

## Martin on right track

February 15, 2008



### Dangerous Mind

In a free and democratic society, freedom of speech is not only a right, it's a must. A country isn't free and democratic without it, therefore it's an imperative requirement that must be upheld at all costs.

Keith Martin, Esquimalt-Juan de Fuca Liberal MP recently brought free speech to the forefront on Parliament Hill and in national headlines. Freedom of speech is a tricky subject – where does personal opinion stop and hate mongering begin? This is something that on the surface seems like a no-brainer, but when it comes to defining freedom of speech under the law, grey areas surface.

In late January Martin brought forth a private member's motion in favour of repealing subsection 13(1) of the Canadian Human Rights Act. Since then the motion has made headlines in the The Globe & Mail, the National Post and caught the attention of Liberal leader Stéphane Dion.

Section 13(1) makes it a punishable offence to use telephones or the Internet to promote "hatred or contempt" of any group protected under the CHRA. However the subsection is being blatantly abused, forcing unjust and costly trials on various citizens and organizations. The original intentions when the act was drawn up back in the 1970s was to help low income citizens file formal grievances concerning employment and housing.

However since its inception the Canadian Human Rights Commission, which oversees trials and renders judgement under 13(1) – usually in the form of fines and gag orders – has a 100 per cent conviction rate. And more than half of the complaints have been launched by one person, former CHRC employee Richard Warman. If this doesn't seem right to you, don't worry, because it's not right.

The commission has become a tool for a very select few to infringe on others' rights and somehow pass it off as just – such as Canadian Muslim groups taking on Maclean's magazine and former Western Standard publisher Ezra Levant for voicing their opinions of Islam. Of course Martin took heat early on when the story first broke, as a white supremacist group and former aboriginal leader David Ahenakew (infamous for his anti-Semitic remarks back in 2002) both offered support. But sound investigation soon cleared the air even though Martin was initially backed by some shady creatures.

Spin it anyway you want, a 100 per cent conviction rate is not just. One citizen bringing forth the majority of complaints to a powerful governmental organization having the ability to financially hinder anyone at the drop of a hat, and also gag free speech in the future, is not just as well. Forget who's backing this, the evidence speaks for itself.

Speaking from Ottawa, Martin cleared up reports that Dion had personally asked him to withdraw the bill. In fact, he said the two have yet to speak on the matter.

"Actually a University of Victoria student brought this to my attention in the first place," added Martin. "And I was appalled and aghast to see 13(1), which was originally written to protect freedom of speech was now being used to trample it."

UVic political science professor Dennis Pilon said Martin is sound in his argument. Martin said avenues such as the Criminal Code of Canada and civil suits are in place for this very reason, to protect citizens against slander, libel, discrimination and hate crimes, all adjudicated through the courts.

"That's the risk of living in a democratic society is the risk of someone saying something you don't like," said Pilon. "And of course I do have some sympathy for groups that can't defend themselves against things like hate speech. But you have to draw the line somewhere and it seems we've drawn the line in the wrong place."

With an election looming, critics are crying foul on Martin's timing for the private members bill. If there's a good time to bring up human rights violations, it's all the time, everyday, 24/7. But freedom of speech should not sleep simply because federal cronies are too busy getting into a shoving match that will probably induce a much-unwanted election.

Martin is being brave, as he knows murky waters surround this issue (hence being backed by known spewers of actual hate speech). However the motion has since crossed party lines, gaining support from the NDP and Conservative MPs alike who realize the severity of the commission being abused when it should be protecting.

We have the right to voice our opinions, not spew hate from our mouths. We also have the right not to be unjustly fined or gagged by an obviously biased system of discourse.

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With a little luck and no election call, Martin could bring about real change and amend or even have the subsection dropped from the Canadian Human Rights Act through a Parliamentary committee, disallowing abuse of the commission in the future.

This is what politics should be all about, not election jockeying and rhetoric slap fights, but politicians fighting for what matters most, our fundamental rights.

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