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Freedom Of The Press - Canada (2011)

Status: Free
Legal Environment: 5
Political Environment: 8
Economic Environment: 6
Total Score: 19

Canada's 1982 constitution provides protection for freedom of expression, including 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 what constitutes hate speech that is punishable by law remains vague and contentious. In November 2010, the Supreme Court agreed to hear the case of *Saskatchewan Human Rights Commission v. William Whatcott*, in which Christian activist Bill Whatcott's flyers and messages against same-sex relations were found in violation of the Saskatchewan Human Rights Code by the local human rights tribunal. The case was still pending at year's end. Legislation forcing journalists to reveal their sources when pertinent to criminal cases continued to be used, weakening media rights in an otherwise vibrant and free press environment. In May, the Canadian Supreme Court ordered the Toronto-based *National Post* to forfeit documents in a case concerning the constitutional right to protect confidential sources that could have potentially broad implications for journalists' freedoms. The court ruled that in this case, the public interest in the truth was greater than the need for protecting the identity of informants. In a separate case in October, journalist Daniel Leblanc won the right to protect his sources. The Supreme Court in this case said journalists should be able to protect confidential sources if they can demonstrate that it is in the public interest. This disparity between cases will continue to lead to confusion regarding the issue until a clearer distinction is articulated.

In 2009, the Supreme Court had attempted to strike a balance between freedom of expression and protection of reputation. It created greater protections for journalists against libel lawsuits by allowing them to evade liability if they could show that they acted responsibly in reporting a matter of public interest, even if the statements were untrue. This case was considered a victory for press freedom. Despite the Access to Information Act (ATI) passed in 1983, acquiring information from the federal government remains difficult. There is a long wait for information, and obtaining information can be hampered by the federal bureaucracy, as well as the governing party. According to local group Canadian Journalists for Free Expression, 44 percent of requests made under ATI exceeded the required 30-day limit.

Journalists in Canada are generally free from violence and harassment. However, in 2010 there were some cases of violence against journalists—as well as denial of admission into the country—surrounding major events such as the Winter Olympics in Vancouver and the G-20 summit in Toronto. Additionally, in February, the office of a local Tamil newspaper in Toronto was vandalized.

Canadian Broadcasting Corporation (CBC), are generally free to express diverse views. The CBC broadcasts in French and English. Broadcasting rules stipulate that 30 to 35 percent of material must be Canadian. This is part of an effort to maintain Canada's national identity because of the proximity and influence of the United States. Internet use is widespread and generally unrestricted, with 81.6 percent of the population accessing the internet during the year.