

The State of Free Speech in Canada

From [“both speaker and listener” and may include “all phases of the communication, from maker or originator through supplier, distributor, retailer, renter or exhibitor to receiver, whether listener or viewer”](#). Here we begin to see expression as a complex process that can be confounded by a number of players at various points along the speaker/listener continuum. Last week we saw how the government could use its power as a legislator and regulator to control the message that ultimately arrives at your doorstep. These interventions included message censorship and modification. The former case was illustrated by the City of Ottawa, through its public library, when it disallowed the presentation of a controversial documentary film; [demonstrated in the Government of Canada’s twisting of national security lexicon to save certain communities from threat analysis processes](#). Other examples of state-sponsored trampling of free expression include [“Christchurch Call” to control social media messaging](#). So much for the state’s efforts to control your access to speech, what about the impact of non-state players on these same free speech rights?

Non-state attacks on your free speech rights

Non-state players that are neck-deep in denying your ability to speak and seek the truth of things include the media industry’s news and entertainment divisions. [exacerbated by government policies that shamelessly reward “qualified news organizations” with tax payer funds and credits](#). As bad as it is with Canadian news organizations, it is equally bad in the entertainment sector.

A case in point that illustrates the impedance of free speech rights by the Canadian entertainment industry comes in the

form of the non-distribution of the American movie; “Unplanned”. The movie follows the real-life story of Abby Johnson, a Planned Parenthood clinic director, who changed her mind about abortion after witnessing a particularly distressing procedure. I leave the reader to judge the subject matter but it is important to note that Canadian film distributors have refused to show the film in Canada. It is not intended to govern relations between private actors. Governments may inform these relations through regulatory means but protection from discrimination in private interactions are the purview of provincial human rights codes. The first and foremost of these is the Ontario Human Rights Code established in 1962.

As it happens in the broadcasting sector, the responsibility of broadcasters to the consuming public is outlined in the Broadcasting Policy for Canada. This Parliament of Canada document states plainly that programming needs to ““creed” or a “system of religious belief”. Indeed, the same code states