]

If an advocate is found liable for defamation, they may be required to pay damages ranging from thousands to tens of thousands of dollars, depending on the severity and reach of the statement. They may also be responsible for covering the legal fees of the other party.

6. UNLAWFUL ASSEMBLY OR RIOTING

In extreme circumstances, advocates may face charges of unlawful assembly or rioting. Under section 63(1) of the *Criminal Code*, an **unlawful assembly** occurs when three or more people gather in a way that causes others to fear a disturbance of the peace. If this gathering escalates into violent conduct, it may be considered a **riot** under section 64 of the *Criminal Code*. While peaceful protests and demonstrations are legally protected forms of expression, any situation perceived as threatening public safety can result in serious legal consequences.

Participating in an unlawful assembly or riot carries penalties ranging from summary conviction offences with a maximum of two years less a day in jail and/or a \$5,000 fine to indictable offences with potential imprisonment up to 10 years.



Photo Credit: @alessandrobiascioli

RESOURCES & SUPPORTS

LEGAL AID & PRO BONO SERVICES

- [LSO Referral Service](#)
- [Legal Aid Ontario](#)
- [Pro Bono Ontario](#)
- [Ontario Legal Information Centre](#)

Ontario Law School Community Clinics:

- [Osgoode Hall Law School](#)
- [University of Ottawa](#)
- [University of Toronto](#)
- [University of Western Ontario](#)

Legal supports for whistleblowers include:

- [Whistleblowing Canada Research Society's Ontario Lawyers Directory](#)
- [Centre for Free Expression Helpline](#) (Toronto Metropolitan University)
- In the context of public sector whistleblowers – the [Office of the Public Sector Integrity Commissioner of Canada](#)

KEY LAWS & REGULATIONS RELEVANT TO ANIMAL & ENVIRONMENTAL ADVOCACY

- [Canadian Charter of Rights and Freedoms](#)
- [Criminal Code](#) (R.S.C., 1985, c. C-46)
- [Highway Traffic Act](#) (R.S.O. 1990, c. H.8)
- [Libel and Slander Act](#) (R.S.O. 1990, c. L.12)
- [Protection of Public Participation Act, 2015](#) (S.O. 2015, c. 23)
- [Security from Trespass and Protecting Food Safety Act, 2020](#) (S.O. 2020, c. 9)
 - [O. Reg. 701/20: GENERAL](#)
- [Trespass to Property Act](#) (R.S.O. 1990, c. T.21)

ADVOCACY CHECKLIST

✓ **KNOW YOUR RIGHTS**

- ☐ Review laws on public assembly, photography, and interactions with police
- ☐ Understand your rights if detained or arrested
- ☐ Know the local complaint process for police misconduct

✓ **PLAN YOUR ATTENDANCE**

- ☐ Confirm date, time, and location of the protest
- ☐ Arrange transportation and parking options
- ☐ Use a buddy system when possible
- ☐ Ensure someone you trust is aware of your attendance

✓ **PREPARE EMERGENCY CONTACTS**

- ☐ Write down a criminal defence lawyer's contact information on your body in permanent marker
- ☐ Write down emergency contact information on paper
- ☐ Note the number of legal support hotlines (if available)

✓ **PACK ESSENTIALS**

- ☐ Fully charged, password-protected phone with emergency numbers saved
- ☐ Photo ID
- ☐ Cash for transportation or emergencies
- ☐ Water to stay hydrated
- ☐ Weather-appropriate clothing (layers, rain gear, hat, gloves)
- ☐ Comfortable shoes for walking or standing long hours
- ☐ First-aid kit (bandages, antiseptic, pain relievers)
- ☐ Mask and goggles (for protection against tear gas/pepper spray)
- ☐ Signage, banners, flyers if bringing any materials
- ☐ Any required medications (in original packaging)

✓ **LIMIT PERSONAL RISK**

- ☐ Don't bring drugs, weapons, or any other sensitive materials with you to the protest
- ☐ Secure phone with a passcode or use encrypted messaging apps

Appendix A: Endnotes

Sources

1. *Constitution Act*, 1982.
2. Ontario Federation of Labour, "[An Activist's Guide to Safer Protesting](#)" at 4.
3. *Ibid*; Egale Canada, "[2SLGBTQI Protest Safety Guide](#)".
4. *Trespass to Property Act*, RSO 1990, c T21.
5. *R v Kealey*, 1996 CanLII 6371 (QC CA).
6. *Criminal Code*, RSC 1985, c C-46, s 162(1).
7. *Supra* note 4 at ss 2(1), 9.
8. Maneesha Deckha, "[The Save Movement and Farmed Animal Suffering: The Advocacy Benefits of Bearing Witness as a Template for Law](#)", 2019 5-1 *Canadian Journal of Comparative and Contemporary Law* 77, 2019 CanLII Docs 2108 at 7-8.
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10. *Security from Trespass and Protecting Food Safety Act*, 2020, SO 2020, c 9.
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13. Government of Ontario, "[What to do when a youth is arrested](#)".
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16. *Supra* note 2 at 10-11.
17. *Libel and Slander Act*, RSO 1990, c L12.
18. *Grant v Torstar Corp*, 2009 SCC 61 at 28.
19. *Ibid* at 33.
20. *Ibid* at 31.
21. Noah Robinson-Dunning, "Defamation Law in the Age of Social Media: The Criticisms and Potential Reforms for the Issue of Court Jurisdiction" The Canadian Bar Association, October 25, 2022.
22. *Supra* note 18 at 98.
23. *Supra* note 21.



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