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PEN Canada endorses Conservative MP's bill to repeal section 13 of the Canadian Human Rights Act

Toronto – November 21, 2011 -- PEN Canada today announced its support for Conservative MP Brian Storseth's private member's bill calling for the repeal of section 13 of the Canadian Human Rights Act (CHRA) which deals with hate speech.

"The best defense against so-called 'hate speech' is not government enforcement of vague prohibitions, but an educated and alert citizenry and vigilant and responsible media," said Charles Foran, President of PEN Canada.

This is not the first call for the repeal of Section 13, which makes it a discriminatory practice to communicate by telecommunication, including the internet, "any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination."

In 2008, the Canadian Human Rights Commission hired constitutional law expert Professor Richard Moon of the University of Windsor to examine section 13. He recommended that it be repealed, a recommendation that was never acted on. In his report, Professor Moon wrote: "We must develop ways other than censorship to respond to expression that stereotypes and defames the members of an identifiable group and to hold institutions such as the media accountable when they engage in these forms of discriminatory expression."

"The right of free expression is guaranteed as a "fundamental freedom" by subsection 2(b) of the Canadian *Charter of Rights and Freedoms*" said Philip Slayton, Chair of PEN Canada's National Affairs Committee, "section 13 of the CHRA is inconsistent with the right of free expression in Canada and is wrong in principle."

The Canadian Human Rights Tribunal, established by the CHRA, has wide powers if it substantiates a discriminatory practice, including ordering the person responsible for the practice to compensate the victim and pay a penalty of up to \$10,000.

PEN Canada is an organization of writers and others that defends freedom of expression both at home and abroad.

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