

CANADA: FREEDOM OF EXPRESSION REAFFIRMED

Executive Summary

During the period under study, there were critical moments for freedom of the press and the exercise of journalism due to social and political tensions stemming from the COVID-19 pandemic and the so-called "freedom convoy" movement that took over Ottawa, the Canadian capital, for practically three months. However, despite some attacks and intimidation against journalists, the fundamental rights to freedom of expression and the press were reaffirmed within the framework of a democracy that guarantees fundamental rights to its citizens.

Introduction

In the period under study, Canada experienced moments of tension over the freedom to practice journalism, particularly regarding media coverage of the COVID-19 pandemic, as well as the events that occurred in the first quarter of 2022 in the country's capital, Ottawa, and which became known as the "freedom convoy" (Friend and Smart, 2022).

Although the fundamentals of free speech and information were not greatly affected by these events, violence against journalists both in Ottawa and in other parts of the country went on record. To an extent, this is reflected in the index score for impunity in reason of intimidating actions exercised by private individuals against journalists (Pilon, 2022).

Two other issues regarding the free exercise of journalism in Canada mark this period. One is related to the actions by the Royal Canadian Mounted Police (RCMP) to control and even prevent media coverage of protests by aboriginal peoples' activists in British Columbia. This matter was settled by the intervention of a court that released two detained journalists (CPJ, 2021). Another is related to a certain climate of political correctness that has become entrenched in some media, including the public media corporation Canadian Broadcasting Corporation (CBC) and Radio-Canada (FJPQ, 2022) and media outlets associated with the higher education community such as *The Conversation* (in English) that censor views related to social debates on discrimination, racism, and academic freedom (Nahón-Serfaty, 2021).

Background

Canada is a federation in which the provinces and territories have a great extent of autonomy, and in which the federal government has very specific powers with respect to handling homeland security, defense, foreign relations, and managing central public finances. This implies that some issues regarding the free exercise of journalism and freedom of expression respond to realities associated with the governments and politics in each of the provinces.

However, in the period reviewed, the COVID-19 pandemic continued to set the tone for events associated with freedom of expression and information in almost the entire country, and with a particular focus on the events that occurred in Ottawa between January and March 2022, for the so-called "freedom convoy" protests, which practically paralyzed the city. These protests were replicated in other parts of Canada, although their effect was much more limited.

The movement identified with the "truckers for freedom" expressed, in the voices of several of its spokespersons, views that correlate to conspiracy theories and that accuse the media, especially the major public service media such as the CBC (in English) and Radio-Canada (in French), of being part of an elite that controls information and that justifies policies of social control such as those allegedly implemented during the COVID-19 pandemic. Before this protest movement got underway and during the demonstrations and the blockade of the streets of Ottawa, several journalists from different public and private media suffered personal attacks and received hate messages on social media.

Environments: Tensions and changes in Canadian society

Canadian society, diverse in its multicultural character and history, is facing new challenges to better integrate immigrants arriving in the country and to reconcile with indigenous peoples who have suffered discrimination and marginalization. These two issues are reflected in the media and in the practice of journalism, making room for topics and voices that, in other opportunities, did not have major media presence. For example, the debate on multiculturalism and secularism, especially in the province of Quebec, continues to hold an important place in the media. Similarly, issues involving history, culture, and the difficulties faced by aboriginal peoples in different locations of Canada have been gaining increased media coverage, especially since the federal government established Truth and Reconciliation Day, to be commemorated every September 30.

The Russia-Ukraine war has also had an impact on the Canadian media landscape. In March 2022, the Broadcasting and Telecommunications Commission (CRTC) decided to remove the signal of the Russian channel RT and RT in French from Canadian pay TV companies, as it considered that these broadcasters do not follow Canadian standards of information and journalistic coverage (CRTC, 2022).

Another point that continues to mark the context of freedom of expression and freedom to practice journalism is the debate still underway in the Canadian Parliament on Bills C-10 and C-11 that reconfigure the Canadian telecommunications and broadcasting system, the powers and mandates of the CRTC, which is the federal authority in these matters, and which –in the case of C-11– would empower the regulator to monitor all audiovisual content produced on television and online networks. Large digital corporations, such as Google, have expressed their disagreement with Bill C-11 because it would restrict access to content on YouTube and thereby the new regulation would seek to privilege content produced in Canada (Jarvis, 2022).

Realm A: The importance of responsible journalism

The COVID-19 pandemic underscored the perception of the importance of transparent and balanced journalistic coverage of issues that impact society as a whole. This could explain

the reason why this realm achieved a better score than in the previous period, during which the three components that make up Realm A have improved substantially. All three sub-realms of this realm reached fairly high scores.

This favorable change can also be explained by the contrasting effect in the form of the dissemination of conspiracy theories and misinformation regarding the COVID-19 pandemic, which made the importance of practicing journalism in a professional and responsible manner even more highly valued. This has encouraged partnerships such as that between the Canadian Medical Association (CMA) and the national news agency *The Canadian Press* for training journalists and creating three positions in the agency specifically devoted to health-related issues (CMA, 2022).

Realm B: Journalists on the spotlight

One of the consequences of the coverage of the pandemic and the protests associated with the "freedom convoy" is that, on some occasions, journalists became the news because of the assaults and threats they suffered. This could explain the increase in the rating for the exercise of journalism, which, despite the difficulties and social and political tensions, continued to fulfill its role of informing the public. In fact, this indicator rose from 6.9 in the previous period to 8.3 in this period.

One issue that continues to emerge as troubling is the level of influence that executive bodies, especially federal and provincial premiers and their cabinets, exert on their relationship with the media and journalists. In the Index, this influence still appears as "moderate", but it is higher than that of the judicial and legislative environments, due to the perception that governments at the federal and provincial levels are not always transparent in the information they provide to the media. A recent survey conducted by the *Fédération Professionnelle des Journalistes du Québec* (FPJQ) indicates that almost 64% of the journalists inquired pointed out some kind of obstacle when accessing government information (FPJQ, 2022).

Realm C: The media in the crosshairs of attacks

While the situation with respect to violence against journalists and the media is far from comparing to that experienced in other countries of the hemisphere, the pandemic and the protest movements against the federal government introduced aggression and intimidation against journalists into the Canadian social landscape. Although the perception of the Index is generally positive, there is a slight downward variation in the components of this realm stemming from the perception that certain radicalized groups tend to choose the media and journalists as targets of their attacks against the supposed elites who control power, the economy, and the dissemination of information. The sub-realm on Impunity (2.1 out of 8.5) shows a less positive score than the others that make up this realm.

These attacks have been denounced by the Canadian Association of Journalists (CAJ), underscoring: "Hate and threats hurled at journalists have a chilling effect that is bad for democracy" (CAJ, 2022).

Realm D: A climate of freedom is preserved

This realm does not show variation with respect to the previous period, although an improvement is noticed with respect to indirect control over the media (where none of the environments has a significant degree of influence), which goes from 6.0 to 8.2. This reaffirms that the foundations of the rule of law in Canada remain solid, that the separation of powers is a fact, and that, despite the challenges and tensions in the last two years of pandemic and protests, they have not led to further restrictions for news coverage by the various levels of government.

A survey by [US-based] Pew Research Center conducted in 2021 revealed that 66% of Canadians expressed satisfaction with the performance of democracy in their country and that a majority are relatively content with the *status quo* of the Canadian political system (McCarten, 2021).

Conclusions

Canada, like other societies in the world, does not escape the phenomenon of political polarization that sometimes translates into attacks on journalists and the media. Although the extent of this polarization does not reach the levels observed in other countries, tensions experienced during the pandemic and protests against the federal government show that the work of journalists can also be disrupted, even in societies with more advanced democracies.

Another issue deserving follow-up in the short and medium term is the eventual passing of Bills C-10 and C-11 that will reconfigure the role of the Canadian broadcasting and telecommunications authority, CRTC, which will have an impact on the regulation of content disseminated through large digital platforms such as Google, Meta, Twitter, Netflix, among others.

Political correctness could also affect the ethical focus for the exercise of journalism in public media corporation CBC. According to a request from a group of journalists working for the network, this English-language public service would adopt a policy that would allow journalists from ethnic minorities not to be bound by the principle of impartiality inextricable to the reporting of news events, if these events affect the community to which they identify. For example, black journalists could be less "impartial" when reporting news on racism or other situations that affect African-Canadian communities (Cardinal, 2022). For its part, the French-language counterpart of the public media corporation, Radio-Canada, has stated, through its vice president, that it does not plan to adopt such a policy because the work of reporting requires objectivity.

However, we should remind that Canada has a recent history of strengthening the rule of law. This year marks the 40th anniversary of the adoption of the Canadian Charter of Rights and Freedoms, 1982, which guarantees, among others, the right to free expression of ideas, opinion, thought, and belief. This includes freedom of the press and the media (Ministry of Justice, 2022).

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