

NATIONAL CITIZENS' INQUIRY

Into Canada's Response to COVID-19

Terms of Reference

A. Introduction

Canada's federal, provincial, and municipal governments' responses to COVID-19 were of unprecedented magnitude. The policy, legal, and health authority interventions into the lives of Canadians, our families, businesses, and communities were, and to great extent remain, significant. In particular, these interventions have impacted the physical and mental health, civil liberties and fundamental freedoms, jobs and livelihoods, and overall social and economic wellbeing of nearly all Canadians.

These circumstances demand a comprehensive, transparent, and objective national inquiry into the appropriateness and efficacy of these interventions, and to determine what lessons can be learned for the future. Such an inquiry cannot be commissioned or conducted impartially by our governments as it is their responses and actions to the COVID-19 which would be under investigation. Hence this proposal for a **National Citizens Inquiry** conducted in accordance with the Terms of Reference described hereafter:

B. Reasons for a National Independent Citizens Inquiry

Such an Inquiry is necessary because:

1. The scope and magnitude of the COVID-19 response were/remain unprecedented.
2. The impacts were national and the responses of the governments affected the vast majority of Canadians.
3. Canadians have many legitimate questions concerning how the response was managed and what scientific and policy advice governments' relied upon – questions to which the governmental response thus far has been non-existent or unsatisfactory.
4. Calls for the governments themselves to commission an inquiry have gone unheeded.
5. The governments cannot be expected to objectively and impartially conduct the required investigation of themselves – hence the need for a National Citizens Inquiry.
6. It is necessary to solicit, receive, and evaluate first hand personal testimony from those impacted by governments' response to COVID-19. It is important that this testimony be given sincerely, and free of coercion or censorship.
7. It is necessary to solicit, receive, and evaluate testimony from scientific, medical, legal and other appropriate experts which may differ from the narrative communicated by governments and mainstream media.
8. It is necessary to ascertain where governmental responses to COVID-19 were effective, ineffective or counterproductive, and where alternative methods could have yielded better or more appropriate results.
9. It is necessary to establish accountability for the impacts of measures taken and to ascertain the social and economic costs of those measures.
10. It is necessary to ensure that our governments manage any future declared public emergencies, and their exercise of related emergency orders or powers, in a transparent, responsive,

democratic, and effective manner.

C. Guiding Principles

1. **Independence** - The Inquiry must be truly independent. Inquiry Commissioners shall be selected on the basis of experience, competence, and credibility and not for any pre-conceived positions they might hold on the issues to be dealt with by the Inquiry.
2. **Citizen Supported** - The authority of the Inquiry must rest on a mandate received from significant numbers of Canadian citizens across the country who have made repeated calls for an independent and objective review of governments' pandemic measures. This mandate is to be further reinforced by such citizens adding their names to the Petition of Support for a National Citizens' Inquiry provided on the Inquiry's website – www.citizensinquirycanada.ca.
3. **Open and Transparent** - The Inquiry's investigation and related activities must be open and transparent, free of biases or preconceived conclusions.
4. **Truthfulness** - All persons participating in the Inquiry may only submit oral or written testimony under oath, dutifully sworn before a Commissioner of Oaths.
5. **Evidence Based** - The deliberations and conclusions of the Inquiry must be evidence based, with any and all testimony received (including that containing extreme claims and conspiratorial charges) being subject to cross examination. The submitted evidence for all arguments, claims, and/or positions shall be made publicly available through the Inquiry's website.
6. **Respect** - The Inquiry shall insist that all participants exhibit mutual respect for the contrary opinions and positions of others – so as to facilitate reconciliation, rather than further polarize Canadians.

D. Purposes

1. To inquire into and undertake dialogue with Canadians. To listen to Canadians concerning the impacts of government health and policy measures impacting their personal lives, including their physical and mental health, families and communities (particularly children and seniors), jobs and livelihoods, businesses, and their fundamental freedoms and civil liberties as guaranteed by the Constitution.
2. To invite Canadians to pose to the Inquiry any unanswered or unclear questions concerning COVID-19 and governments' responses thereto, and for the Inquiry to make all reasonable efforts to secure answers to those questions.
3. To receive and evaluate testimony from medical, legal, scientific, and other relevant experts concerning the governments' pandemic measures and strategy, what information was known or knowable by governments, and what alternative approaches could have been taken.
4. To receive and evaluate testimony from legacy and independent media to understand what information was known or knowable and why information was conveyed to the public as it was.
5. To invite input from healthcare officers and other governmental officials as to the rationale behind the health care protection measures adopted – including mandates, lockdowns, and similar orders and actions - and the strategies employed to secure public compliance.
6. To invite and secure testimony as to the appropriateness, efficacy, legality and constitutionality of governments' responses to COVID-19.

7. To investigate public sector expenditures, grants, and any other subsidies or financial support programs and their distribution related to the governmental responses to COVID-19.
8. To consider the issue of civic and criminal liability for any damages or harms caused by governments' response to COVID-19.
9. To make publicly available to Canadians all findings, submissions, and testimonies certified by and formally presented through the Inquiry.
10. To identify any mistakes, negative impacts, or mismanagement that the Inquiry may determine have occurred and, if it does so, to recommend appropriate measures for more appropriate and effective government responses in the future.

E. Selection of Commissioners

It is critical that selected Commissioners are, and are seen to be, credible in all regards. In particular, that they are, and are seen to be, as objective, competent, and trustworthy to Canadians on whose behalf the Inquiry is being conducted.

An invitation to nominate or apply to be a Commissioner will therefore be immediately posted on the Inquiry's website (www.citizensinquirycanada.ca). The posting shall include a brief description of the nominees' desired characteristics (e.g., independence, objectivity, competence, etc).

Suggestions received will then be evaluated and those most qualified to serve shall be invited to do so. Commissioners will be asked to sign a Declaration of Understanding and Neutrality indicating that they accept the Inquiry's Terms of Reference and commitment that their conclusions and recommendations have not be pre-determined but will be based solely on testimony provided to the Inquiry. The names and biographies of the selected Commissioners will then be posted on the Inquiry's website.

These selected Commissioners shall select their own Chairperson.

F. Further Instructions

The National Citizens' Inquiry is hereby instructed and authorized:

1. To include the activities of all levels of government (federal, provincial, and municipal) within the scope of its investigations.
2. To complete its investigations and to issue a final report of its findings and recommendations within one year of the commencement of its operations.
3. To adopt such procedures and methods as it may consider necessary for the proper conduct of the Inquiry. While the Inquiry is not a court, the Commissioners shall follow court-like procedures with respect to receiving evidence (e.g., instructions to witnesses, cross examination) and be provided with legal counsel.
4. To sit at such times and places in Canada as it may decide for the purpose of holding in-person hearings, to conduct virtual hearings as and when necessary, and to receive written as well as oral testimony.
5. To seek additional input and advice from experts and grassroots sources as deemed necessary.
6. To issue interim reports, as well as a final report, and such other communications as the Commission considers necessary to keep the public apprised of its work and to correct any misconceptions or misrepresentations thereof.

7. To understand that its interim and final Reports will be the primary output of the Inquiry, which the Commissioners must be prepared to publicly explain and defend.
 8. To immediately upon its formation establish a system to account for the revenues used to finance the operations of the Inquiry and the expenses incurred, and to make this accounting public at the conclusion of the Inquiry.
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