



Blake Richards, M.P.
Wild Rose

Wild Rose Report

FOR IMMEDIATE RELEASE

NOVEMBER 11, 2011

FLAWED 'SECTION 13' A DANGER TO EXPRESSION AND HAS TO GO

A section of Trudeau-era legislation that purports to defend human rights but which actually undermines one of those basic liberties – the freedom of expression – could be repealed under a Private Member's Bill that's now before Parliament.

I support the bill by my Conservative colleague Brian Storseth, the M.P. for Westlock-St. Paul, to repeal Section 13 of the Canadian Human Rights Act. Section 13 is as flawed as it is subjective on the very issue of hate that it claims to combat, and it needs to go.

Originally conceived in response to a spate of recorded hate messages that circulated in Toronto, Section 13 has since been identified by many experts – including the Canadian Human Rights Commission (CHRC) itself – as problematic on several fronts.

For one thing, it targets the dissemination of hate messages without ever clearly defining what constitutes hatred or contempt. It considers acts of hate or contempt as “any matter that is *likely* to expose a person or persons to hatred or contempt”. That is so vague that it would be laughable if not for the fact that it carries real consequences.

Section 13 subjects citizens' Charter freedoms of thought, belief, opinion and expression to the whims of those who want to suppress ideas they disagree with or find personally distasteful or offensive, but which do not necessarily constitute hate. The Supreme Court of Canada has indicated that Section 13 does not target expression that some may find offensive, but that hasn't stopped Human Rights tribunals from accepting aggrieved persons' sense of being offended as a basis for convictions.

Hate speech is already prohibited under the Criminal Code of Canada. And a court of law is where such matters should be tried. In a courtroom, rules of procedure, the defence of truth, and evidence of intent or willfulness on the part of the accused apply. But no such provisions are afforded the accused in the quasi-judicial process set out by Human Rights Tribunals, where Section 13 cases most often land.

It is widely acknowledged that Section 13 conflicts with the Charter of Rights and Freedoms' guarantees to freedoms of expression and beliefs.

An independent review of the CRHC in 2008 called for the repealing of Section 13. The CRHC itself, in a September 2009 ruling, was forced to find the Section 13 hate speech provision unconstitutional.

For all of these reasons, Section 13 of the CHRA needs to be done away with and I will be voting in favour of repeal.