

October 31, 2020

My name is Blaise Alleyne, and I am the Eastern Outreach Director for the Canadian Centre for Bio-Ethical Reform (CCBR). I am responsible for our public outreach programs in the province of Ontario. I write to you on the matter of the motion to research ways in which the City of London might restrict the freedom of expression of people who hold and share pro-life beliefs.

I trust the members of the committee have received and carefully reviewed the letter from our legal counsel that was sent to all city councillors on Wednesday, October 28, regarding the Charter right to freedom of expression.

I have engaged in peaceful and civil pro-life outreach through CCBR projects for 15 years in Toronto and across the province of Ontario, long before joining the staff of CCBR in 2016. I have set aside other areas of work in order to devote my time to saving children's lives, and sparing women the trauma of abortion — and helping those who have faced the trauma of abortion to be connected with resources for healing.

The public outreach projects currently running in London have been running across Canada for almost a decade, and other organizations have also displayed similar ultrasound photography and abortion victim photography publicly across Canada in various ways for 30-40 years. The *Charter* is the same across Canada, and other governments have acknowledged and respected that — even if they disagree vehemently with the pro-life message — they have an obligation under the *Charter* not to interfere with pro-life expression.

For example, in 2017, a couple Toronto city councillors proposed a similar motion to the one before you now. They even asked then Ontario Attorney General Yassir Naqvi for guidance on how they might restrict the use of abortion victim photography. Liberal Attorney General Naqvi was no stranger to restricting pro-life freedom of expression, as he was the architect of the bubble zone law that prohibits even the most peaceful and innocuous pro-life expression around Ontario's 8 abortion clinics. Yet, Yassir Naqvi replied to the Toronto politicians: "Restricting or limiting anti-abortion protest activities is, however, a very complex legal and social issue that engages the fundamental constitutional protection for freedom of expression under the *Canadian Charter of Rights and Freedoms*." As one Toronto MPP summarized it: "the AG did not feel he could succeed in court."

I had the opportunity to hear Yassir Naqvi speak about his experience exploring the question at a panel the University of Toronto Faculty of Law on March 5, 2019. (At this point, he was no longer Attorney General.) Describing the back and forth he had with Toronto city councillors and an MPP about exploring a legal way to ban graphic imagery, he said: "We did do a legal analysis of the constitutional allowances, and the advice that I received as the Attorney General, that would be unconstitutional, that we will not be able to justify a ban on just general display of graphic imagery based on Section 1."

He was also asked in 2017 by Toronto politicians about the question of restricting leafletting to homes. During the 2019 panel discussion, he said: "This is where I get a little nervous when we start talking about broad bans like no mail, 'no unaddressed mail' in the mailboxes. As a former politician who's knocked on a lot of doors? [laughter in the room] Well, no! I mean, that goes to the fundamentals of your democracy, right? So when I see a sign saying, 'no unsolicited mail', I still left something behind because I felt very strongly come election time they have a right to make their democratic choice, right? Or it says "don't trespass," you still go knock on the door when it says "do not trespass"! [...] So let's just be very careful how far we go down this road, because people do have a right to make informed decisions, and some core fundamental values around freedoms and expression and democracy are involved in this."

The City of Toronto report did not recommend any by-laws to restrict leafletting to homes.

From my experience doing outreach in London on several occasions over the past 4 years, Londoners are no less capable than Canadians in other cities of engaging in civil dialogue and discourse on contentious issues, such as abortion. And Londoners have the same right as other Canadians to be informed from all perspectives on an issue like abortion. When I was in London on Tuesday, September 22, I spoke with several people while doing pro-life outreach downtown. One elderly lady shared with me that she had faced several miscarriages before being able to carry a pregnancy to term, and thanked me for being there sharing the pro-life message. Another middle-aged man stopped to talk with me for a several minutes, and we discussed the ethics of abortion in particularly hard cases, before he opened up to me that he had worked as a cleaner in the hospital where abortions were performed, and he had found that to be a very difficult experience. For some people, abortion is a difficult subject — yet many people are appreciative of the opportunity to engage with the pro-life message.

I know that others in the community are not appreciative, and have recently said that they find our exercise of our Charter-protected rights to be distasteful or upsetting. On Thursday, the City of Lethbridge lost in court to Lethbridge Pro-Life. In paragraph 149 of the ruling the judge wrote: "[P]ublic upset and alarm are not sufficient to tip the balance away from the protection of freedom of expression [...] The long line of cases that have considered the issue underscore that a strong and healthy democracy requires a willingness on the part of the public to accept that the expression of opinions and ideas may, at times, shock, offend, and even disturb them." Furthermore, the judge ruled that the City of Lethbridge acted with bias by considering only the negative complaints they received about Lethbridge Pro-Life's transit advertisements, and not also weighing the petitions and positive comments that the City had also received (nevermind the Charter right to freedom of expression).

Abortion is not the only issue on which the exercise of the Charter right often includes sharing victim photography. Vegan public outreach, like that done by Anonymous for the Voiceless internationally and in cities across Canada, also involves displaying publicly photos and videos that are difficult for many to see. Anti-war protests often do the same. For example, on January 1, 2018, the World Day of Peace in the Roman Catholic Church, Pope Francis issued a card for the Vatican to print and distribute showing a 1945 victim of the Nagasaki nuclear bombing. The photo, taken by US Marine photographer Joe O'Donnell, shows a young Japanese boy carrying his dead younger brother on his shoulders to a cemetery, with the caption "the fruit of war." The cards also said: "The young boy's sadness is expressed only in his gesture of biting his lips which are oozing blood." This was a message against war and against global conflict.

I will never forget the front page of the Toronto Star on January 17, 2010, in the wake of the 2010 Haiti earthquake. I didn't read the newspaper — I saw the front page on the public sidewalks, with the photo displayed publicly in a newsstand for all to see. I'm sure many subscribers of the newspaper saw it when it was delivered by The Star to their front door, and left in their mailbox or on their front steps. Under the headline "STREET JUSTICE," the caption was: "A man suspected of looting a store is beaten on a street in Port-au-Prince on Saturday evening. Minutes later, he was set on fire and left to die." He was lying naked, bloodied, and lifeless on the street, while another man bringing a wooden beam down with great force over his motionless, defenceless body. His feet were bound. Amidst the horror, the act of yet another blow screams out as senseless beyond comprehension. More than a dozen people were crowded around to watch. Above the photo, it said: "The Star is witness to a scene of lawless horror." The article begins: "We are at a moment of disaster." There was no warning. The photo was not on the inside, but on the front cover. I was moved to my core.

I bring up these examples of the very public display and/or delivery of victim photography because I have heard some members of the community compare our display and delivery of photos to "violence." Our outreach is peaceful. Our outreach is no more violent than Pope Francis' or the vegan outreach. The Toronto Star was not displaying and delivering photos of violence to advocate *for* violence — precisely the opposite. In a similar way, we share visual evidence of violence that has occurred to appeal the public to stop the violence. We advocate *against* violence. Our methods are peaceful, and our message is for peace.

While I hope that we may have the opportunity for dialogue on the issue of abortion in future, I assume that committee members already have a range of opinions on the subject of abortion. I do not expect that every

member of the committee agrees with our opinion on abortion. I merely ask that the committee fulfill its constitutional duty not to infringe on the Charter right to freedom of expression. I ask that the committee refrain from singling out one minority voice and targeting the pro-life community, to embark on a study of how to silence one particular belief, one particular voice, one particular community, one particular message. I ask that the committee weigh the full range of comment it has received, along with its duty to respect freedom of expression. Surely, the City of London is just as capable of respecting freedom of expression and the full range of democratic discourse as other cities across Canada. A robust and healthy democracy depends on it.

Sincerely,

Blaise Alleyne

Eastern Outreach Director, CCBR