



Ontario
Civil Liberties
Association

"The OCLA takes a vigorous and highly principled approach to defending free speech rights, which is an approach that is sorely needed in Canada today."

— John Carpay,
President,
Justice Centre for
Constitutional Freedoms

"I am very pleased to learn of the Ontario Civil Liberties Association, and wish it the greatest success in its work, which could not be more timely and urgent as elementary civil rights, including freedom of speech, are under attack in much of the world, not excluding the more free and democratic societies."

— Noam Chomsky,
Institute Professor, MIT

"Freedom of expression is our most fundamental and most precious freedom. It has been under attack in Canada for years. The Ontario Civil Liberties Association has taken a position on freedom of expression that is both courageous and principled. The OCLA now stands alone and its position should be supported by all Canadians who cherish democracy and freedom."

— Robert Martin,
Professor of Law,
Emeritus,
Western University

ocla.ca



October 2, 2014

By Email

Kathleen Wynne, Premier
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Re: Protecting freedom of speech in Ontario

Dear Premier Wynne,

I write on behalf of the Ontario Civil Liberties Association (OCLA), in response to media reports about your promise to defend freedom of expression in China, when you travel there on official visit later this month (e.g. "Amid Hong Kong protests, Wynne vows to promote free speech on China visit", Adrian Morrow, The Globe and Mail, Oct. 1, 2014).

We are concerned that your taking on a role of international ambassador for freedom of speech would not be appropriate, since your government has not defended this vital right here in Ontario.

For example, you have:

- Allowed a private defamation lawsuit to be funded entirely by a public university (the University of Ottawa) against one of the university's most outspoken critics. The plaintiff's legal fees totalled more than \$1-million, and the suit ended in a Kafkaesque show-trial that led to [loud public outcry](#) about the lack of fair process in Ontario courts and the chill imposed on freedom of expression by this case. The OCLA's letter to the Minister of Training, Colleges, and Universities of March 7, 2014 about this matter is available at the following link: <http://ocla.ca/wp-content/uploads/2014/03/2014-03-07-Letter-OCLA-to-Minister-Duquid.pdf>
- Refused to examine the deleterious impact of defamation law on freedom of expression, and instead moved forward with a bill that will only place an inadequate patch on deep and archaic problems with a law that by its nature opposes freedom of expression. The OCLA's position paper calling for the abolition of defamation law is available [here](#). The OCLA's letter to the Attorney General of Ontario about Bill 83 is available [here](#). This refusal to re-examine

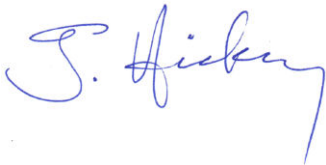
defamation law allows many unjust and censorious legal proceedings to continue in Ontario.

- Not taken a stance against "hate speech" provisions in Canada's *Criminal Code* that threaten freedom of speech everywhere in Canada. For more information about our position on this topic, see the OCLA's public statement regarding the hate speech proceedings against Mr. Arthur Topham [here](#). Although Mr. Topham's case takes place in BC, the same unjust laws apply in Ontario. The OCLA's letter to the Attorney General of BC in this matter is available at the following link: <http://ocla.ca/wp-content/uploads/2014/09/2014-09-24-Letter-OCLA-to-AG-of-BC.pdf>

Not to mention that it was a Liberal government (in which you were a cabinet minister) that oversaw the egregious and history-making violations of freedom of speech and freedom of association that took place during the G20 protest crackdown in Toronto in 2010. We note that yesterday's media articles place your "vow" in the current context of large-scale political protests in Hong Kong.

Serious and urgent work must be done to stop the rapid erosion of freedom of speech in Ontario. In order to give meaning to your position about freedom of speech in China, we ask that you make a vow to take positive and thoughtful action to defend freedom of speech in Ontario during the remainder of your mandate as Premier.

Yours truly,



Joseph Hickey
Executive Director
Ontario Civil Liberties Association (OCLA) <http://ocla.ca>
613-252-6148 (c)
joseph.hickey@ocla.ca

Cc: Members of Provincial Parliament
Cc: Adrian Morrow, The Globe and Mail (amorrow@globeandmail.com)

About the Ontario Civil Liberties Association (OCLA)

The OCLA vigorously advocates for authentic and unqualified freedom of expression of individuals, on all topics and in every form, in accordance with the right to free expression enshrined in the *Canadian Charter of Rights and Freedoms*. The OCLA also advocates for unimpeded civil liberties and civil rights of all persons, in dealings with public and private institutions and corporations.