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Canada

Country:

Canada

Year:

2017

Press Freedom Status:

Free

PFS Score:

18

Legal Environment:

5

Political Environment:

7

Economic Environment:

6

Key Developments in 2016:

- In March, a judge ordered a *Vice News* reporter to comply with a police order to furnish all communications between himself and a former Canadian resident facing terrorism charges over alleged links to the Islamic State (IS). *Vice News* appealed the decision.
- Instances of past police surveillance of journalists emerged in the fall, prompting a call from journalists and politicians to enact a “shield law” that would better protect journalists and their sources.
- Due to an increasing number of “no records” responses to requests for public information, Canadian information commissioners called for legislation that would formally require officials to document deliberations and decisions.

Executive Summary

Conditions for media in Canada are free and stable, and outlets are generally able to operate and exercise editorial independence without undue interference. However, laws permitting surveillance under certain circumstances have led to concern about respect for freedom of expression, and recent police actions have prompted concern about the ability of journalists to protect their sources.

In 2015, antiterrorism legislation originally introduced as Bill C-51 came into force. The law includes provisions against “terrorist propaganda,” and widens the powers of the Canadian Security Intelligence Service (CSIS) and other security agencies to deal with terrorism-related threats. Among other things, it authorizes the seizure and censoring of online and offline “terrorist propaganda.” Freedom of expression advocates argued that the law’s broad scope and vague wording leave room for abuse. Domestic opposition to the law was significant, and the Liberal Party pledged to repeal its “problematic elements” during the 2015 federal election campaign. In September 2016, the new Liberal administration launched a call for public feedback on the law as part of a larger public consultation on national security. The consultation concluded in December 2016, with findings to be published in 2017.

In 2016, several developments exacerbated existing concerns about a lack of statutory laws protecting confidential sources, as well as about authorities’ ability to conduct surveillance on journalists. In March, a judge in Ontario ordered a *Vice News* reporter, Ben Makuch, to comply with a police order to furnish all communications between himself and a former Canadian resident facing terrorism charges over alleged links to IS. An appeal by *Vice News* is set to be heard in 2017. In September, police seized a computer belonging to *Journal de Montréal* reporter Michael Nguyen during a search of the paper’s office on suspicion that Nguyen had illegally obtained confidential information from the Quebec judicial council’s website. In late December, the Quebec Superior Court affirmed that the search and seizure, which had been conducted with a warrant, was legal; *Journal de Montréal* indicated that it would appeal the decision. And, in late October and early November, it emerged that Quebec police in the past had conducted surveillance on several reporters without their knowledge, in some cases as early as 2008. The purpose of the surveillance, which was authorized by warrants and involved the tracking of phone calls and, in some cases, accessing Global Positioning System (GPS) data, was to discover the source of suspected police leaks to the media. In November, journalists and politicians alike came together at a press conference to urge the Liberal government to enact a “shield law” to protect reporters and their sources.

In 2015, Quebec authorities introduced a bill to prevent and combat speech that incites hatred or violence against a particular individual or group of people. Watchdogs voiced concerns that the bill’s vague language and harsh penalties could have a chilling effect on freedom of expression. After Quebec lawmakers agreed to amend the more controversial provisions of the bill, it was passed and came into force in June 2016.

The Access to Information Act codifies the right to request access to federal government records, but in practice such requests are subject to delays and excessive costs. In January 2016, information commissioners across Canada released a joint statement in response to the increasing number of “no records” responses to information requests, which called for the establishment of a legislated duty to document deliberations, actions, and decisions.

This country report has been abridged for *Freedom of the Press 2017*. For background information on press freedom in Canada, see *Freedom of the Press 2016*.

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