



July 16, 2010

The Right Honourable Stephen Harper
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dalton McGuinty, Premier
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Dear Prime Minister Harper and Premier McGuinty:

On behalf of the British Columbia Library Association, we are writing to express our deep concern over the unprecedented curtailment of civil liberties that took place at the June 2010 meeting of the G20 in Toronto.

The British Columbia Library Association (BCLA) is a non-profit, independent, voluntary association. Our more than 800 members include librarians, library personnel, library trustees and other interested individuals; corporate, government, school and academic libraries; publishers and library supply companies.

Intellectual freedom is one of the core values of librarianship. The Canadian Charter of Rights and Freedoms guarantees the rights to freedom of expression and to peaceful assembly. International meetings are an occasion for people to express their agreement or disagreement with their leaders. While Canada was hosting world leaders to discuss global policy, it had a duty to uphold the right of people to be heard and to congregate, while ensuring the safety of the host community and gathered political leaders. Members of the public should have been encouraged to actively participate in the debate and discussion. Instead, the extraordinary powers granted to police, as well as the massive level of security, severely limited the space for democratic expression and, according to Amnesty International Canada, "cast a chill over citizen participation in public discourse".

Over the course of the G20 Summit, more than 1000 people were arrested, more than any other event in Canada's history. Of particular concern are reports that numerous journalists were arrested, detained and constrained in the course of reporting on the meeting and demonstrations. The media play a critical role in preserving democracy by bearing witness and documenting events. Actions that curtail the media's ability to do so severely limit the ability of citizens to hold their government to account. While overall arrests include those of people involved in vandalism or other property damage, the vast majority appear to have been arrested while exercising their constitutionally protected rights to freedom of assembly, association, and expression; some were random, uninvolved passers-by. These arrests appear to have been a strategy of preventative detention, infringing on important Charter rights with respect to due process. There are numerous, credible reports of police assaulting and intimidating peaceful protestors, including allegations of excessive force during arrests and the use of pepper spray, rubber bullets, tear gas, and mounted police against peaceful demonstrators. The clear effect of the G20 security approach was that many individuals felt unable, or afraid, to exercise these rights.

BCLA urges the Government of Ontario to review the impact of Ontario Regulation 233/10 on intellectual freedom, including the people's right to express their intellectual position, and its impact on the media's right to report multiple perspectives on major international events happening within Canada. The regulation was enacted under the Public Works Protection Act of 1939, a wartime statute conferring special powers on guards of specifically designated buildings and other sensitive facilities, giving them broad power to interrogate persons

approaching or seeking access to them, as well as the power to search without warrant, to demand identification, and to arrest anyone not cooperating with these special powers. While the threat of Axis sabotage was real enough in 1939, the measure was never revoked after the World War II, nor were its broad extension provisions limited, and so it has remained on the books into the Charter era. Prior to the Summit, the Ontario cabinet used this unusually antiquated regulatory provision to extend the definition of a "public work" to include the entire geographical area within the periphery of the security fence that had been arbitrarily delimited and erected for the current summit. Even though the Legislature of Ontario was in session at the time, this extraordinary measure was undertaken without parliamentary debate or notice to the public or the press.

It is essential for Canada to learn from what took place during the G20 weekend. The only way for Canadians to understand exactly what transpired is through an independent public inquiry, held jointly by the Ontario and Federal governments. Such an inquiry must include opportunities for public input and participation, and produce findings that are released to the public. The inquiry should consider the impact of security measures on the Charter rights of citizens to freedom of assembly, association, expression, and due process.

In summary, the BCLA asserts that the legal and moral rights of all Canadians to peacefully engage in expressive freedoms on public streets in civil society are an important right afforded under the Canadian Charter of Rights and Freedoms, and must not be abridged.



Marjorie Mitchell
President, BCLA



Jon Scop
Chair, BCLA Intellectual Freedom Committee