

## **CANADA: Challenges to Freedom amid the Pandemic**

### **Executive Summary**

Canada maintains a relatively stable position in the Index. It is a country with a low restriction on freedom of expression; but it faced some significant challenges in the period under review, particularly regarding the COVID-19 pandemic, media coverage of protests by Aboriginal communities and activists in British Columbia, and debates regarding freedom of expression on campuses and its effect on society as a whole. It could be argued that Canada, a country diverse and vast in geography and complex in its political organization, is facing the challenges of preserving freedom of expression in a world where disinformation circulates and social tensions rise.

### **Introduction**

Canada has a complex political, economic, and socio-cultural reality, and this is reflected in the challenges it is facing regarding freedom of expression. Its multicultural model, for instance, while accepted in most of the country's provinces, is not viewed fondly in Quebec, where the provincial government has passed legislation to uphold what is called a "secular state" in public education and the civil service (Montpetit, 2019). This has been perceived by some communities, both inside and outside the province, as an attack on their freedom to express their religious traditions.

The country has also experienced tensions due to protests by anti-vaccine groups and against restrictions on mobility and public gatherings amidst the COVID-19 pandemic. This has also been denounced as a restriction on the freedom of expression of those who do not accept federal and provincial policies to monitor infections and the deterioration of the situation.

Another issue that has emerged in the public arena is that of "political correctness" and the so-called cancel culture, which have become hotly debated topics in the media after college and public school teachers were punished for using certain words in class or recommending reading of certain works to their students. Some commentators view these sanctions in the educational environment as a warning that could also affect freedom of expression on mainstream and social media. In fact, a journalist of the Canadian Broadcasting Corporation (CBC), the public radio-television organization, was suspended in June 2020 (National Post Staff, 2020), and later resigned, for having used the "N" word in a live show.

Canada also experiences tensions arising from the government's relations with Aboriginal communities. For example, media coverage of protests by indigenous groups against logging activities in British Columbia has been restricted by the Royal Canadian Mounted Police (RCMP), triggering objections from journalists' professional associations. The recent discovery of unmarked graves of Aboriginal children who died in so-called "Indian residential schools" has caused shock waves in the country, confirming the need for reconciliation with its native inhabitants (Los siniestros internados...", 2021).

Finally, the federal legislature that ended this summer of 2021 (and which gave way to elections confirming a Liberal minority government headed by Prime Minister Justin Trudeau in September), passed Bill C-10 (Bolongaro, 2021) which aims to enact the same regulations on large digital platforms as on traditional media, forcing them to fund the production of Canadian content. Some critics see this as a potential restriction on free speech in social media and other online content distribution platforms. Bill C-10 must now pass the Senate to become law.

## **Results Analysis**

The results of the period reviewed have been influenced by a context marked by challenges to the media and information stemming from the COVID-19 pandemic, especially the problems associated with disinformation, lack of information or clarity in certain cases, and the need to counter conspiracy theories and propaganda. This may explain why Realms A, B, and C achieved medium scores for a country that has a consolidated democracy and a fairly robust institutional framework of division of powers.

### **Environments: Slight influence, but with friction points**

The Legislative, Judicial and Executive environments at the federal level slightly impact on freedom of expression in general, although a mildly more predominant influence of the Executive branch on the exercise of journalism is noticed in this period. This can be explained by the role of the RCMP, which is under the control of the federal government, to limit coverage of protests against a logging operation in British Columbia.

However, Canada is a fairly decentralized federal country in which provincial governments exert significant authority on their regions' political, social, and cultural dynamics. Therefore, it is understandable that actions in certain provinces, such as Quebec, Ontario, and Alberta, may affect perceptions about the impact of environments, particularly the Executive, regarding the exercise of journalism.

Another factor that makes possible the perception of a relatively greater influence of the federal Executive on the exercise of journalism (the highest score with 2.43 points) is a certain lack of transparency from the government headed by Justin Trudeau regarding allegations of corruption or irregular practices with donors to his party and his electoral campaigns.

In relation to the Legislative environment, the Federal Parliament has not passed any specific laws that could impair the exercise of journalism. Notwithstanding, the approval of Bill C-10 by the House of Commons in June 2021 may indicate a slight to moderate influence (2.29 points) regarding the control of content on digital platforms.

In the case of the Judicial environment, its influence is mild. However, court decisions may have a direct and indirect impact on the exercise of journalism, as in the Fairy Creek case in British Columbia (CAJ, 2021, July 14).

### **Realm A: Political correctness gains ground**

In general, the citizens' ability to express themselves freely and their levels of information are perceived as lowly restricted. Although the rights to freedom of expression and of access to information are protected by the country's laws, courts, and other agencies, such as the Federal Telecommunications Commission (Canadian Radio-television and Telecommunications Commission, CRTC), the crisis environment arising from the COVID-19 pandemic has affected the perception of citizens' levels of information. Of particular note here are the attacks targeting journalists for reporting on the pandemic, as illustrated by the cases of Radio-Canada journalists harassed in Sherbrooke and science journalist Marine Corniou (FPJQ, 2021 a, b).

The sub realm of Free Speech appears relatively higher (9.14 points) against that of Information Flow, which shows a lower index (5.86). This perception is underpinned by the impression mentioned above that Prime Minister Justin Trudeau's cabinet is not fully transparent regarding the Liberal leader's ties with his party donors (Bonokoski, 2021).

### **Realm B: Calls for greater transparency**

The exercise of journalism has faced some challenges in the period under study. We have referred above to the blockade by the RCMP preventing media coverage of protests against a logging operation in British Columbia (CAJ, 2021, July 14). Some provincial governments have also attacked journalists for their coverage of climate change issues, as was the case with the Alberta provincial government, a situation that was denounced by the Canadian Association of Journalists (CAJ, 2021, January 26). The perceived lack of transparency on the part of Prime Minister Trudeau's cabinet has also contributed to a decrease in the index (6.86 points) regarding the exercise of journalism (CAJ, 2021, September 20).

### **Realm C: Verbal violence and restrictions on coverage**

Violence and impunity show a relatively high index for a country with a consolidated democracy like Canada, particularly when looking at the results of sub realms such as Protection and Impunity. Although violence against Canadian journalists has not registered extreme attacks in the period reviewed, harassment against some journalists covering the protests in British Columbia, or the physical and verbal attacks against journalists covering the COVID-19 pandemic, have influenced the perception of greater violence.

The events associated with sanctions against professors at universities, at a school in Toronto, and against a journalist at the CBC itself due to pressure from groups defending "political correctness" have also affected the perception that freedom of expression is not always guaranteed in some professional fields.

### **Realm D: Concern about content-controlling tendencies**

The level of control over the media in Canada is perceived as one falling within the category of full freedom of expression. However, the sub realm of Indirect Control shows a score of 6 points. This indicates concerns that can be explained by the confluence of a series of events creating the impression that freedom of expression among the media (National Post Staff, 2020)

and other entities, such as educational institutions (Miro, 2021; Paquette, 2020; Brenner, 2021; Pfeffer, 2020), could be compromised. On the other hand, the idea that the Liberal government may secure Senate passage of its Bill C-10 to regulate content on digital platforms is perceived as a double-edged sword. It may benefit the media by payments from digital economy giants such as Facebook and Google for use of their content; but it may also mean government intervention in the content circulating on those platforms.

## **Conclusions**

Canada maintains an institutional framework that protects freedom of expression. Its parliamentary democracy, both at the federal and provincial levels, guarantees the rights of the free exercise of journalism, exchange of information, and citizens' freedom of opinion. However, the country is facing challenges stemming from trends that, despite such circumstances as the COVID-19 pandemic, seem to consolidate.

In this sense, political correctness and cancel culture seem to be on the rise in the educational system. This could have direct repercussions on freedom of expression not only for teachers, but also citizens and even news professionals, as illustrated in the case of the CBC journalist who was suspended by the management of this public corporation. Recent news regarding the burning of Asterix and Tintin books by decision of a school board in Ontario in 2019 ("Canadá: polémica por la quema de libros...", 2021), because according to some teachers and parents the books contained racist depictions of indigenous nations in North America, indicates that this trend may have deeper repercussions on freedom of expression in the country.

Journalists are calling for greater government transparency, especially in terms of access to information regarding federal and provincial policies and decisions (FPJQ, 2021a).

The tensions that have arisen with indigenous communities also pose challenges to freedom of expression and the free exercise of journalism, especially when members and activists of Aboriginal nations protest against the occupation and economic exploitation of lands they consider their own. This is a situation worth monitoring, as these tensions tend to increase in some regions of the country. The federal government is promoting reconciliation with indigenous peoples through talks and initiatives to end discrimination and impoverishment of Aboriginal nations in Canada.

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