

General Topics :: Free speech laws in Canada**Free speech laws in Canada - posted by sermonindex (), on: 2005/10/17 12:49****Canada**

The constitutional provision that guarantees Freedom of expression in Canada is section 2(b) of the Canadian Charter of Rights and Freedoms.

2. Everyone has the following fundamental freedoms: ... (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication

Due to section 1 of the Charter, the so-called limitation clause, Canada's freedom of expression is not absolute and can be limited under certain situations.

The section 1 of the Charter states:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. (emphasis added)

This section is double edged. First it implies that a limitation on freedom of speech prescribed in law can be permitted if it can be justified as being a reasonable limit in a free and democratic society. Conversely, it implies that a restriction can be invalidated if it cannot be shown to be a reasonable limit in a free and democratic society.

The former case has been used to uphold limits on legislation which are used to prevent hate speech and obscenity.

In April 29, 2004, Bill C-250 was passed which includes as hate speech propaganda against people based on their sexual orientation. It is now illegal to publicly incite hatred against people based on their colour, race, religion, ethnic origin, and sexual orientation. However, under section 319 on hate speech, a person cannot be convicted of hate speech "if the person can establish that the statements made are true."

Re: Free speech laws in Canada - posted by repentcanada, on: 2005/10/17 17:29

thanks brother Greg we needed this