

FREEDOM OF EXPRESSION AND HUMAN RIGHTS

In recent months, the CCLA office has been asked many times what the organization is doing about various human rights complaints that have been filed, such as those against *Macleans* magazine, the publisher of the *Western Standard*, Marc Lemire, William Whatcott, and others. Most of the complaints have been filed under human rights laws that target material “likely to expose” people to “hatred or contempt” on grounds such as race, religion, and ethnicity. Our position is that human rights commissions should not be in the business of restricting free expression of opinion. At the relevant time, we are hoping to intervene in the appropriate cases in order to challenge the scope of these enactments.

In the meantime, we have been speaking out in an attempt to mobilize public opinion. Such public remarks have occurred in Halifax, Toronto, Edmonton, and Calgary. In addition, the **Canadian Civil Liberties Association** has compiled a long record of opposition to such laws. In the late 1960s, **CCLA** testified against the bill that ultimately became the anti-hate section of the *Criminal Code*. Since then, **CCLA** has spoken out many times against that provision. As early as 1990, **CCLA** participated in the constitutional challenge of the anti-hate section of the federal *Human Rights Act*, that was heard in the Supreme Court of Canada. Although our side lost, the organization has frequently registered its opposition to those provisions of our various human rights statutes.

As long ago as 2000, **CCLA** General Counsel Alan Borovoy addressed this issue at a conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA). This was followed up by an article written by Borovoy in the *Globe and Mail*. Since then, **CCLA** participated in a 2007 case involving a homophobic letter in Alberta (Special Counsel - Josh Paterson) and one in Saskatchewan (Special Counsel - Andrew Lokan). When the complaint against Ezra Levant and the *Western Standard* became public, the **CCLA** General Counsel published an article in the *Calgary Herald* expressing again the organization’s opposition to that measure. And, when the complaint against *Macleans* became public earlier this year, the **CCLA** General Counsel went on the CBC to express our views once again. More recently, **CCLA**’s Freedom of Expression Project Director, Noa Mendelsohn Aviv appeared in a panel on the Michael Coren TV show.

It is important to note, however, that CCLA remains a stalwart

defender of the anti-discrimination provisions of our human rights laws. On numbers of occasions, **CCLA** representatives have opposed the efforts of certain right-wing commentators to totally dismantle our human rights laws and commissions.

CCLA continues to oppose the human rights commissions on the issue of limiting free speech, and to support them in their anti-discrimination programs.