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## Canada

**Country:**

Canada

**Year:**

2015

**Press Freedom Status:**

F

**PFS Score:**

18

**Legal Environment:**

5

**Political Environment:**

7

**Economic Environment:**

6

### Legal Environment

Canada's 1982 constitution guarantees freedom of expression and freedom of the press. The government may legally restrict free speech with the aim of ending discrimination, ensuring social harmony, or promoting gender equality, but the definition of hate speech, which is punishable by law, remains vague. In a 2013 ruling, the Supreme Court narrowed the legal definition of "hatred" but upheld the Saskatchewan Human Rights Code's concept of hate speech as any representation or expression "that exposes or tends to expose" certain groups to hatred. The ruling was highly controversial, with most media outlets condemning it as a threat to freedom of expression in Canada.

In July 2014, the Canadian Broadcasting Corporation (CBC), alongside the *Toronto Star* and production company White Pine Pictures, brought a case against the federal government, challenging the denial of journalists' access to Canadian citizen Omar Khadr—a former detainee at the U.S. military detention facility in Guantanamo Bay, Cuba, who had been incarcerated in Canada since his 2012 transfer. The media outlets alleged that by blocking media access to interview Khadr, the government was violating the constitutional guarantee of freedom of the press and the public's right to know. Detained since 2002, Khadr had never been allowed to speak with the media, despite giving consent to be interviewed. The case remained pending at year's end.

In the wake of a deadly terrorist attack on Canada's Parliament Hill in late October 2014, the Conservative Party government of Prime Minister Stephen Harper introduced Bill C-44, the Protection of Canada from Terrorists Act. The bill had been drafted before the attack, but it was subsequently portrayed by the government as an urgent priority. It proposed to broaden the powers of the Canadian Security Intelligence Service, and journalists expressed concern about provisions that would increase the agency's surveillance authority. The legislation had yet to be adopted at year's end.

Also in October 2014, the controversial Protecting Canadians from Online Crime Act, Bill C-13, passed into law. While the measure was presented as an attempt to combat cyberbullying, press freedom advocates argue that its language is vague, and that it allows internet service providers and telecommunications companies to voluntarily give customer information to the government without the latter having to produce a warrant. Its approval was rendered more contentious by the June release of a Supreme Court decision requiring law enforcement agencies to obtain a warrant in order to access such information from service providers.

A provincial labor law passed in Alberta in December 2013 has been criticized as a threat to media freedom and free expression. Opponents of the measure claim that its Section 4 can be read as a ban on encouraging or advocating a strike.

Defamation remains a criminal offense, punishable by up to five years in prison. A 2009 Supreme Court ruling allows journalists to avoid liability for alleged defamation if they are able to show that they acted responsibly in reporting a matter of public interest, even if the statements are found to have been untrue. A criminal defamation case filed by fashion mogul Peter Nygard against the CBC remained unresolved at the end of 2014; Nygard alleged that a 2010 CBC documentary about him had been defamatory.

There are no specific laws that protect confidential sources, and the courts often decide whether to respect source confidentiality on a case-by-case basis. Source confidentiality was threatened when Bill C-461, an amendment to the Access to Information Act (ATIA), was introduced in Parliament in February 2013, but the bill was rejected in February 2014. The legislation would have compromised the CBC's ability to safeguard the identity of its sources.

Efforts to obtain information from the federal government typically involve long waits, and requests are hampered by federal agencies' ability to grant themselves extensions on requests. The Canadian Journalists for Free Expression (CJFE) watchdog group reported in 2012 that only half of the requests for official information were being fulfilled within the statutory 30-day deadline. In a separate hindrance on access to official information, the Supreme Court in 2011 upheld Quebec court rules that prohibit media outlets from broadcasting the audio recordings of court proceedings or using cameras and recording equipment beyond designated areas of courthouses. In June 2014, the information commissioner, who had pressed for reform of the ATIA, publicly criticized the access to information framework and expressed concern over the federal government's growing secrecy. A new bill to strengthen the ATIA was introduced in Parliament that month, earning praise from press freedom advocates. It had yet to win passage at the end of 2014.

## Political Environment

Canadian news media, including the public broadcaster CBC, are free to express diverse views. Journalists rarely face physical violence or harassment, and there were no notable incidents during 2014. Police have been criticized in recent years for mistreatment of the media during major protests and high-profile events, but journalists and photographers were able to report on the October 2014 terrorist attacks in Ottawa without hindrance.

## Economic Environment

The Canadian media sector includes a variety of privately owned print and online outlets, and commercial broadcasters compete with the public CBC, which airs programming in French and English on multiple television and radio stations. Broadcasting rules stipulate certain percentages of Canadian content on different types of stations, and encourage the creation of original local programming. Internet use is widespread and unrestricted, with nearly 87 percent of the population accessing the medium in 2014.

Concentration of private media ownership remains an issue. Four corporations—Bell Canada, Shaw, Rogers, and Quebecor Media Inc.—account for about two-thirds of television revenue. Bell Canada, the country's largest telecommunications company, also has important stakes in radio broadcasting, wireless internet, and mobile services. In June 2013, the Canadian Radio-Television and Telecommunications Commission approved Bell's C\$3.27 billion (US\$3.17 billion) takeover of Astral Media, giving Bell control over 36 percent of the English-language television market and 23 percent of the French. Bell's bid was approved with the requirement that the company divest many of its existing television and radio assets, but the deal still entailed a high level of vertical integration and media concentration.

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