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Quebec's Bill 78 threatens freedom of expression

May 30, 2012 – Toronto – PEN Canada today voiced further concerns that Bill 78, passed two weeks ago by the Quebec National Assembly, constitutes a serious threat to freedom of expression. Its vague and dangerously overbroad provisions can easily be interpreted in ways that constrain and discourage legitimate collective action and civil protest.

“The whole Bill looks thrown together,” said Charlie Foran, president of PEN Canada. “Its penalties are draconian and disproportionate, designed more to stifle free expression than protect public order. The reported mass arrests in Quebec suggest that the authorities have been given too much latitude to interpret and enforce this new law. Legislatively, it’s the equivalent of using a sledgehammer to crack a nut.”

PEN believes the Bill’s prior notification requirements for demonstrations (section 16) are unreasonable and ill-suited to the realities of modern protest. Imposing penalties on organizers who fail to notify authorities “not less than eight hours before the beginning of the demonstration” would, if enforced, rule out all but the most premeditated forms of civic action. The uncertain phrasing of section 30, which may, on its face, make it illegal to attend demonstrations that violate the provisions of section 16, also exposes individuals who attend these gatherings to fines of up to \$5000 per day, or more in certain circumstances. In general, the fines provided for breach of the Bill’s provisions are grossly excessive. Taken together, these measures are easily abused by authorities and likely to result in a serious chill on freedom of expression.

Philip Slayton, Chair of PEN Canada’s National Affairs Committee, described the bill as “poorly drafted and too easily open to interpretations that permit unreasonable limitations on freedom of expression. As it stands, the situations in which the Bill’s penalties could be brought to bear on individual protesters are so vague and open-ended that they can be used to deter demonstrations that should be perfectly acceptable in a free and democratic society.”

PEN Canada fights censorship and defends the right to freedom of expression.

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