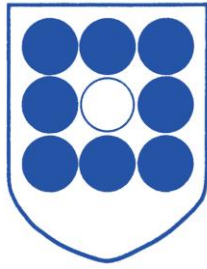


CANADIAN
CIVIL LIBERTIES
ASSOCIATION

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Toronto, ON M4P 2Y3
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FAX (416) 861-1291
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ASSOCIATION
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October 9, 2017

**Re: Canadian Open Government Civil Society Network –
Application to multi-stakeholder forum
Attn: Selection Committee**

To whom it may concern,

I am pleased to enclose my application to be a member of the Canadian Open Government Civil Society Network's multi-stakeholder forum. The forum has the potential to fill a significant gap in the current dialogue on government openness in Canada; I would welcome the opportunity to meaningfully contribute to this dialogue and to collaborate with both civil society members and individuals in government to make open government a reality in Canada.

My interest in participating in the forum stems from a long-standing interest in issues of government transparency and accountability, as well as frustration about how difficult it can be to change the *status quo*. I am passionate about protecting the democratic rights and expressive freedoms of people in Canada and believe that openness and transparency are crucial prerequisites to the meaningful exercise of these rights. Further, these qualities are necessary in order to hold government accountable for its actions. I want to be a part of the forum because I believe that positive change is more likely to occur when a variety of stakeholders collaborate, bringing different perspectives and diverse skills to a common cause. I have significant experience working with civil society organizations on joint campaigns and projects and addressing government actors on matters of law and policy.

For the last seven years I have been working as a lawyer and program director at the Canadian Civil Liberties Association (CCLA), a national, non-profit, public interest organization dedicated to protecting and promoting fundamental rights and freedoms for all people in Canada. I have recently taken up the position of Acting General Counsel. Throughout my time at CCLA, the importance of the transparency and accountability of government institutions has been a significant area of focus. Indeed, much of the public advocacy work that CCLA is engaged in depends on access to core information about our government and how it functions.

CCLA frequently intervenes as a friend of the court in matters before the Supreme Court of Canada and in other courts across the country. In the last several years I have worked with CCLA's external counsel and managed CCLA's interventions in many cases touching on access to information and the open courts principle. These include: a challenge to mandatory publication bans (*Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21); cases considering freedom of the press and restrictions placed on the press in courthouses (*CBC et al. v. Attorney General of Quebec et al.*, 2011 SCC 2, *CBC v. Her Majesty the Queen*

and *Stéphan Dufour*, 2011 SCC 3); a case considering whether a Minister's office is a 'government institution' within the meaning of the federal *Access to Information Act* (*Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25); and the meaning of an exception for "advice and recommendations to a Minister" in Ontario's *Freedom of Information and Protection of Privacy Act* (*John Doe v. Ontario (Finance)*, 2014 SCC 36).

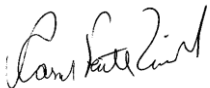
I have written and presented on issues of access, transparency and accountability; my opinion pieces on the importance of government openness and on the inadequacy of Canada's current access to information scheme have been published in major newspapers. In 2011, I was invited to participate in Mexico's National Transparency Week conference and presented on transparency and civil society. I am frequently called on to speak to the media on these and other issues.

I have also been involved in working with civil liberties organizations in other countries through CCLA's affiliation with the International Network of Civil Liberties Organizations (INCLO). A key area of focus for INCLO has been addressing the shrinking space for civil society in many countries. I coordinated and led a two-day convening focused on this topic, with NGO participants from nine different countries in the global North and South. This involved managing a large grant budget and reporting to the grantee to ensure full transparency and accountability. My experience at the international level also includes coordinating a multi-stakeholder, cross-cultural publication and communications project.

One of the more recent initiatives that I spearheaded at the CCLA was the development of our *Charter First* report and campaign. This project focuses on the importance of ensuring that constitutionally-protected rights are carefully considered during the legislative process; it explores ways in which that process could be made more transparent to members of the public and how to put better tools in the hands of law-makers when they are considering whether or not to vote for a particular legislative proposal. The report required significant background research and consultation with experts, as well as a distribution and communications strategy. The "final" product, the *Charter First* report, is intended as a way to *begin* conversations about increasing government openness in order to ensure that the laws that are passed respect constitutionally enshrined rights and freedoms. It was co-authored by myself and a colleague, and is included with my application as one sample of my work on issues of openness.

My curriculum vitae is also enclosed, which includes my references and links to some of my opinion pieces. If chosen to participate in the forum, I believe that my multi-faceted experience advocating for and educating about government transparency and accountability will allow me to contribute to the open government project in a significant way. I would welcome the opportunity to discuss this opportunity further. Thank you for considering my application.

Sincerely,



Cara Faith Zwibel
Acting General Counsel

CARA FAITH ZWIBEL

(W) 416-363-0321 ext. 255

czwibel@ccla.org

BAR ADMISSION

Law Society of Upper Canada – Admitted to the Ontario Bar July 2005

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

Master of Laws (LL.M. - General Legal Studies), 2008

Honours: Arthur T. Vanderbilt Scholar (full tuition scholarship based on academic merit)

Activities: Law Students for Human Rights

Internship – Rehabilitation International

OSGOODE HALL LAW SCHOOL, Toronto, ON

Bachelor of Laws (LL.B.), 2004

Rank: Graduated in top 1% of graduating class

Honours: Harley D. Hallett Renewable Scholarship (renewed each year)

Sir Jack Jacob Prize in the Administration of Justice (2002-2003)

Kenneth Gibson Morden Memorial Prize (2002-2003)

Criminal Procedure Prize (2003-2004)

Activities: Wilson Moot Court Competition (Constitutional law - Equality)

Student Advisor

Canadian Lawyers Association for International Human Rights (C.L.A.I.H.R.)

MCGILL UNIVERSITY, Montreal, QC

Bachelor of Arts (B.A.), Honours, 2001, Major: Political Science

Honours: Graduated with First Class Honours

Dean's Honours List

James McGill Renewable Entrance Scholarship (renewed each year)

Albert Spanier Memorial Prize in Political Science (2000)

EXPERIENCE

CANADIAN CIVIL LIBERTIES ASSOCIATION, Toronto, ON

Acting General Counsel – September 2017 –

Responsible for CCLA's legal advocacy and program work including ensuring comprehensive monitoring of civil liberties issues in Canada to determine a role for the organization, reviewing legal documents and submissions on substantive legal matters, and providing the Board of Directors with legal advice as needed/requested. Supervise, support and mentor legal program staff. Work closely with the Acting Executive Director on matters of organizational policy and strategic vision.

CANADIAN CIVIL LIBERTIES ASSOCIATION, Toronto, ON

Director, Fundamental Freedoms Program – April 2010 – August 2017

Managed a large portfolio of litigation in which the CCLA intervened, drafted submissions to courts, parliamentary and legislative committees on topics including freedom of the press, access to information, freedom of expression and government accountability. Assisted in CCLA's public education program by leading workshops with high school and university students about Canadian rights and freedoms. Acted as counsel to the CCLA in interventions before courts and

tribunals. Addressed questions from the media on CCLA's work (includes print media, radio and television). Supervised students and volunteers.

BORDEN LADNER GERVAIS LLP, Toronto, ON

Associate – October 2005 – July 2007; July 2008 – March 2010

Worked closely with partners in one of Canada's top full-service law firms in the areas of public law (including administrative and constitutional law) and health law. Worked as a research lawyer for colleagues throughout the firm. Drafted pleadings and facta for all levels of Court including the Ontario Court of Appeal and the Supreme Court of Canada. Represented clients at discoveries, on mediations, before administrative boards and tribunals, and in court.

THE HONOURABLE JUSTICE IAN BINNIE, SUPREME COURT OF CANADA, Ottawa, ON

Judicial Clerk – September 2004 – August 2005

Conducted legal research on a wide variety of issues in many areas of law including constitutional law, administrative law and criminal law. Prepared bench memoranda and provided the Judge with oral briefings prior to court proceedings. Assisted in the editing of judgments and in drafting and editing speeches.

OSLER, HOSKIN & HARCOURT LLP, Toronto, ON

Summer Associate – Summer 2003

Worked with partners and associates in the litigation and research practice groups. Drafted affidavits and prepared research memoranda and case briefs.

PETER HOGG, OSGOODE HALL LAW SCHOOL, Toronto, ON

Research Assistant – May – December 2002; September 2003 – August 2004

Worked closely with one of Canada's foremost constitutional scholars in the preparation of yearly supplement to his *Constitutional Law of Canada* text and in the researching and writing of a paper on the Rule of Law in the Supreme Court of Canada (co-author). Performed case research on various aspects of constitutional law and assisted in the preparation of a paper on equality and the *Canadian Charter of Rights and Freedoms*.

PUBLICATIONS

Opinion Pieces

- [“Do politicians really want an engaged electorate?”](#), August 2015, *Toronto Star*
- [“Access to Information Act needs a reboot”](#), April 2015, *Ottawa Citizen*
- [“Lost in the Fair Elections fight: The right to vote”](#), April 2014, *The Globe and Mail*
- [“A free vote for all”](#), January 2014, *NOW Magazine*
- [“Zann case perfect illustration of cyber-safety law’s overreach”](#), January 2014, *Halifax Chronicle Herald*
- [“Ontario must ban SLAPP suits to protect free speech”](#), November 2013, *Toronto Star* (co-author)
- [“How Marineland is Using the Law to Silence Protestors”](#), September 2013, *Huffington Post*
- [“Canada must demonstrate its commitment to protect human dignity”](#), July 2011, originally posted on *Canada.com* (co-author)
- [“We must defend our rights to participate in a democracy”](#), April 2011, originally posted on *Canada.com*
- [“Shine a light on how we’re governed”](#), March 2011, *Canada.com*

Academic Articles

- “Gendering Civil Liberties and Gendering Dissent: An Introduction” ((2016) 12 *Journal of Law and Equality* 3 (co-author with Charis Kamphuis, Sonia Lawrence & Estair Van Wagner)
- “The Committee Process: Platform for Participation or Political Theatre?” (2016) 25:3 *Constitutional Forum* 43

- “Reconciling Rights: The *Whatcott* Case as Missed Opportunity” (2013), 63 S.C.L.R. 313 (paper presented at the Osgoode Hall Annual Constitutional Cases Conference)
- “Faith in the Public School System: Principles for Reconciliation” (2012) 9:3 *Canadian Diversity* 48 (paper presented at the Ontario Human Rights Commission Policy Dialogue on Creed-Based Discrimination and Religious Rights)
- “Advocacy Issues in *Charter* Litigation” (2008), 25 N.J.C.L. 233 (co-author with Christopher D. Bredt)
- “The Rule of Law in the Supreme Court of Canada” (2005), 55 U.T.L.J. 715 (co-author with Peter W. Hogg)
- “Settling for Less? Problems and Proposals in the Settlement of Class Actions” (2004), 1(2) *Canadian Class Action Review*

PRESENTATIONS & CONFERENCES

- Participant, Roundtable discussion on social protest with civil society organizations and the Inter-American Commission on Human Rights’ Special Rapporteur on Freedom of Expression, Washington, D.C., 2016
- Panelist, Freedom of religion in the context of two Supreme Court of Canada cases, Ontario Bar Association, Toronto, 2015
- Presenter, Use of crowd control weapons in social protests in Canada, Buenos Aires, Argentina, 2015
- Speaker, Amnesty International *Reel Awareness Human Rights Film Festival* screening of a documentary about whistleblowers, Toronto, 2014
- Training workshop leader, RCMP’s National Tactical Troop Commanders Course (focusing on the need to respect freedom of expression and freedom of peaceful assembly when policing protests), Regina, Saskatchewan, 2014
- Participant, Roundtable discussion on freedom of peaceful assembly, Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE), Washington, D.C., 2014
- Presenter, Conference on religion, equality and women’s rights, LEAF Canada, Toronto, 2014
- Presenter, Litigating Charter applications and appeals: interventions, OBA’s “Nuts and Bolts” Charter Program, November 2012
- Speaker, Keep off the grass? Bylaws, protest and public space, Sheldon Chumir Foundation for Ethics in Leadership, Calgary, November 2011
- Presenter, Transparency and Civil Society in Canada: Current Challenges and the Road Ahead, Mexican National Transparency Week, Mexico City, September 2011
- Presenter, The Right to Equality and *Oakes*: Time for Change (with Christopher D. Bredt), OBA, 8th Annual Charter Conference, Toronto, September 2009
- Presenter, The Standing of Administrative Tribunals on Judicial Review (with Christopher D. Bredt), OBA, Administrative – Hot Topics, Best Practices, Toronto, January 2006

REFERENCES

- 1) Nathalie DesRosiers – Nathalie.Desrosiers@uottawa.ca
MPP – Ottawa-Vanier
Former Executive Director/General Counsel of CCLA
- 2) Suzanne Légault – Suzanne.Legault@oic-ci.gc.ca
Information Commissioner of Canada