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Canadians Sue to Overturn Order Banning Unvaccinated From Air Travel

A group of Canadian plaintiffs led by the last surviving author of the *Canadian Charter of Rights and Freedoms* is suing to overturn their government's ban on air travel for individuals who have not been vaccinated against COVID-19.

On October 30, at the urging of Prime Minister Justin Trudeau, Minister of Transport Omar Alghabra issued a supposedly temporary order forcing anyone boarding an airplane, train, or ship within Canada, regardless of

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destination, to provide proof that he had received one of the experimental COVID-19 vaccines or else be prohibited from boarding. That order has since been extended eight times, with the latest extension having no expiration date.

According to a [press release](#) from the Calgary-based Justice Center for Constitutional Freedoms, which is representing the plaintiffs in the lawsuit, “The travel vaccination mandate has prevented approximately 6 million unvaccinated Canadians (15% of Canada’s population) from travel within Canada and prevents them from flying out of Canada. Some of the Canadians involved in the lawsuit cannot travel to help sick loved ones, get to work, visit family and friends, take international vacations, and live ordinary lives.”

The lead plaintiff, A. Brian Peckford, served as premier of Newfoundland from 1979 to 1989. During that time, he helped draft and then signed the *Canadian Charter of Rights and Freedoms*; he is now the only signatory to the *Charter* still living. Coming from Peckford, a challenge to the travel ban on the basis that it violates the *Charter* (among other things) ought to be taken seriously by the courts.

“It is becoming more obvious that being vaccinated does not stop people from getting Covid and does not stop them from spreading it,” Peckford said in the press release. “The government has not shown that the policy makes flying safer — it simply discriminates.”

Indeed, as [the complaint](#) makes clear, the vaccines remain in the experimental stage. “All Covid-19 vaccines are still undergoing clinical trials, which are scheduled for completion in 2023 or later,” it states. “None of these vaccines prevent the infection or transmission of Covid-19, including the Omicron variant.”

Moreover, says the suit, the vaccines “are also known to cause severe adverse effects and injuries for some individuals, including serious disabilities and death,” a fact recognized by Canada’s national health department, which requires warning labels on all the vaccines.

All of the plaintiffs cited these side effects as the main reason they have chosen not to be vaccinated. Two female plaintiffs also said they refused the vaccines for fear of their unknown but potentially deleterious effects on fertility. Some plaintiffs tried to obtain religious exemptions from the vaccine mandate for air travel but were denied.

The plaintiffs charge that Alghabra violated the very law under which he issued his order since that law requires such rules to address matters of “significant risk, direct or indirect, to aviation safety or the safety of the public.” The survival rate for COVID-19, however, is extremely high (well over 99 percent), and given the vaccines’ failure to stop transmission of the virus, the order “would not prevent travelers from introducing or spreading Covid-19.”

They also argue that Alghabra abused his power by allowing Trudeau to dictate the contents of the order, having “an ulterior motive” (forcing people to get vaccinated) in issuing the order, and lacking evidence to suggest that his order would have the intended effect of arresting the spread of the virus.

The plaintiffs further allege that the order violates the *Charter*, which guarantees their rights to freedom of religion and conscience; travel; life, liberty, and personal security; privacy; and equality under the law. They note that forcing individuals to undergo experimental medical procedures violates the Nuremberg Code. And they claim that the order violates the Canadian Bill of Rights by depriving them of their rights without due process of law.

The plaintiffs are asking the court to declare the order null and void and to enjoin Alghabra from issuing any similar orders in the future. They are also requesting that the court hear their case on an expedited basis.

“The federal travel ban has segregated me from other Canadians,” declared Peckford. “It’s discriminatory, violates my *Charter* rights and that’s why I am fighting the travel ban.”