

March 4, 2024

Dear London City Council,

I have written to you before raising concerns about the law and democratic discourse. You have already received a letter from our legal counsel, so I won't repeat earlier communications. However, I was astonished to read the submission before you from the Viewer Discretion Legislation Coalition (VDLC), implying a link between the use of fetal imagery and – *unbelievably* – terrorism. This is quite an allegation. Although the claim on its face strains credulity, since it is on the record, I feel compelled to respond on the record.

CCBR and all of the pro-life groups we collaborate with unequivocally condemn violence. We refuse to collaborate with anyone who does not do the same. All participants in our outreach projects must sign a legal agreement, which includes a commitment to nonviolence as one of the clauses.

The suggestion that there is a causal link between the display of victim photography and a brutal act of terrorism is deeply offensive. It betrays a deep-seated prejudice against those who hold and share pro-life beliefs, and a palpable ignorance of the pro-life community. Activists on all sorts of issues display photos of violence in order to advocate *against* violence. We are wholly committed to nonviolent means, and we advocate for a nonviolent end. We affirm the right to life of all human beings. I was horrified by the deadly attack on a Muslim family in 2021.

To suggest that one individual criminal can be used to characterize an entire community is a strong display of the prejudice and bias at play in the proposal before you. This prejudiced view is sadly very ignorant of what the pro-life community actually believes and advocates for, as would be evidenced by reading any of our materials or listening to any of our voices. Instead, the VDLC paints all pro-life citizens who share the pro-life message using fetal imagery with an extreme brush, alleging our message of peace is an incitement to violence. They have asked you to implement that bias and prejudice into law by placing special restrictions on our message, and our message alone. And the City of London has thus far been implementing the proposals of this group.

The government has no place to be legislating based on such prejudiced views about some of its citizens. I would direct London City Council and its legal staff to the case of ***Roncarelli v Duplessis***, in terms of Supreme Court precedent on government officials acting with bias, bad faith, irrelevant considerations and improper purpose against the rights of particular citizens based on their beliefs. Also, the recent precedent in ***Emanuel v. Ryerson Students' Union*** from the Human Rights Tribunal of Ontario addresses discrimination on the basis of creed when it comes to pro-life beliefs, and prejudices against those who hold them. These are in addition to *Charter* cases.

I think we can all recognize the fallacy here. It would be obvious, were the VDLC making such wild allegations against another community. For example, many people have shared photo and video evidence of the violence that Palestinian citizens have endured in Gaza, such as the devastating photo I recently saw of Sidra Hassouna. The vast majority of people see these photos and do not themselves respond with violence. The photos are *evidence* of violence, but the photos do not *incite* violence. However, a very small minority people do see such photos, and then decide to commit acts of terrorism. It does not therefore follow that people are inciting terrorism or hatred by showing photos of dead Palestinian children. Photos of the victims of violence are an essential part of public discourse in advocacy *against* violence. I trust that City Council recognizes the difference between advocating against violence versus inciting violence, between peaceful and civil expression versus acts of terrorism. Just because there are some bad actors – some horrific and appalling terrible actors – it does not follow that their actions represent everyone else who coincidentally holds some similar beliefs.

To suggest otherwise betrays a deep prejudice and misunderstanding of citizens who hold pro-life beliefs. We understand this when it comes to prejudices against the Muslim community, as some people try to paint an entire community with the brush of terrorism even though Islam teaches a message of peace. The pro-life community is committed to nonviolence and advocates against violence, sharing a message of peace. We find acts of terrorism and violence abhorrent. I'm very sad to read such an ignorant allegation otherwise. Only a prejudice and lack of understanding of people who hold to a pro-life creed could lead someone to conclude that the pro-life movement incites or advocates for violence or hatred. The claim lacks evidence. It strains credulity. And it would be an improper basis for a government to legislate against the rights of some of its citizens.

Lastly, some Councillors and some advocates of restrictions on pro-life speech refer to Section 1 of the Charter as if it can easily justify restrictions on Section 2(b). I would remind Council that all of the provincial and Supreme Court precedents that have been brought to your attention include within their rulings an analysis of the reasonable limits clause in Section 1. It is not reasonable for the government to single out one particular message for special restrictions. It is not reasonable for the government to pass broad city-wide restrictions on expression. This is why Liberal Attorney General Yassir Naqvi declined similar requests for broad restrictions on fetal imagery in 2018, because he understood that such broad restrictions would not be saved under Section 1. The details matter, and Section 1 is not simply a "get out of jail free" card for government to place restrictions on Section 2(b).

Reasons matter. The VDLC has claimed that fetal imagery incites violence and harms the public. I've addressed the wild incitement allegation, but it's also important to see that the allegation of harm is rooted in the same bias and prejudice. Many people, including people who've lost a child from miscarriage or abortion, *support* the use of fetal imagery, while many others obviously oppose it. Mothers who have experienced the loss of a child are not a monolith, and have a wide variety of reactions to fetal imagery. The VDLC paints everyone with the same brush, and ignores the voices of those with a different opinion or lived experience. What has been claimed to be "demonstrable harm" is more accurately and truthfully described as *offense*. If seeing fetal imagery were objectively harmful, why do some people who've experienced abortion and miscarriage describe it as *helpful*?

It is certainly true that some people are deeply offended by fetal imagery. It is also true that other people, with similar lived experiences, say that seeing the photos has helped them. From the wide variety of reactions, it is clear that we are talking about offense, and not objective harm. Only through bias could some of the views of the public be sidelined, while others are used to characterize the whole and legislate against the minority.

While I respect that members of the public have the right to be offended, Canadian courts have been very clear that freedom of expression cannot be limited simply because some people find the speech offensive. Offense is not a legitimate basis under Section 1 for regulating freedom of expression.

It has been clear for a long time that the City of London has been acting to place special restrictions on one particular message, implementing by-laws proposed by the VDLC. The VDLC has now entered their deep-seated prejudice against people who hold and share pro-life beliefs on the official record. Now is the time for the City of London to stop ignoring the legal precedents on the Charter, and beyond. No government should be legislating against some of its citizens from a place of prejudice and bias. No government should be singling out one message for special restrictions, or passing broad restrictions on freedom of expression. Communicating about the pro-life message lies at the very heart of freedom of expression, as the BC Court of Appeal has ruled. I ask the London City Council to uphold your responsibility under the Charter, and to stop acting in a prejudiced way against pro-life citizens.

Sincerely,

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