

Support Resolution P-203

Modify HRC Jurisdiction

iii) *The Conservative Party supports legislation to remove authority from the Canadian Human Rights Commission and Tribunal to regulate, receive, investigate or adjudicate complaints related to Section 13 of the Canadian Human Rights Act.*



Canadians who Openly Support the Repeal of Section 13

Liberal MP *Keith Martin*
Liberal MP *Dan McTeague*
Conservative MP *James Rajotte*
Conservative MP *Bruce Stanton*
Conservative MP *Lee Richardson*
Conservative MP *Russ Hiebert*
Conservative MP *Kevin Sorenson*
Conservative MP *Nina Grewal*
Conservative MP *Pierre Poilievre*
Conservative MP *Rick Dykstra*
Conservative MP *John Williams*
Conservative MP *Rick Casson*
Conservative MP *John Baird*
Conservative MP *Helena Guergis*
PEN Canada
Canadian Association of Journalists
Mark Steyn
Ezra Levant
Globe and Mail
Macleans Magazine
Rex Murphy (CBC)
Calgary Herald
National Post
Western Standard Magazine
Eye Magazine (Toronto)
David Warren (*Ottawa Citizen*)
Toronto Star
Toronto Sun
London Free Press
Catholic Insight Magazine
Catholic Register
John Mackenzie (*B'nai Brith Jewish Tribune*)
Tristian Emmanuel (*NoApologies.ca*)
Interim Magazine
Paul Schneiderei (*Halifax Chronicle Herald*)
Regina Leader-Post
Deborah Gyapong
Sault Ste. Marie - *SooToday*
Winnipeg Free Press
Rob Breakenridge (*AM770 Calgary*)

SUPPORT

RESOLUTION

P-203



More Information:

<http://www.StopSection13.com>

HALLMARKS OF SUPPRESSION

1: The *Canadian Human Rights Commission* and Tribunal are not fair, and make arbitrary decisions based on who an accused is rather than on a fair and impartial application of the statute they enforce. High profile accused, such as Macleans, Mark Steyn and Ezra Levant are given a free pass, while others, less prominent and lacking the resources to hire legal council are relentlessly prosecuted. This creates a chill on the freedom of expression since there is no discernable "line" between speech that is prohibited and speech that is "acceptable" to the CHRC.

2: The CHRC pays no heed to constitutionally protected rights such as Freedom of Expression. In place they use imaginary "rights" such as the "right to be free from contempt". There is no such right in our Charter. Both the CHRC and the Attorney General's office considered freedom of speech to be an American concept that does not apply to Canadians. The CHRC only believes in "group" rights, and not the rights of individuals to "speak truth to power", hence the 100% conviction rate.

3: The CHRC is out of control and is currently under three investigations. CHRC investigators are under criminal investigation by the RCMP for the criminal theft of telecommunications services; The Privacy Commissioner is investigating complaints of CHRC breaches of personal privacy; and CHRC investigation techniques are under review by the Parliamentary Justice Committee. In the meantime, the CHRC continues to apply the law in an arbitrary and capricious manner.

4: The CHRC engages in clandestine spying on Canadians including using aliases to engage others in conversation and writing questionable material while asking for support for views of the alias for use in a subsequent prosecution.

5: The entire process is paid for by taxpayers on behalf of the complainants. The defendants must pay their costs personally. There is no legal aid and there is no way to claim costs, even if the defendants are found innocent.

DECLARATION OF SUPPORT

We strongly support those members of the Conservative Party of Canada who seek to repeal Sections 13 and 54 of the *Canadian Human Rights Act*.

Sections 13 and 54 of the *Canadian Human Rights Act* are a direct attack on the freedom of expression guaranteed to us under the *Charter of Rights and Freedoms*. The provisions of these sections allow the Canadian Human Rights Tribunal to prosecute anyone alleged to have said or written something "*likely to expose a person or persons to hatred or contempt*" whether there is a living, breathing victim or not.

Vague concepts such as speech or writing "*likely to cause hatred or contempt*" are the basis of expensive state-funded prosecution of individuals. The statute provides no objective legal test for "*hate*" or any objective means of determining what constitutes "*contempt*". As a result, the CHRC is used by various groups and individuals, as a risk-free taxpayer funded method to silence their critics and those they disagree with. CHRC investigators have testified that that "*freedom of speech is an American concept*" and therefore not valid in Canada. Such statements are contrary to the *Charter of Rights and Freedoms*, but are standard operating procedure at the CHRC.

Commissioners of the *Canadians Human Rights Tribunal*, who are not judges and are often not even lawyers, have held that "*truth*" is not a defence against prosecution under Section 13. Intent or fair comment are also not defenses. In fact, there is not a single listed defence under Section 13! Because of the lack of any defenses, the Tribunal has a 100% conviction rate since 1978. The *Canadian Human Rights Tribunal* routinely ignores the principles of fundamental justice, such as the rules of evidence, and these kangaroo courts, even allow hearsay evidence. The CHRA provides for each Tribunal to make up the rules as they go.

Every journalist, writer, Internet webmaster, publisher and private citizen in Canada can be the subject of a Human Rights complaint for expressing an opinion or telling the truth. Given the ambiguity of Section 13, it is virtually impossible for any individual to determine if they might be in violation of Section 13. Arbitrary censorship and punishment are wrong, and cannot be justified in a free society.

Support Freedom of Speech

Please support Resolution P-203, and preserve Canadians' *Charter* right to freedom of expression.