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Voices-Voix

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FOREWORD

We know that freedoms of expression, association and peaceful assembly are among the fundamental pillars necessary to hold Canada's democracy upright. But, as our human rights and civil participation come under attack, we're exceptionally worried about Canada's future as a safe, healthy and inclusive democracy.

As the steering group for Voices-Voix, we have borne witness to hundreds of cases in which individuals, organizations and institutions have been intimidated, defunded, shut down or vilified by the federal government.

As we have carefully documented, the current government has targeted dozens of charities it deems too “political” for its tastes—meaning that they have been vocal in their opposition to policies that put people, nature and rights at risk. Several among our number have been served notice they will lose their charitable status.

At our core, we feel a profound sense of betrayal from the federal government, which is supposed

to work with us, as partners, toward constructive solutions. That is a long, proud tradition in Canada. We should never have been made Public Enemy #1, but the government has actually used the language of friends and enemies in its approach to civil society.

Scientists and public servants have been muzzled. The rules of Parliament have been misused and abused. And, in a bitterly painful reminder that the current government doesn't value all lives equally, the callous inaction on missing and murdered Indigenous women has become a scandal of international proportions. To pile further insult onto centuries of injury, First Nations, along with environmental activists, are characterized as threats to national security.

As our ability to provide vital services and share information is constrained, so too are the ways in which we can express our moral outrage. More and more forms of perfectly peaceful protest are being criminalized. The fear and worry of facing sanctions for expressing opposition to—or even just concern about—important public policy issues is silencing many voices.

These are only a fraction of the injustices that you will read about in this report.

Together, we feel neither secure nor valued. In a culture of pervasive scare tactics and punishment, it can be easy to become paralyzed with fear, to accept the advocacy chill and give way to self-censorship.

But, we refuse to be the collateral damage of a crude campaign to stifle dissent. We will not be made silent, expendable bystanders to an inequitable vision for Canada that strives to shut down the diversity of views and debates that make us thrive as a nation. Our democracy will not be dismantled.

This report seeks to connect the dots—to highlight just how much things have changed and what needs to be regained if we want to ensure a pluralistic, democratic society that respects human rights, the environment and social justice.

We are both humbled and emboldened by the resolve and resilience of our colleagues who have stepped forward

to share their stories in this report. In our current political climate, these are no small feats of courage.

In solidarity, on behalf of Voices-Voix,

Mary Eberts, Human rights lawyer & professor

Pearl Eliadis, Human rights lawyer

Robert Fox, Citizen

Charis Kamphuis, Law professor

Joanna Kerr, Greenpeace Canada

Michel Lambert, Alternatives

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INTRODUCTION

DEMOCRACY THRIVES when everyone can participate equally in political decision-making and public institutions. It demands that social and political institutions empower the diversity of voices in society to be included and represented in democratic decision-making.¹

Canada's Constitution provides the building blocks for achieving this goal. The Supreme Court of Canada has interpreted Canadian democracy as requiring "a continuous process of discussion"², in which dissenting voices are heard and their concerns addressed. This discussion should not be limited to those in the Parliamentary majority.³ A truly democratic conversation must include the claims of competing groups and consideration of conflicting evidence.⁴ The Supreme Court has also confirmed the legislature's representative function,⁵ and stated that democratic institutions are meant to let us all share in the responsibility for difficult societal choices.⁶

Democratic conversation is facilitated by institutions which empower the voices of the disenfranchised and excluded to participate in public debate, either directly or through their representatives.⁷ Empowering the diverse voices of those in the minority – not just the

majority – allows legislators to better take into account the interests of all those affected by their decisions.⁸

Rather than consistently promoting a robust democracy, Canadian governments have often deployed a range of methods to limit dissent, public debate and democratic participation in Canada. But since 2006 there has been an unprecedented intensification of the use of these silencing tactics, particularly by the federal government. Deliberate funding cuts have affected the public and charitable sectors; audits are targeting organizations critical of the government; parliamentary processes are being abused to undermine accountability, and critics of the government are being harassed and vilified. All aspects of Canadian democracy are being targeted, including the institutions and processes of parliamentary democracy; the development and dissemination of knowledge; the voices of marginalized communities, and respect for human rights.

This report provides an overview of these disturbing trends, and outlines the legal and political backdrop against which they have occurred. It draws substantially on the work of Voices-Voix, a nation-wide coalition which was founded in 2010 to shed light on the suppression of

dissent in Canada. While this report focuses on events that have occurred within the last decade, it should also serve as a cautionary tale for future Canadian governments.

Voices-Voix is a non-partisan coalition of more than 200 organizations and almost 5,000 individuals dedicated to defending collective and individual rights to engage in advocacy, express dissent and promote a thriving Canadian democracy. The organization has documented over 100 case studies describing how the federal government has targeted those who advance positions contrary to the government's including women's equality groups, human rights organizations and Indigenous organizations, to name just a few. Voices-Voix aims to encourage Canadians to demand their government meets its responsibility to respect the diversity of voices that make democracy thrive.

Part A of this report outlines the concepts that underpin Canada's democracy. This section sets out key principles in Canadian and international human rights law that must be respected to maintain a functioning democracy. Part A also introduces the concept of an "enabling environment", which requires the government to actively create conditions in which diverse and dissenting voices can be heard and respected.

REFERENCES

- 1 Colleen Sheppard, "Inclusion, Voice, and Process-Based Constitutionalism" (2013) 50 Osgoode Hall Law Journal 547 at 550.
- 2 Reference Re Secession of Quebec, [1998] 2 SCR 217 para 68 [Secession Reference].
- 3 Vriend v Alberta, [1998] 1 SCR 493 para 140 [Vriend]; Secession Reference para 67.

Part B critically examines the federal government's actions against these concepts. Drawing heavily on case studies prepared by Voices-Voix, it shows the reach of the government's silencing tactics — from government departments to civil society organizations and beyond Canadian borders. Specifically, it will examine four key themes:

- **Silencing the public sector**, and in particular the voices of elected representatives, independent public servants and mechanisms for accountability
- **Silencing knowledge**, and therefore diminishing evidence-based policy and the collection and dissemination of information
- **Silencing the voices of marginalized populations**, who have been further excluded by the federal government
- **Silencing voices for human rights and equality** in the name of national security, foreign policy and border protection

- 4 Irwin Toy Ltd v Quebec (Attorney General), [1989] 1 SCR 927 para 72.
- 5 Ibid., para 73.
- 6 Ibid., para 72.
- 7 Vriend para 174.
- 8 Ibid., para 176.

PART A

HUMAN RIGHTS, AN ENABLING ENVIRONMENT AND A VIBRANT DEMOCRACY

To examine Canada's democracy and the tactics being used to undermine it, it is important to understand some key Canadian and international human rights standards, and the concept of an 'enabling environment'. Respect for human rights and the promotion of an enabling environment are key to ensuring Canada's diverse voices can participate meaningfully in its democracy.

Human rights belong to everyone, regardless of nationality, race or ethnic origin, religion, age, sexual orientation, gender or any other status. At the heart of any thriving democracy are the rights to:

- Freedom of expression
- Freedom of association
- Freedom of peaceful assembly
- Equality

All of these rights are recognized in both Canadian and international law.

Canadian Law

The Canadian Charter of Rights and Freedoms (the “Charter”)¹ entrenches human rights in Canada’s Constitution. That means it is Canada’s ‘supreme law’ and governs all decisions and laws made by federal and provincial governments, as well as governmental agencies.

FREEDOM OF EXPRESSION

The Charter protects “freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication”.²

*The Supreme Court of Canada has explained that freedom of expression promotes “the free flow of ideas essential to political democracy and the functioning of democratic institutions”.*³

This right assists with seeking and attaining truth, it supports public participation in social and political decision-making, and helps to cultivate a tolerant and welcoming environment for new ideas.⁴

The Supreme Court has noted that in certain circumstances, the government may be required to take positive action to ensure individuals and groups are able to equally and fairly exercise their right to freedom of expression.⁵ In this way, the Courts have supported the importance of a rights-enabling environment in Canada.

FREEDOMS OF ASSOCIATION AND PEACEFUL ASSEMBLY

Both of these rights protect individuals who wish to join together to amplify their voices. According to the Supreme Court of Canada:

[a]ssociation has always been the means through which political, cultural, and racial minorities, religious groups and workers have sought to attain their purposes and fulfill their aspirations; it has enabled those who would otherwise be vulnerable and ineffective to meet on more equal terms the power and strength of those with whom their interests intersect and perhaps, conflict.⁶

Both rights protect the ability of individuals to band together to ensure their interests are taken into account, despite potentially being disadvantaged because they have less power.

In certain circumstances, the Court has recognized that government will need to take positive steps to ensure the public can exercise these rights. For example, the Supreme Court has held that the government may have a duty to establish legislative regimes that support collective bargaining as part of ensuring freedom of association.⁷



The Canadian Charter of Rights and Freedoms, adopted in 1982.

International Human Rights Law

EQUALITY

The Charter affirms “every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, mental or physical disability”.⁸ Courts have also applied this protection to other grounds.⁹ Supreme Court of Canada Justice McIntyre has explained that at the heart of this Charter right is the “promotion of a society in which all are secure in the knowledge that they are recognized at law as equal human beings, equally capable, and equally deserving”.¹⁰

The Supreme Court has recognized that true equality may be achieved through differential treatment¹¹. In fact, ameliorative or enabling measures such as affirmative action programs¹² and other types of government action may be required to ensure rights can be equally and fairly exercised.¹³

Human rights also find expression in international law in the form of treaties, declarations and customary international law. Governments commit to international human rights by ratifying binding treaties, or adopting declarations through multilateral organizations such as the United Nations. International human rights can also take the form of customary law.

Canada has ratified the following treaties that bind it to respect and promote human rights including the rights to free expression, free association, peaceful assembly and equality:¹⁴ International Covenant on Civil and Political Rights,¹⁵ International Covenant on Economic, Social and Cultural Rights,¹⁶ Convention on the Rights of the Child,¹⁷ Convention on the Elimination of All Forms of Racial Discrimination,¹⁸ and Convention on the Elimination of all forms of Discrimination Against Women.¹⁹

FREEDOM OF EXPRESSION

Freedom of expression is described by the United Nations Human Rights Committee as “the foundation stone for every free and democratic society”.²⁰ It encompasses the right to hold opinions freely, and to share opinions, ideas and information with others in whatever way one chooses,²¹ including expression about public affairs, human rights, journalism, cultural and religious ideas, artistic expression and teaching.²² It also includes the right to seek, receive and access information.²³

Ultimately, freedom of expression “symbolizes, more than any other right, the indivisibility and interdependence of all human rights”.²⁴ It is “a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights”.²⁵

FREEDOM OF ASSOCIATION

Freedom of association is the right of individuals or groups to form or join associations to pursue common interests and goals.²⁶ Common examples of associations relevant to democracy include civil society organizations, clubs, non-government organizations, religious associations, political parties, trade unions as well as online associations.²⁷

The right to freedom of association is violated when governments interfere in or disrupt the activities of associations, including by threatening, intimidating or harassing members of associations, subjecting them to smear campaigns in the media, restricting members' ability to travel, requiring mandatory registration of associations, or restricting associations' activities.²⁸ Freedom of association is also violated when associations are restricted in how they secure and use funding.²⁹

*The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has condemned funding restrictions that suppress dissent and silence government critics.*³⁰

FREEDOM OF PEACEFUL ASSEMBLY

Critical to ensuring a functioning democracy, freedom of peaceful assembly is the right of individuals and groups to gather together for a particular purpose. It protects “demonstrations, inside meetings, strikes, processions, rallies or even sit-ins”.³¹ Freedom of peaceful assembly allows civil society groups to make public their message and “is all the more relevant for groups most at risk of violations and discrimination, such as women, youth, indigenous peoples, persons with disabilities, persons belonging to minority groups,



United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai has expressed worry over reports of growing surveillance and control of civil society groups in Canada. Credit: United Nations.

groups at risk because of their sexual orientation and gender identity and non-nationals”.³²

EQUALITY

The right to equality protects individuals from unequal treatment due to their race, gender, ethnicity, religion, sexual orientation, national or social origin, or other status.³³ Equality can promote democracy, by ensuring governments take into account the diverse views of their populations; and democracy can promote equality, by allowing marginalized and diverse communities to express themselves and have a voice.

These rights are critical to a healthy democracy.

To ensure everyone can participate equally in democracy and have their voices heard, the Canadian government must do more than refrain from violating these rights. It must actively promote them.

An Enabling Environment

An enabling environment is crucial to a healthy, inclusive democracy. An enabling environment is one where the government actively supports, promotes and celebrates the inclusion of diverse voices in public debate and discussion.

Many of these diverse voices come from civil society: organizations, such as non-government organizations, trade unions, and faith-based groups, as well as individuals such as activists, artists and human rights defenders. What makes individuals and groups part of civil society is that they are working together to advance shared interests.³⁴

An enabling environment goes beyond restrictions that prevent civil society from existing, functioning and growing. It extends to encompass conditions that allow civil society to thrive.³⁵ Conditions that create an enabling environment include: “good connections between different civil society forms, widespread acceptance of the role of civil society, sustained spaces for inclusive dialogue with governments, and laws and regulations that make civil society operations easy and straightforward”.³⁶ It also includes funding, both public funding and the ability to raise funds privately.

Human rights, an enabling environment and democracy are closely linked. According to a 2001 Supreme Court of Canada decision, “[i]n a constitutional democracy, not only must fundamental freedoms be protected from State action, they must also be given “breathing space””.³⁷

Such sentiments were echoed by the United Nations Human Rights Council in 2014 when it stated: “... failure to ensure a safe and enabling environment

for civil society to conduct its work undermined States’ existing commitments and obligations under international human rights law, and weakened equality, accountability, responsiveness and the rule of law”.³⁸

An inclusive and robust democracy requires that governments foster rights to free expression, free association, peaceful assembly and equality. To thrive, civil society must be adequately resourced, able to operate free from interference, and free to engage meaningfully with government. By failing to promote an enabling environment or foster the human rights that are critical to democracy, the government denies Canadians the dynamic, innovative society they aspire to build.

REFERENCES

- 1 Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [Charter]. Note: The federal Bill of Rights, and other federal legislation also attempts to ensure the protection of inherent human rights in Canada, though their application is more limited than the Charter's.
- 2 Charter s 2(b).
- 3 *R v Keegstra*, [1990] 3 SCR 697 per McLachlin J [Keegstra]. Although this quotation comes from a dissenting judgment, the definition of the right was not the source of dissent.
- 4 *Ford v Quebec*, [1988] 2 SCR 712 para 56, and Keegstra per Dickson CJ.
- 5 *Native Women's Association of Canada v Canada*, [1994] 3 SCR 627 per L'Heureux-Dube J.
- 6 *Reference Re Public Service Employee Relations Act (Alta)*, [1987] 1 SCR 313 at para 87.
- 7 *Dunmore v Ontario (Attorney General)*, [2001] 3 SCR 1016 at para 35; *Health Services and Support - Facilities Subsector Bargaining Association v British Columbia*, [2007] 2 SCR 391 at para 19.
- 8 Charter s 15(1).
- 9 These grounds include: "citizenship" (*Andrews v Law Society of British Columbia*, [1989] 1 SCR 143 [Andrews]); "marital status" and "family status" (*B v Ontario (Human Rights Commission)*, [2002] 3 SCR 403); "sexual orientation" (*Egan v Canada*, [1995] 2 SCR 513); among others.
- 10 *Andrews*, per McIntyre J.
- 11 *R v Big M Drug Mart Ltd*, [1985] 1 SCR 295, aff'd in *Andrews*.
- 12 Charter s 15(2).
- 13 Vriend paras 63-64.
- 14 See also UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, Res 217 A (III), arts 19, 20 [UDHR]; European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, 213 UNTS 221, arts 10, 11, Eur TS 5 (entered into force 3 September 1953); American Convention on Human Rights, "Pact of San Jose, Costa Rica", 22 November 1969, 1144 UNTS 123, arts 13, 15, 16; OASTS 36; 9 ILM 99 (entered into force 18 July 1978); African Charter on Human and Peoples' Rights, 27 June 1981, 1520 UNTS 217, arts 9, 10, 11 (entry into force 21 October 1986).
- 15 International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171, arts 19, 21, 22, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976, accession by Canada 19 May 1976) [ICCPR].
- 16 International Covenant on Economic Social and Cultural Rights, 16 December 1966, 993 UNTS 3, Can TS 1976 No 46 (entered into force 3 January 1976, accession by Canada 19 August 1976).
- 17 Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3, arts 13, 15, Can TS 1992 No 3 (entered into force 2 September 1990, accession by Canada 13 December 1991).
- 18 International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966, 660 UNTS 195, arts 5(6)(viii); 5(d)(ix), Can TS 1970 No 28 (entered into force 4 January 1969, accession by Canada 14 October 1970).
- 19 Convention on the Elimination of all Forms of Discrimination Against Women, 18 December 1979, 1249 UNTS 13, art 7(c) Can TS 1982 No 31 (entered into force 3 September 1981, accession by Canada 9 January 1982).
- 20 Human Rights Committee, General Comment No. 34, Article 19: Freedom of opinions and expression, UNHRC, 102nd Sess, UN Doc CCPR/C/GC/34 (2011) para 2 [General Comment 34].
- 21 Frank La Rue, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion, and expression, UN Doc A/HRC/14/23 (20 April 2010), para 24 [La Rue]; ICCPR, supra note 15, art 19.
- 22 General Comment 34, supra note 28, para 11.
- 23 La Rue para 28, 31.
- 24 *Ibid*, para 27.
- 25 General Comment 34, supra note 20, para 3.
- 26 Maina Kiai, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association: Observations on Best Practices, UN Doc A/HRC/20/27 (21 May 2012), para 55.
- 27 *Ibid*, para 52.
- 28 *Ibid*, para 56 - 65.
- 29 *Ibid*, para 8-9.
- 30 *Ibid*, para 12.
- 31 *Ibid.*, para 24.
- 32 *Ibid.*, para 44. Maina Kiai, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc A/HRC/23/29 (24 April 2013), para 43.
- 33 See, for example UDHR, supra note 14, art 7; ICCPR, supra note 15, art 26.
- 34 CIVICUS, State of Civil Society 2013: Creating an enabling environment, 10, online: <http://socs.civicus.org>.
- 35 The definition of an enabling environment and the text set out here is drawn mainly from the work of CIVICUS. See *ibid*, 10.
- 36 *Ibid*.
- 37 *Dunmore* para 148, per L'Heureux-Dubé J.
- 38 Summary of the Human Rights Council panel discussion on the importance of the promotion and protection of civil society space, OHCHR 27th Sess, UN Doc A/HRC/27/33 (26 June 2014) para 46.

PART B

***UNDERMINING
DEMOCRACY***



Dissenting and diverse voices within the public sector are being silenced. Parliamentary processes are being misused and abused. Omnibus budget bills are introducing sweeping changes to federal legislation, curtailing political debate. Parliamentarians and civil servants are being vilified or fired for publicly disagreeing with government policy. Independent advice from the public service is being ignored or eliminated. Oversight mechanisms are being undermined through government control and interference.

Compounding these failures in Canadian governance is the federal government's attack on knowledge. Independent research institutions, government research programs, and libraries and archives have been systematically defunded. The brunt of these cuts are borne by departments, programs, or projects seen as inconsistent with government policy. Public sector scientists and researchers are being prevented from speaking publicly, and non-government organizations working to promote knowledge are seeing their funding cut and their records audited. Curtailing knowledge jeopardizes the government's ability to consider options and alternatives and develop sound, evidence-based policy that responds to the public's various needs.

Marginalized communities have been especially penalized in the government's zeal to silence dissent. Funding for organizations working to protect and advance the rights of all Canadians is increasingly under threat, and audits have been used to intimidate and muzzle the charitable sector. This has affected organizations providing services for and conducting advocacy on behalf of women, Indigenous peoples, veterans, and the economically marginalized, making it harder for them to organize effectively, express their concerns, and hold government to account.

The federal government has invoked national security, foreign policy and 'border protection' to silence accountability and limit transparency for its own human rights infringements, eroding the ability of everyone to participate equally in democracy.

The impact of these tactics is devastating for debate, dissent, diversity and ultimately, Canada's democracy.

Silencing the Public Sector^I

Democracy depends on transparent government decision-making and the existence of processes and institutions that ensure governments are held to account and serve the multifaceted needs of Canada's diverse society. Democracy in Canada is upheld by respect for parliamentary processes and conventions; an independent public service; robust oversight mechanisms; and protection for individuals who report government wrongdoing. When these tenets of parliamentary democracy function effectively, the general public, elected representatives and civil society can participate in open debate and dialogue. Today these key tenets of Canadian parliamentary democracy are under threat.

THE FEDERAL GOVERNMENT IS MISUSING AND ABUSING PARLIAMENT

The federal government has repeatedly flouted the parliamentary processes and conventions essential to ensuring government behaves responsibly and is accountable to Canadians.

The government has prorogued Parliament on four separate occasions since coming to power in 2006.² At least three of these have been controversial. In 2008, less than two months into the new Conservative minority government's term, Prime Minister Stephen Harper requested the Governor General shut down Parliament, in what was widely viewed as a political manoeuvre to avoid a non-confidence vote.³ In December 2009, the prime minister prorogued Parliament in the midst of an investigation by a parliamentary committee into the "treatment of Afghans detained by the Canadian military operating in Afghanistan", aborting the committee's investigation.⁴ In 2013, Prime Minister Harper prorogued Parliament in the

wake of a scandal about the misuse of public funds by a number of government-appointed senators.⁵ These prorogations served to dodge accountability and ignored the conventions of responsible government.

In addition, the work of parliamentary committees has been stifled by sidelining and silencing critical witnesses. In 2008, Linda Keen, the president of the Canadian Nuclear Safety Commission, was fired just hours before she was due to give evidence at a parliamentary committee investigating safety at the Chalk River nuclear laboratory.⁶ In 2011, the government removed Marty Cheliak as director general of the Canadian Firearms Program – citing language requirements – just weeks before a House of Commons committee was due to debate the long-gun registry, which the government was determined to eliminate.⁷

Most recently, the government limited committee debate on Bill C-51, its far reaching 'anti-terrorism' legislation, shutting out a number of key experts and rights groups.⁸ Notably, the government refused to hear from the federal privacy commissioner despite grave concerns about the Bill's implications for privacy.⁹ There has also been widespread concern about the additional powers afforded to security agencies, the lack of oversight mechanisms, and the potential to criminalize lawful behaviour.¹⁰ Curtailing debate undermines democratic scrutiny of legislation likely to have profound impacts. According to Sukanya Pillay, general counsel and Executive Director, Canadian Civil Liberties Association: "To allow such little time for scrutiny of its provisions runs counter to the expectation Canadians have that their elected representatives will consider legislation carefully before it is adopted."¹¹



Since coming to power in 2006, the Conservative government has been accused of proroguing parliament to avoid questioning at least three times. Photo: Canadians Against Prorogation, Vancouver Protest and Rally. Credit: Jess Sloss (via flickr.com), Creative Commons license.

The government has also repeatedly used omnibus bills to avoid scrutiny of legislative changes that have very significant consequences for public policy. In 2010, the government introduced an 880-page omnibus budget bill – amounting to half the workload of the previous year’s Parliament – and was accused of ‘turning the legislative process into a farce’.¹² In 2012, the government was described as demonstrating ‘contempt’ for democratic processes, by introducing a 420-page ‘budget implementation bill’, covering numerous policy areas and including substantive provisions related to oversight of industrial developments with potentially adverse environmental consequences.¹³ Burying policy measures in massive budget bills precludes adequate review and parliamentary debate, and entrusts the finance committee with evaluating the soundness of the proposed measures, rather than a committee with appropriate expertise.¹⁴

*In a 2014 interview, former parliamentary budget officer Kevin Page cautioned against the increasing use of omnibus budget bills, describing the practice as leading to “less debate and accountability”.*¹⁵

THE FEDERAL GOVERNMENT IS ERODING THE INDEPENDENCE OF A ROBUST PUBLIC SERVICE

A non-partisan public service is central to a functioning democracy. Although public servants are employees of the government of the day, their role is to serve the public. To do so, they must feel empowered to provide frank advice based on sound evidence, without fear of reprisal.¹⁶ The ability of public servants to fulfill this important mandate has been greatly restricted in recent years. Large-scale budget cuts have limited the ability of key departments to provide timely, thorough and

comprehensive advice. New public service codes of conduct have added a chill, dissuading public servants from offering independent advice or speaking publicly for fear of being seen as partisan or disloyal.¹⁷

The Department of Justice has been considerably affected.¹⁸ The department is responsible for providing legal advice to the government and for conducting litigation on its behalf. Cuts to legal, research and statistics staff have been “eroding the department’s collective capacity to act as the government’s independent counsel”.¹⁹ Compounding this, fewer staff are given ever less time to review proposed legislation or to draft major new bills, both impeding and discouraging good counsel.²⁰ As reported in *Canadian Lawyer*, an internal report prepared for Deputy Justice Minister William Pentney states: “Previous legal research in the department sometimes caught senior officials off-guard . . . and may even have run contrary to government direction”.²¹ The government’s interference is consistent with its explicit animosity towards the department’s so-called “left-wing agenda”.²² Such sentiments are reflected in the elimination of public legal programs and institutions such as the Court Challenges Program and the Law Commission of Canada, both of which undertook work to ensure Canada’s courts were accessible and its laws operated fairly and without discrimination.

Environment Canada, the agency responsible for protecting Canada’s environment and natural heritage, has also been hindered in accomplishing its work.²³ Environment Canada carries out its mandate by developing and implementing environmental programs, as well as conducting research, gathering data and sharing information about Canada’s environment and

environmental policies with the public. Consistent and sustained budget cuts have led to a large number of job losses and the reduction or elimination of important scientific research programs.²⁴ Similar cuts have occurred across Canada’s entire public scientific community, including Agriculture Canada, Fisheries and Oceans, and Natural Resources Canada.²⁵ These cuts have in turn jeopardized the work of vital environmental and scientific research programs, including the Polar Environment Atmosphere Research Laboratory (PEARL), Ice Core Research Laboratory and the Experimental Lakes Area. Between 70 and 80 per cent of Canada’s scientists believe these cuts are reducing Canada’s ability to protect the environment and use resources sustainably, and in turn to promote the safety and health of Canadians.²⁶

The effect of funding cuts is compounded by the muzzling of Canadian public sector scientists, through strict controls on their ability to speak to the media, collaborate professionally and generate quality and impartial advice on government policy.²⁷ A survey of federal public sector scientists conducted in 2013 revealed that 90 per cent felt they could not speak openly to the media about their work. More troubling, 86 per cent felt they would face retaliation from the government if they publicly raised concerns about a decision or policy that could harm Canadians.²⁸ Environment Canada and the Department of Justice are not the only government departments subject to these tactics; other departments affected include Library and Archives Canada (for more information see *Silencing knowledge*), and Status of Women Canada (see *Silencing marginalized communities*).

THE FEDERAL GOVERNMENT IS MUZZLING WATCHDOG MECHANISMS

Oversight agencies, such as independent commissions and other watchdogs, should be independent from government, protected from political interference and adequately funded.²⁹ Only when these agencies are free from political control can they play their key role of ensuring governments are held accountable for misconduct.³⁰ Since its election in 2006, the federal government has directed considerable energy toward undermining independent agencies with responsibility for overseeing its activities. Two main tactics have been used to impair the ability of watchdog agencies to properly police the conduct of the Canadian government: inadequate provision of funding, and direct interference with the activities of these agencies and their leadership. This has affected entire sectors of Canadian public life, including human rights, the environment, the economy, agriculture, and nuclear power.

A particularly egregious example of the federal government's myriad efforts to obstruct an independent oversight agency is its approach to the investigation into Canadian Forces' treatment of Afghan detainees by the Military Police Complaints Commission (MPCC).³¹ The MPCC was established in 1998 as an independent civilian oversight agency, responsible for examining complaints about military police conduct.³² The decision to commence the investigation was made by Peter Tinsley, then chair of the MPCC. The federal government consistently obstructed the investigation by withholding requested information and documents, and seeking to suppress evidence gathered in the course of the MPCC's hearings.³³ It also challenged the jurisdiction of the MPCC, resulting in a ruling that restricted the scope of the MPCC's investigation.³⁴

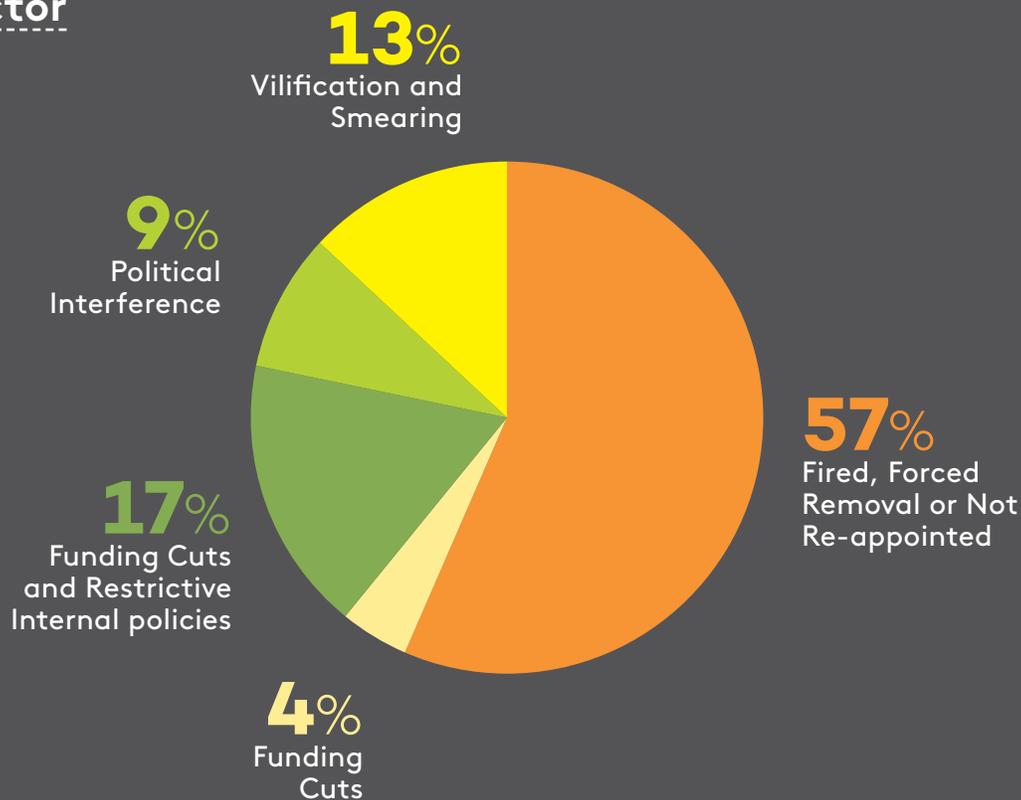
Twenty-nine public servants subpoenaed to give evidence by the MPCC received letters from the Department of Justice that were described as intimidating and aimed at discouraging public servants appearing as witnesses before the commission.³⁵ Then in December 2009, as noted above, Prime Minister Harper prorogued Parliament in the midst of the investigation.³⁶ This prorogation obstructed the work of a parliamentary committee, occurring just weeks after the government had been forced to hand over unredacted versions of documents relevant to the allegations.³⁷

After nearly two years of court challenges and a consistent lack of cooperation on the part of the federal government, public hearings commenced at the MPCC.³⁸ Richard Colvin, formerly a senior Canadian diplomat in Afghanistan and a key witness before the commission, was publicly attacked by the federal government, which accused him of lying and basing his evidence on Taliban propaganda.³⁹ In the midst of the commission's hearings, the federal government did not renew Peter Tinsley's appointment as MPCC's chair, raising fears that the decision was politically motivated.

Peter Tinsley's treatment is not isolated. The heads of other oversight agencies who have taken positions contrary to the federal government have suffered serious professional and personal consequences. Some have been fired, prematurely removed from their post or openly criticized by the government. Many, contrary to the norm, have not been re-appointed for a second term. For example:

- **Adrian Measner and Deanna Allen**, respectively president and vice president of communications at the Canadian Wheat Board were sacked – Measner

Silencing the Public Sector



CASE STUDY SUBJECT	YEAR	VOICE	LINK TO FULL TEXT	SILENCING TACTICS
Edgar Schmidt	2012	Whistleblower	http://voices-voix.ca/en/facts/profile/edgar-schmidt	Fired, forced removal or not re-appointed
Deanna Allen	2008	Watchdog	http://voices-voix.ca/en/facts/profile/deanna-allen	Fired, forced removal or not re-appointed
Adrian Measner	2006	Watchdog	http://voices-voix.ca/en/facts/profile/adrian-measner	Fired, forced removal or not re-appointed
Linda Keen	2007	Watchdog	http://voices-voix.ca/en/facts/profile/linda-keen	Fired, forced removal or not re-appointed
Marty Cheliak	2009	Watchdog	http://voices-voix.ca/en/facts/profile/marty-cheliak	Fired, forced removal or not re-appointed
Paul Kennedy	2009	Watchdog	http://voices-voix.ca/en/facts/profile/paul-kennedy	Fired, forced removal or not re-appointed
Kevin Page	2008	Watchdog	http://voices-voix.ca/en/facts/profile/kevin-page	Fired, forced removal or not re-appointed

CASE STUDY SUBJECT	YEAR	VOICE	LINK TO FULL TEXT	SILENCING TACTICS
Peter Tinsley	2007	Watchdog	http://voices-voix.ca/en/facts/profile/peter-tinsley	Fired, forced removal or not re-appointed
Scott Vaughan	2013	Watchdog	http://voices-voix.ca/en/facts/profile/scott-vaughan	Fired, forced removal or not re-appointed
Federal Accountability Initiative for Reform (FAIR)	2012	Whistleblower	http://voices-voix.ca/en/facts/profile/federal-accountability-initiative-reform-fair	Fired, forced removal or not re-appointed
Luc Pomerleau	2008	Whistleblower	http://voices-voix.ca/en/facts/profile/luc-pomerleau	Fired, forced removal or not re-appointed
Yves Côté	2007	Watchdog	http://voices-voix.ca/en/facts/profile/yves-cote	Fired, forced removal or not re-appointed
Pat Stogran	2010	Watchdog	http://voices-voix.ca/en/facts/profile/pat-stogran	Fired, forced removal or not re-appointed
Law Commission of Canada	2006	Public servants	http://voices-voix.ca/en/facts/profile/law-commission-canada	Funding cuts
Department of Justice	2012	Public servants	http://voices-voix.ca/en/facts/profile/department-justice	Funding cuts and restrictive internal policies
Environment Canada	2006	Public servants	http://voices-voix.ca/en/facts/profile/environment-canada	Funding cuts and restrictive internal policies
Status of Women Canada	2012	Public servants	http://voices-voix.ca/en/facts/profile/status-women-canada	Funding cuts and restrictive internal policies
Library and Archives Canada	2012	Public servants	http://voices-voix.ca/en/facts/profile/library-and-archives-canada	Funding cuts and restrictive internal policies
Elections Canada	2006	Watchdog	http://voices-voix.ca/en/facts/profile/elections-canada	Political interference
Canada Human Rights Commission	2006	Watchdog	http://voices-voix.ca/en/facts/profile/canadian-human-rights-commission	Political interference
Marc Mayrand	2007	Watchdog	http://voices-voix.ca/en/facts/profile/marc-mayrand-0	Vilification and smearing
Richard Colvin	2006	Watchdog	http://voices-voix.ca/en/facts/profile/richard-colvin	Vilification and smearing
Pierre Daigle	2012	Watchdog	http://voices-voix.ca/en/facts/profile/pierre-daigle	Vilification and smearing

in 2006 and Allen in 2008 – after publicly criticizing the government’s plan to change Canada’s ‘single desk marketing system’ to a ‘dual marketing system’ over the widespread objections of wheat farmers.⁴⁰

- **Linda Keen**, president of the Canadian Nuclear Safety Commission (CNSC), was fired in January 2008. Her firing occurred after she closed down the Chalk River nuclear reactor for not meeting safety standards.⁴¹ Some suspect Keen’s firing was related to her vocal support for more rigorous standards and better funding for the CNSC. Duane Bratt, a political science professor at Mount Royal College in Calgary studied the controversy. He concluded that there was “strong evidence that the isotope crisis was the opportunity to fire Keen not the cause”.⁴²
- **Yves Côté**, ombudsman for the Department of National Defence and Canadian Forces was advised in January 2008 that he would leave his position part-way through his mandate. This announcement came after Côté had written several scathing reports and publicly criticized the government for its treatment of military families and veterans.
- **Paul Kennedy**, head of the Commission for Public Complaints against the RCMP (CPC), was advised in November 2009 that his appointment would not be renewed. Kennedy had repeatedly called for more funding and more independence, and conducted a number of high profile investigations into RCMP practices. The CPC’s funding was cut in 2009, considerably limiting the scope of its investigations.⁴³

- **Pat Stogran**, then the veterans ombudsman, was told in August 2010 that he would not be re-appointed for a second term. This came after Stogran advocated for better services and benefits for veterans, and decried Veterans Affairs Canada’s “penny-pinching insurance company mentality”.⁴⁴
- **Pierre Daigle**, the subsequent veterans ombudsman, was publicly criticized by the federal government in 2012, for writing letters to the chief of military personnel on behalf of two veterans wrongfully dismissed from their employment with the Department of Defence. The government accused him of having overstepped his jurisdiction, and described his reports into the dismissals as ‘unbalanced’.⁴⁵
- **Scott Vaughan**, federal commissioner of the environment, stepped down in 2013, two years before his term was to expire. His early resignation has been attributed to his deteriorating relationship with the minister of environment, who introduced a series of changes to environmental protections that ran counter to recommendations by Vaughan.⁴⁶
- **Howard Sapers**, the correctional investigator of Canada, will not have his term renewed when it expires in 2015.⁴⁷ Since his appointment in 2004, Sapers has spoken out about the federal government’s handling of the prison system, including the treatment of inmates from racialized communities, including Aboriginal inmates, people with mental illness and the use of solitary confinement.⁴⁸ Sapers held the position for 11 years. While it is true this is a relatively lengthy tenure, there has been wide speculation that the government’s

decision to replace Sapers is driven more by a desire to silence his criticism of the government.⁴⁹ Sapers has expressed concerns about a gap in oversight given that, as at May 2015, no replacement has been named:⁵⁰

“It’s very hard to be a small, independent agency trying to hold a large government department to account. The role of this agency should be nurtured and supported and this is not the way to support that role.”⁵¹

The federal government has also restricted the mandate of the Canadian Human Rights Commission (CHRC), which administers the Canadian Human Rights Act. In 2013, the government repealed laws allowing Canadians to complain to the CHRC about severe forms of hate speech.⁵² These changes were made despite two Supreme Court of Canada rulings establishing the constitutionality of prohibiting hate speech and validating the role of human rights commissions in curbing the scourge of hate speech.⁵³

The federal government has also mounted a sustained attack on its own elections watchdog – Elections Canada – using myriad tactics including direct interference, legal challenges and limitations on the mandate of this vitally important oversight institution. In 2007, the House of Commons Standing Committee on Procedure and House Affairs repeatedly pressured Canada’s Chief Electoral Officer, Marc Mayrand,⁵⁴ to change his interpretation of the Canada Elections Act to prevent people from voting unless they removed their veil.⁵⁵ Mayrand resisted, maintaining the legislation did not require voters to identify themselves in a way



Howard Sapers, the Correctional Investigator of Canada, will not have his term renewed when it expires in 2015. He has been heavily critical of the federal government’s management of the federal prison system. Credit: Government of Canada.

that offended their religion.⁵⁶ Between 2007 and 2011, the federal government and Elections Canada became embroiled in a series of legal battles over election expenses.⁵⁷ These proceedings resulted in the Conservative Party of Canada and the Conservative Fund of Canada (its fundraising arm) being fined \$52,000 for exceeding limits on political advertising.⁵⁸

Most recently, in May 2014, the Fair Elections Act (Bill C-23) was passed. The Act was heavily criticized for, amongst other things, imposing voter identification rules that make voting more difficult for already marginalized groups, including Indigenous Canadians,

students and seniors, and for prohibiting Canada's Chief Electoral Officer from promoting democratic participation.⁵⁹ Hundreds of academics, journalists, as well as the head of Elections Canada voiced their concerns about the Act. In an open letter, 160 professors urged the government to amend the Act arguing: "This bill contains proposals that would seriously damage the fairness and transparency of federal elections and diminish Canadians' political participation".⁶⁰

THE FEDERAL GOVERNMENT IS FAILING TO PROTECT WHISTLE-BLOWERS

Democratic processes and institutions are sometimes not enough to ensure the government remains accountable and responsive to the public's needs. Individuals who speak out against government misconduct, often described as whistle-blowers, deserve protection from reprisals and threats.⁶¹

In his 2006 Speech from the Throne, Stephen Harper committed to providing better "protection for whistle-blowers who show great courage in coming forward to do what is right".⁶² He has broken this promise. Instead, the federal government has harassed, humiliated, fired or removed public sector whistle-blowers, while establishing a weak regulatory framework for future whistle-blower protection.⁶³

In December 2012, Edgar Schmidt, a senior lawyer in the Department of Justice, went public about the government's failure to meet its obligations under the Charter.⁶⁴ Specifically, Schmidt alleged that when reviewing proposed laws for compliance with the Canadian Bill of

Rights and the Charter, government lawyers are being directed to approve all proposed legislation unless the draft law is "manifestly" or "certainly" inconsistent with human rights standards. This direction is inconsistent with the Canadian Bill of Rights,⁶⁵ the Canadian Charter of Rights and Freedoms Examination Regulations,⁶⁶ and the Statutory Instruments Act,⁶⁷ which require the justice minister to notify Parliament if legislation is 'likely' inconsistent. Over the course of 2012, Schmidt repeatedly raised his concerns with the deputy minister, the chief legislative counsel and the associate deputy minister. Nothing was done in response to Schmidt's concerns. Ultimately, Schmidt commenced legal proceedings against the government. He was suspended and banned from his office shortly thereafter. The legal proceedings are continuing.

Edgar Schmidt is not alone in experiencing reprisals after speaking out about government misconduct. In May 2008, Luc Pomerleau, a veteran biologist at the Canadian Food Inspection Agency with 20 years of unblemished public service, came across a document for approval by the Treasury Board outlining a series of significant cuts to food safety measures.⁶⁸ Pomerleau, who did not believe the document was confidential, forwarded it to his union as evidence of grave risks to the health and safety of Canadians. Two months later, he was fired for "gross misconduct" and "breaching security", and deemed "unreliable", entirely precluding him from working again in the public service. That same year: "20 people died from the bacterial infection listeriosis due to an outbreak at a meatpacking plant under federal inspection".⁶⁹

Then, in 2012, the federal Public Sector Integrity Commissioner (PSIC) – who "handle[s] disclosures

of wrongdoing and help[s] protect those who blow the whistle”⁷⁰ – removed an advisory committee member, David Hutton, after he published an opinion piece in the *Ottawa Citizen*, accusing the PSIC of failing to properly investigate significant numbers of the complaints it receives, and jeopardizing the careers of whistle-blowers.

The federal government has undertaken a multifaceted assault on processes and institutions that are critical to maintaining a healthy Canadian democracy. The government’s proroguing of Parliament, use of massive omnibus budget bills, and straight-jacketing of parliamentary committees misuse parliamentary conventions and processes to undermine parliamentary debate and scrutiny of its conduct and proposed policies. It has undermined the ability of the public service to provide robust and effective advice. And it has sought to avoid accountability by attacking public servants, whistle-blowers and heads of oversight agencies.

Characterizing the Harper government’s interference with democratic institutions, oversight agencies, constitutional conventions and the public service, Errol Mendes, professor of constitutional and international law at the University of Ottawa and editor-in-chief of the *National Journal of Constitutional Law*, states “this abuse of executive power is tilting toward totalitarian government and away from the foundations of democracy and the rule of law on which this country was founded”.⁷¹

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Silencing knowledge¹

The collection and free flow of data and information are crucial for a robust democracy, and important aspects of the right to freedom of expression. Access to varied and credible information allows the public to properly evaluate the government's conduct and make informed political choices. If taken into account in government decision-making processes, sound information results in more transparent, accountable, and responsive policy.

Since coming to power in 2006, the federal government has limited the generation and dissemination of knowledge. The government's attack on knowledge has been far-reaching, targeting government departments and agencies, independent researchers and think tanks, public servants, and civil society organizations. The government's silencing tactics have been particularly ruthless when it has come to research that is perceived to be inconsistent with government policy.

THE FEDERAL GOVERNMENT IS HOSTILE TO GOVERNMENT-GENERATED RESEARCH AND DATA AT ODDS WITH GOVERNMENT POLICY

When policy is based on knowledge and evidence, it is more effective and efficient. Evidence-based policy limits the risks associated with developing and implementing policies, and can reduce government expenditure. It helps legislators better respond to already-identified public needs and helps inform government priorities. Evidence-based policy also makes government more transparent and accountable by allowing the public access to the research and information that inform policy decisions.²

Yet the capacity of the federal government to generate and gather the data and information necessary to create evidence-based policy is being dismantled. This is

largely the result of increasingly severe budget cuts. A prime example of this has been funding cuts to Statistics Canada which has lost almost \$30 million since 2012, and has been forced to cut 18 per cent of its staff.³ As a result StatsCan is no longer able to respond to the needs of government or the public for statistics and analysis.⁴

Underfunding StatsCan has also impeded the electorate's ability to formulate informed opinions. In 2014, Auditor General Michael Ferguson requested data about job vacancies in Canada. This information was considered "central to the heated debate over the federal government's reforms of the temporary foreign worker program and employment insurance" – policies which the government had instigated "in response to perceived labour shortages".⁵ StatsCan explained it did not have the resources to provide the necessary information. Essentially, budget cuts had precluded a transparent evaluation of a controversial policy, allowing the government to dodge accountability for its decisions by effectively quashing informed public debate.

The replacement in 2010 of the mandatory long-form census with a voluntary National Household Survey (NHS) severely damages the quality of government data collection. The mandatory census had been conducted since 1971, and surveyed 15 per cent of Canadians, producing a regular non-biased data set that constituted an important planning tool in Canada.⁶ The census collected data concerning the demographic, social and economic characteristics of the Canadian public, including information about citizenship and immigration status, ethnic origin, religion, education, income, housing, childcare, and labour market activities. This information was relied upon heavily

to inform government policies on important matters such as public transportation plans, employment insurance schemes and the Canada Pension Plan.⁷

Responding to public concern, then Industry Minister Tony Clement asserted that StatsCan had advised him the replacement of the long-form census by the NHS would not impair the integrity of the data collected.⁸ Yet Dr. Munir Sheikh, then Chief Statistician and head of StatsCan, had consistently opposed the census changes and did not believe the NHS would generate unbiased data.⁹ Dr. Sheikh ultimately resigned from his position, stating that the federal government had misrepresented his advice and tarnished his reputation as a statistician, and that the agency had suffered as a result.¹⁰ He explained, “...when doubt began to be expressed about the nature of the advice we gave, which to any statistician would come across as not the work of a statistician, I came to the conclusion that I cannot be the head of an agency whose reputation has suffered”.¹¹

More recently, StatsCan has conceded it will not have any analysis of Canadian income trends available before the next federal election. Economists and policy advisors have expressed concern about implications for the electorate. Essentially, this missing data means the public has little to no information concerning such important issues as trends in income gaps among Canadians or rates of child poverty since 2011.¹² Federal budget cuts have made it much more difficult for the public to assess the success of its policies. Eliminating the long-form census has not only prevented the development of informed policy, it has also reduced the public’s ability to make informed political decisions.

StatsCan is not the only knowledge-generating agency

to be targeted. Environment Canada has also been compromised. The department is responsible for protecting Canada’s environment and natural heritage and ensuring Canada is clean, safe and healthy now and in the future.¹³ It achieves its mandate by developing and implementing environmental programs, as well as conducting research, gathering data and sharing information about Canada’s environment and environmental policies with the public. Since 2006, the federal government has drastically cut funding to Environment Canada.¹⁴ Some of the most significant cuts have occurred since 2010.¹⁵ Budget cuts between 2010 and 2012 have cost nearly 1000 jobs and the cuts continue.¹⁶

*Between 70-80 per cent of Canada’s scientists believe these cuts are reducing Canada’s ability to protect the environment and make decisions about using resources sustainably, promoting the safety and health of Canadians.*¹⁷

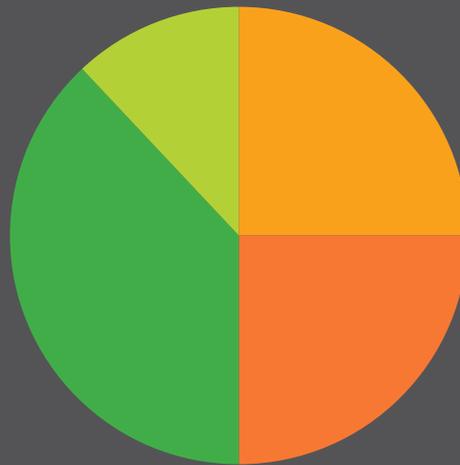
The devastating effects of cuts to Environment Canada are compounded by similarly severe cuts to the federal Department of Fisheries and Oceans (DFO). Budget cuts since 2009 have resulted in an additional 2,000 government scientists being fired from DFO.¹⁸ Seventy-five scientists were fired from the Marine Toxicology Program alone, effectively ending the program in April 2013.¹⁹

Such extensive budget cuts to StatsCan, Environment Canada, and the DFO have significantly diminished their ability to generate and gather information to help government develop successful and transparent policy. These cuts also prevent the public from benefitting from this data to better ensure government accountability.

Silencing Knowledge

12%
Restrictive Government Policies

38%
Defunding



25%
Resignation or Removal

25%
Enhanced Scrutiny and Audits by CRA

CASE STUDY SUBJECT	YEAR	VOICE	LINK TO FULL TEXT	SILENCING TACTICS
PEARL	2010–2012	Science	http://voices-voix.ca/en/facts/profile/polar-environment-atmosphere-research-laboratory	Defunding
NRTEE	2012	Science	http://voices-voix.ca/en/facts/profile/national-round-table-environment-and-economy	Defunding
ELA	2012	Science	http://voices-voix.ca/en/facts/profile/experimental-lakes-area	Defunding
CFCAS	Starting in 2009	Science	http://voices-voix.ca/en/facts/profile/canadian-foundation-climate-and-atmospheric-sciences	Defunding
Linda Keen	2008	Science	http://voices-voix.ca/en/facts/profile/linda-keen	Fired
ForestEthics	2012	Environment	http://voices-voix.ca/en/facts/profile/forestethics	CRA audit
Physicians for Global Survival	2012	Environment	http://voices-voix.ca/en/facts/profile/physicians-global-survival	CRA audit
Sierra Club Canada	2012	Environment	http://voices-voix.ca/en/facts/profile/sierra-club-canada-foundation	CRA audit
Sierra Club BC	2008	Environment	http://voices-voix.ca/en/facts/profile/sierra-club-british-columbia	Defunding (rescinding)
Scott Vaughan	2013	Environment	http://voices-voix.ca/en/facts/profile/scott-vaughan	Early/forced resignation
Tides Canada	2005, 2008	Environment	http://voices-voix.ca/en/facts/profile/tides-canada-0	CRA audit
Arthur Carty	2007	Science	http://voices-voix.ca/en/facts/profile/arthur-carty	Removal (office eliminated)
LAC	2012	Information	http://voices-voix.ca/en/facts/profile/library-and-archives-canada	Restrictive policies
Access to information	Long process of decline	Information	http://voices-voix.ca/en/facts/profile/access-information	Restrictive policies
Long-form census	2010	Data	http://voices-voix.ca/en/facts/profile/statistics-canada-mandatory-long-form-census	Defunding
Munir Sheikh	2010	Data	http://voices-voix.ca/en/facts/profile/munir-sheikh-0	Forced resignation

THE FEDERAL GOVERNMENT IS COMPROMISING PUBLIC ACCESS TO INFORMATION

Public access to information has been significantly curtailed in three troubling ways. First, public sector codes of conduct and internal policies have restricted the ability of public servants to engage with the Canadian public. Second, budget cuts have reduced information available through public library services. And third, the federal government has failed to fix a defective system for formal access to information.

In 2007, the government imposed a new media relations policy on government scientists, significantly limiting their ability to speak at conferences, to the media or to the public, except in a small number of tightly controlled circumstances.²⁰ This policy has had precisely the silencing effect intended, with an 80 per cent decrease in media coverage of climate change and fewer scientists speaking to the media or in academic contexts.²¹ Strict controls on their ability to brief journalists, collaborate professionally and generate quality and impartial advice on government policy has had a chilling effect.²²

*A survey of federal public sector scientists conducted in 2013 revealed that 90 per cent felt they could not speak openly to the media about their work. More troubling, 86 per cent felt they would face retaliation if they publicly raised concerns about a decision or policy that could harm Canadians.*²³

Similarly, a new Code of Conduct for Library and Archives Canada (LAC) employees has limited their ability to communicate with the public. It requires them

to “demonstrate loyalty” to elected officials both on and off duty. It also specifies that as public servants, LAC employees “must use caution when making public comments, expressing personal opinions or taking actions that could damage LAC’s reputation, the public service, or Government of Canada”.²⁴

Any failure by individuals to comply with these requirements can result in disciplinary measures.²⁵

The government has also used a series of budget cuts to reduce library services, thus limiting public access to information resources.

These cuts were especially ruthless when they forced the DFO to close 11 of their internationally renowned resource libraries.²⁶ Scores of concerned scientists and members of the public expressed dismay over the potential loss of decades of environmental data. Despite the government’s assurances to the contrary, there is no evidence the libraries’ materials have been digitized or made available elsewhere.²⁷ Ultimately, this “consolidation” appears to have resulted in a financial saving of only \$443,000 for the 2014/15 fiscal year.²⁸

Libraries were also hit hard when in 2012 the federal government announced a \$9.8 million cut in funding to LAC,²⁹ forcing a 20 per cent reduction in the agency’s staff, and organizational changes that have limited the scope of its services.³⁰ Inter-library loans are no longer available at as many libraries, limiting many Canadians from accessing resources outside their communities.³¹ New internal “cost-saving” directives have given LAC discretion to dispose of resources and records that are considered to “no longer have operational value”.³² Against the backdrop of dwindling budgets, this is likely

to result in the destruction of irreplaceable physical documents, which are more expensive to retain.³³

As well, the government continues to erode and frustrate the access to information system. Access to information legislation is held to have a “quasi-constitutional” status in Canada.³⁴ This is because it empowers the public by facilitating the sharing of information, enhancing government transparency and accountability. International law recognizes access to information helps individuals monitor and evaluate public policies, public spending and generally promotes accountability and transparency in government.³⁵

But Canada’s access to information system is broken, leading the British Columbia Civil Liberties Association to comment: “Canada’s access to information (ATI) system is in crisis. It is taxing on those who administer it, the process of obtaining information is unnecessarily lengthy and cumbersome for users and it results in far too little information being made public. In short, our ATI system is failing the Canadians it is intended to serve.”³⁶

Since the late 1990s, the Information Commissioner, who is responsible for supervising the federal system of access to information, has been advocating for greater transparency and reform of the system. Huge backlogs of access to information requests and the infiltration of political objectives in decisions about whether to release information have been sources of concern for decades.³⁷ The federal government has long evaded calls by the House of Commons to reform the access to information system, and ignored Information Commissioner Robert Marleau’s 12 recommendations for reform in 2010.³⁸

This led Suzanne Legault, the current Information Commissioner, to submit a report in 2015 with 85 recommendations for reform.³⁹

*Legault has called for a “change of culture in the public service”, noting the growing tendency toward governmental secrecy.⁴⁰ She has noted “the amount of information that is being disclosed is not as much as [we] used to have overall in the system... It’s consistently decreased. So there is not a big push towards transparency”.*⁴¹

Legault cites as evidence that 21 per cent of access requests in the 2013-2014 fiscal year resulted in information being released, and compared this to the 40 per cent rate in 1999-2000.⁴²

THE FEDERAL GOVERNMENT IS AVERSE TO RESEARCH PERCEIVED TO BE AT ODDS WITH ITS POLITICAL AGENDA

Think tanks and research institutes studying climate change have been disproportionately affected by funding cuts. This has widely been attributed to the fact that such research is inconsistent with the government’s economic agenda.

Budget cuts to Environment Canada beginning in 2010 have fallen hard on the Canadian Foundation for Climate and Atmospheric Sciences (CFCAS), which has been the primary funding body for university-led research into climate change, the atmosphere, and the health of the earth’s oceans. This in turn has affected the Polar Environment Atmospheric Research Laboratory (PEARL), which had depended on the CFCAS for funding. PEARL

is an entirely self-contained research station located on Ellesmere Island, charged with studying atmospheric trends in the North.⁴³ While some of PEARL's funding was re-instated after international outcry, significant data and analysis were still lost as a result of the cuts and PEARL continues to lack sufficient funds to gather comprehensive, and therefore useful, data.

Budget cuts have also forced the closure of the National Round Table on the Environment and the Economy (NRTEE) which was established in 1988 to “advise the Canadian government and Parliament on ways to reconcile environmental and economic priorities”.⁴⁴ In 1993, the government passed legislation that established NRTEE's mandate as an independent, non-partisan advisor on sustainable development, drawing on advice from scientific experts around Canada.⁴⁵ In 2011, in response to a request from Environment Minister Peter Kent for “a comprehensive assessment of provincial and territorial climate change plans,” NRTEE produced a report critical of Canada's measures to reduce climate change.⁴⁶ Subsequently, the government eliminated NRTEE, stating it was no longer needed. Then environment minister John Baird suggested a more troubling justification, linking NRTEE's support for a carbon tax with the agency's ultimate demise.⁴⁷

Like NRTEE, the Experimental Lakes Area (ELA) was also threatened with closure when its research findings were inconsistent with the government's environmental policy. Operated jointly by Fisheries and Oceans Canada, Environment Canada and the Freshwater Institute in Winnipeg, ELA maintains a series of unique and important hydrological, meteorological, chemical and biological records and studies the impact of humans on freshwater.⁴⁸

The federal government eliminated funding for ELA in 2012, despite it costing the government only \$2 million per year, since the majority of its costs were covered by Canadian and US industry and universities.⁴⁹ While the governments of Ontario, Manitoba and private donors have contributed some funds, and the organization is currently being managed by the International Institute for Sustainable Development, its future remains uncertain.⁵⁰

In addition to environmental research organizations, the federal government has proven itself hostile to Indigenous-led organizations and initiatives concerned with generating data and conducting research on issues experienced by Indigenous peoples. Some have suggested this is because Indigenous-led organization's advocacy is often inconsistent with government policy.

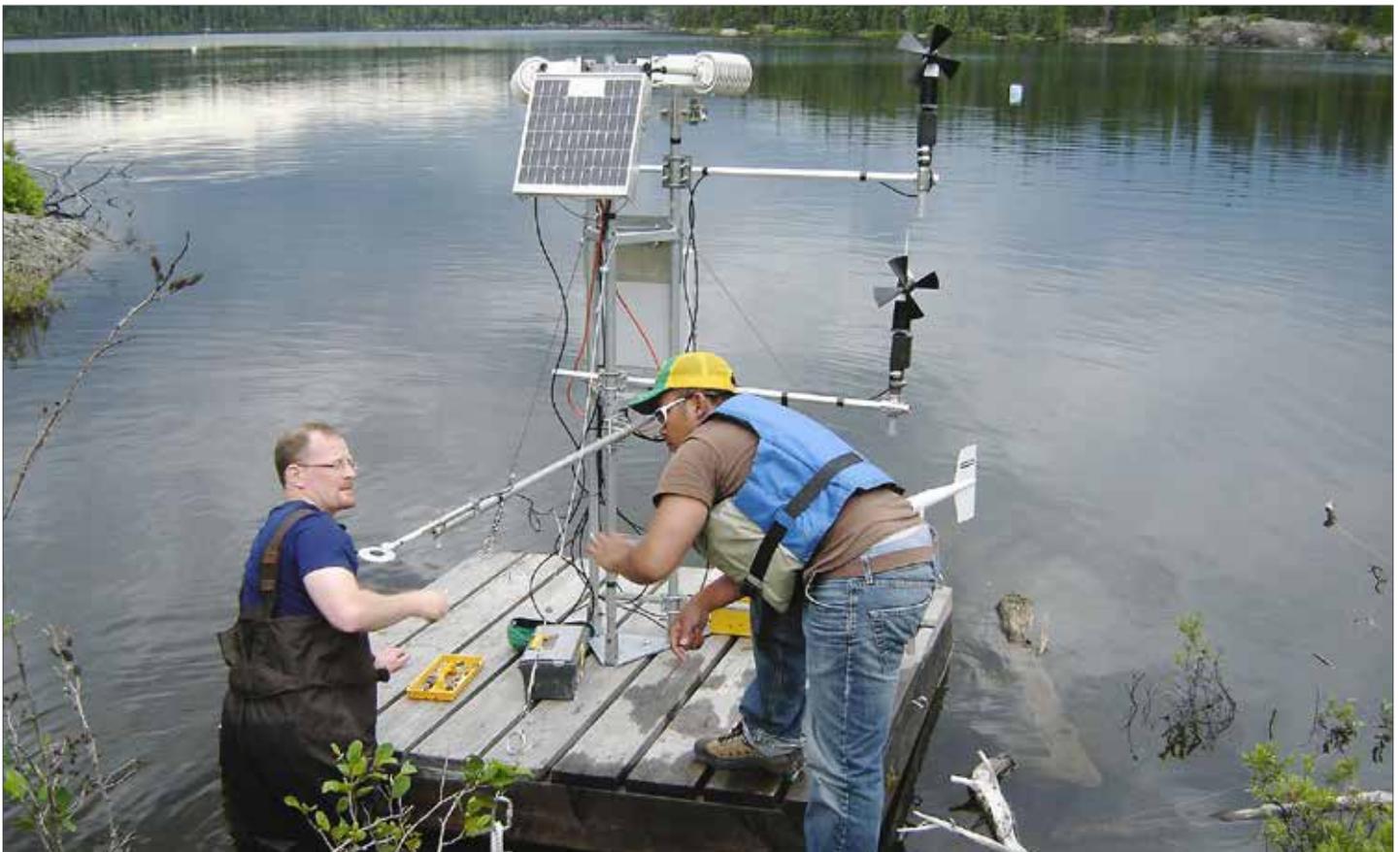
The First Nations Statistical Institute (FNSI) was established in 2006 to collect information to fill extensive knowledge gaps concerning Indigenous populations. These gaps existed because certain remote First Nations and Inuit communities do not participate in the national census, and urban First Nations, Métis and Inuit individuals are often missed or excluded from alternative survey processes aimed at Indigenous Canadians living on reserves.⁵¹ The FNSI established projects and partnerships with Indigenous communities and organizations across the country to ensure a better understanding of the living conditions and needs of Indigenous peoples in Canada. Despite its success, the federal government halved its funding in 2012 and cut funding altogether in 2013. While the FNSI is attempting to continue some

of its core programs through partnerships with three other organizations, it has been forced to lay off its entire staff and its future remains uncertain.⁵² Without the crucial information generated by the FNSI, the federal government has made it harder for the public to hold the government accountable for ineffective or problematic policy with regards to Indigenous peoples in Canada.

The federal government has been especially dismissive of data and information concerning Indigenous women in Canada. In 2005 the Martin government provided the Native Women's Association of Canada (NWAC) with \$10 million to create the Sisters in Spirit initiative, which included the compilation of a database of almost

600 cases of unsolved murders or disappearances of Indigenous women in Canada.⁵³ It also spearheaded ground-breaking educational initiatives and published reports of its findings. The work of Sisters in Spirit was instrumental in raising public awareness of violence against Indigenous women in Canada. The information and data that was collected through this initiative provided evidence of the systemic failures of the federal government and RCMP to ensure the safety of Indigenous women.⁵⁴

In 2010, despite the initiative's growing momentum, the federal government cut its funding,⁵⁵ generating significant public backlash. The presidents of provincial NWAC branches, local community organizations,



Environmental research facilities providing data that run contrary to Conservative government policies, such as the Experimental Lakes Area (above) have faced the brunt of funding cuts over the past nine years. Credit: Save ELA.

and federal MPs criticized this decision.⁵⁶ The federal government has since agreed to provide less than \$2 million over the course of three years for a public education campaign led by NWAC addressing the disproportionate levels of violence against Indigenous women.⁵⁷ However, this reduced amount has significantly curtailed the scope of NWAC's work on this issue, most notably its continuing data collection and analysis.

In 2015, the Legal Strategy Coalition on Violence Against Indigenous Women (LSC) issued a report assessing the federal government's claim that there was no need for a national commission of inquiry to examine the disproportionate violence experienced by Indigenous women in Canada. This report concluded that available evidence contradicted the federal government's position that violence is not a sociological phenomenon in Canada. The report also found that the government's focus on more policing and stricter sentencing as a response to violence against Indigenous women was not supported by the literature. Rather, the literature confirmed that effectively addressing violence against Indigenous women requires more social and economic support for Indigenous women and their communities, combined with culturally sensitive and community-based policing.⁵⁸

The LSC report shows that not only does the government suppress the gathering of data concerning Indigenous peoples, as evidenced by the FNSI and Sisters in Spirit examples, it also misrepresents and ignores existing evidence.

THE FEDERAL GOVERNMENT IS CURTAILING ADVOCACY AND DISSENT ON ENVIRONMENTAL AND SCIENTIFIC ISSUES

By attacking advocacy groups with environmental and scientific agendas, and curtailing the ability of the public to evaluate and oppose proposed environmental projects, the federal government has severely restricted the availability of public information about the impacts of the government's environmental policies.

In January 2012, then natural resources minister Joe Oliver issued an open letter labelling environmental advocacy groups "radicals" whose goal is "to stop any major [industrial] project, no matter what the cost".⁵⁹ In the same letter, he asserts that these groups "threaten to hijack [the Canadian] regulatory system to achieve their radical ideological agenda".⁶⁰ That same year, the federal budget contained increased funding for the Canada Revenue Agency (CRA) to enforce rules limiting charities' ability to pursue "political" or "partisan activity": \$8 million for 2012-2014, and another \$13.4 million from 2014-2019.⁶¹

Following this funding increase and the government's open hostility towards environmental advocacy, CRA audits have been increasingly used to silence some of the country's leading environmental voices. The Sierra Club Canada, David Suzuki Foundation, Tides Canada, ForestEthics, and Environmental Defence are all high profile environmental charities that have been subject to this silencing tactic.

John Bennett, executive director of the Sierra Club Canada, has noted a "disturbing pattern emerging in the public dialogue on environmental issues that has the potential to do significant damage to the environmental movement and our ability to positively influence public opinion".⁶²

He also asserted that audits will not uncover any impermissible activities, but instead distracts these charities from their “real work”.⁶³ David Suzuki has also expressed concern that “every day there’s a disparaging revelation, a new accusation, pitting charities against federal leaders of special interest groups”.⁶⁴

There is mounting evidence these audits are politically motivated. The CRA has audited Tides Canada twice in three years, finding no irregularities on either occasion.⁶⁵ Further, ForestEthics only faced CRA audits after they made their opposition to the Enbridge Northern Gateway Pipeline known.⁶⁶ A 2013 study by the Broadbent Institute concludes: “Among the organizations that have revealed they are or have been the subject of a recent political-activity audit, what tends to bind them together is they share views and engage in activities that are out of step with the philosophy and public policy aims of the Conservative government”.⁶⁷

Fifty-two audits are underway or concluded, and eight more are expected by 2016.⁶⁸ In response to these extensive audits, a new climate of fear and self-censorship has arisen in Canada’s charitable sector.

Organizations may be less likely to express dissent, for fear of it being considered unacceptable political advocacy and leading to the loss of charitable status. The resulting “advocacy chill” is eroding the diversity of voices engaged in public debate in Canada.⁶⁹

In 2012, the federal government introduced two enormous omnibus budget bills C-38 and C-45 that virtually rewrote

Canada’s federal environmental legislation. Acts that took decades of incremental legal development through public consultations and litigation were swept away with virtually no parliamentary debate or public oversight. In addition to severely weakening the ability of Canadian law to protect the environment, these bills also drastically curtailed opportunities for public participation in environmental decision-making. For example, they limited the right to intervene before the National Energy Board to express concerns about oil and natural gas pipelines.⁷⁰ The bills also limited the circumstances in which new development projects would require environmental assessments, thus preventing members of the public from expressing concerns over new development projects and their potential environmental impacts.⁷¹ After these bills had been introduced, Greenpeace learned that these changes to Canadian environmental laws were the federal government’s response to concerns expressed by the fossil fuel industry.⁷²

The federal government’s tactics show a concerted and sustained effort to limit the generation and use of information and data in Canada. Through budget cuts and oppressive internal public service policies, government statisticians, scientists, researchers, and librarians have been prevented from retaining, generating and disseminating knowledge. Independent research institutes and think tanks preparing and publishing vital research have also been affected by budget cuts. Aggressive and biased CRA auditing has chilled the ability of Canada’s charitable sector to publicize important information about the government’s policies. And legislation has been rushed through that limits public input into development projects that could have grave impacts on Canada and its environment.

This report's examination of the types of voices being targeted – environmental and climate change specialists, Indigenous peoples, and progressive research organizations – also reveals a troubling trend. The government's attack on knowledge appears aimed at the creation and publication of research and information that is inconsistent with, or critical of, the government's narrow political and economic agenda. Ultimately, the government is dramatically impairing Canada's diverse knowledge-base and eroding the ability of public servants, civil society and the general public to oppose or even simply debate government policies and hold it to account.

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Silencing the Voices of Marginalized Communities¹

To ensure equality and a healthy democracy, it is especially important that the voices of marginalized communities are being heard and their concerns addressed. Organizations working on behalf of these communities must have an enabling environment with access to adequate resources to ensure they can freely associate and amplify their collective voices. Canadian democracy is only strong if it is inclusive and fair for its most vulnerable communities.

Measured by this standard, the federal government's conduct has weakened Canadian democracy. It has shown sustained disregard for the needs of already marginalized communities. Funding cuts, controversial legal reforms, and the forced removal of several ombudspersons who have spoken out about the treatment of vulnerable Canadians, have undermined public discourse in Canada, reinforcing existing exclusion based on gender, Indigeneity, age, and socio-economic status.

THE FEDERAL GOVERNMENT IS DEVALUING, DISMISSING AND MISREPRESENTING INDIGENOUS VOICES

In addition to its opposition to information gathering initiatives and evidence-based policy with regards to Indigenous peoples, the federal government has attempted to silence Indigenous voices in Canada by making sweeping funding cuts to Indigenous-led and Indigenous-specific organizations. Between 2012 and 2015, the federal government cut approximately \$60 million to Indigenous leadership organizations.² The Assembly of First Nations (AFN) which analyzed these budget figures, found that these cuts constituted a 59 per cent drop in funding.³ The cuts affected such National Aboriginal Organizations as the AFN and

the Native Women's Association of Canada (NWAC). They also affected regional communities to varying degrees. Generally, Ontario's First Nations experienced a 76 per cent drop in federal funding. Three regional organizations in Manitoba saw 78 per cent of their federal funding cut. Certain organizations in New Brunswick and PEI saw up to 80 per cent of their funding disappear. The Federation of Saskatchewan Indian Nations lost 91 per cent of their funding. And British Columbia's three regional First Nations organizations experienced between 73 and 82 per cent in federal funding reductions. Additionally, Tribal Councils representing smaller communities experienced an average of a 40 per cent reduction of their federal funding over the same period.⁴ Most recently, federal funding for the Quebec Native Women's Association was drastically reduced.⁵

In addition to these deep cuts to leadership organizations, a number of Indigenous-led non-profit organizations have also lost funding. An example of this is the Aboriginal Healing Foundation (AHF), a community-driven and community-based organization created in 1998 to help Indigenous individuals and communities heal from, and process the effects of, the residential school system. AHF organized addiction treatment programs, residential healing centers, counselling, on-the-land programs, parenting skills training, and helped to support women's shelters.⁶ In 2010, however, the federal government refused to provide any further funding. As a result, AHF was forced to terminate partnerships with over 120 community services across the country, and closed its doors in 2013.⁷ The government explained that it would direct \$199 million to Health Canada to address the needs of residential school survivors and their families.⁸ But this saves only a small



The federal government has been criticized for cutting resources for Indigenous organizations across the country and for refusing to do more to investigate the epidemic of missing and murdered Indigenous women. Photo: Marchers during the 21st annual Women's Memorial March in Vancouver on Feb. 14, 2012. Credit: murray bush - flux photo (via mediacoop.ca), Creative Commons license.

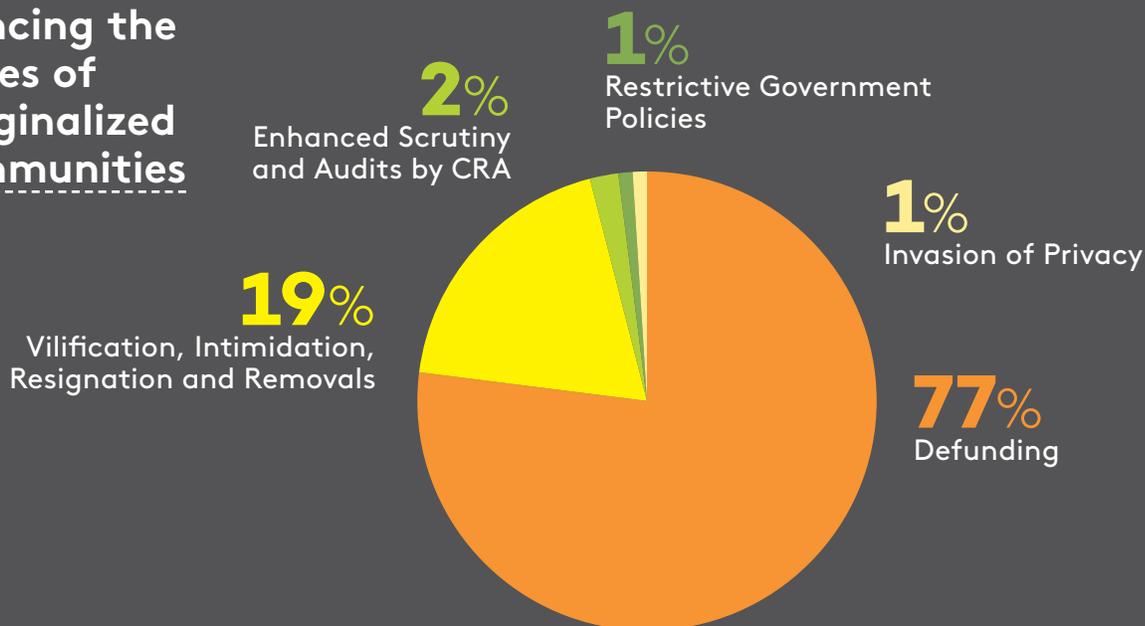
number of AHF's programs, and shifts control of the programs from Indigenous peoples to the government.

Organizations protesting inadequate funding have themselves been targeted. In 2007, the First Nations Child and Family Caring Society (FNCFC) partnered with the AFN to file a discrimination complaint with the Canadian Human Rights Tribunal against Indian and Northern Affairs Canada (INAC, as it then was). Both groups were concerned about the consistent and sustained underfunding of services to First Nations children living on reserves. In their complaint, the FNCFC and AFN argued that Indigenous children on-reserve were discriminated against because child services on reserve receive 22 per cent less funding than similar services

provided elsewhere.⁹ The case became increasingly adversarial, with a series of delays. Ultimately, the AFN and FNCFC successfully appealed the Canadian Human Rights Tribunal decision that had agreed with the government's position that the case should not be heard on its merits.

Over the course of these proceedings, Cindy Blackstock, FNCFC's Executive Director, alleged she was subject to retaliatory and antagonistic treatment by INAC. She claimed to have been excluded from important meetings between INAC and Indigenous leaders and learned that the federal government had been closely monitoring her professional and personal life, conduct later determined by the Privacy Commissioner to be a violation of the Privacy Act.¹⁰

Silencing the Voices of Marginalized Communities



CASE STUDY SUBJECT	YEAR	VOICE	LINK TO FULL TEXT	SILENCING TACTICS
AHF	2010	Indigenous	http://voices-voix.ca/en/facts/profile/aboriginal-healing-foundation	Defunding
FNSI	2012	Indigenous	http://voices-voix.ca/en/facts/profile/first-nations-statistical-institute	Defunding
NAHO	2012	Indigenous	http://voices-voix.ca/en/facts/profile/national-aboriginal-health-organization	Defunding
Sisters in Spirit	2010	Indigenous	http://voices-voix.ca/en/facts/profile/sisters-spirit	Defunding
Cindy Blackstock	2008-9	Indigenous	http://voices-voix.ca/en/facts/profile/cindy-blackstock	Intimidation
FNCFCSS	2007	Indigenous	http://voices-voix.ca/en/facts/profile/first-nations-child-and-family-caring-society	Defunding/court challenge
Katimavik	2012	Youth	http://voices-voix.ca/en/facts/profile/katimavik	Defunding
CCAAC	2006 – 2009	Youth	http://voices-voix.ca/en/facts/profile/childcare-advocacy-association-canada-ccaac	Defunding
CCL	2009	Youth	http://voices-voix.ca/en/facts/profile/canadian-council-learning	Defunding
Universal Child Care Services	2006	Youth	http://voices-voix.ca/en/facts/profile/universal-childcare	Defunding
Oxfam Canada	2013	Economically Marginalized	http://voices-voix.ca/en/facts/profile/oxfam-canada	CRA review
Community Access Program	2012	Economically Marginalized	http://voices-voix.ca/en/facts/profile/community-access-program	Defunding
Canada Without Poverty	2007	Economically Marginalized	http://voices-voix.ca/en/facts/profile/canada-without-poverty	Defunding

CASE STUDY SUBJECT	YEAR	VOICE	LINK TO FULL TEXT	SILENCING TACTICS
Centre for Equality in Rights Accommodation	2010	Economically Marginalized	http://voices-voix.ca/en/facts/profile/centre-equality-rights-accommodation	Defunding
South Asian Women's Centre	2010	Women	http://voices-voix.ca/en/facts/profile/south-asian-womens-centre	Defunding
Canadian Union of Postal Workers	2011	Union	http://voices-voix.ca/en/facts/profile/canadian-union-postal-workers	Government interference with strike processes/policy
Unions Advocating Equal Pay	2009	Union	http://voices-voix.ca/en/facts/profile/unions-advocating-equal-pay	Policy change
Veterans Charter	2006	Veterans	http://voices-voix.ca/en/facts/profile/veterans	Defunding/policy change
Pierre Daigle	2012	Veterans	http://voices-voix.ca/en/facts/profile/pierre-daigle	Vilification/forced retirement
Yves Côté	2007	Veterans	http://voices-voix.ca/en/facts/profile/yves-cote	Fired, forced removal or not re-appointed
Dennis Manuge	2002-2010	Veterans	http://voices-voix.ca/en/facts/profile/dennis-manuge	invasion of privacy
Sean Bruyca	(2005-2007)	Veterans	http://voices-voix.ca/en/facts/profile/sean-bruyca	invasion of privacy
Pat Stogran	2010	Veterans	http://voices-voix.ca/en/facts/profile/pat-stogran	Fired, forced removal or not re-appointed
UNPAC	2014	Women	http://voices-voix.ca/en/facts/profile/united-nations-platform-action-committee	CRA/defunding
National Network on Environment and Women's Health	2013	Women	http://voices-voix.ca/en/facts/profile/national-network-environments-and-womens-health	Defunding
RQASF	2012	Women	http://voices-voix.ca/en/facts/profile/reseau-quebecois-daction-pour-la-sante-des-femmes	Defunding
LEAF	2006	Women	http://voices-voix.ca/en/facts/profile/womens-legal-education-and-action-fund-leaf	Defunding (via Court Challenges Program)
SoW	2006	Women	http://voices-voix.ca/en/facts/profile/status-women-canada	Defunding
New Brunswick Pay Equity	2010	Women	http://voices-voix.ca/en/facts/profile/new-brunswick-coalition-pay-equity	Defunding
CPRN	2006–2009	Social engagement/innovation	http://voices-voix.ca/en/facts/profile/canadian-policy-research-networks	Defunding
Lifeline	2012	prison populations	http://voices-voix.ca/en/facts/profile/lifeline	Defunding
NCW	2012	Economically marginalized	http://voices-voix.ca/en/facts/profile/national-council-welfare	Defunding

THE FEDERAL GOVERNMENT IS OBSTRUCTING VOICES FOR WOMEN'S EQUALITY

In 2006, the government made extensive budget cuts to Status of Women Canada (SWC), forcing it to close most of its regional offices.¹¹ SWC was established in 1976 to facilitate implementation of the Report of the Royal Commission on the Status of Women and the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW). It provided government funding to diverse projects including women's shelters and research institutes. SWC also helped to develop policies for federal agencies and departments to better respond to gender

discrimination. Treasury Board Secretary John Baird defended the budget cuts, asserting that the cancelled programs had been “wasteful” and “ineffective”.¹²

In addition to cutting SWC's budget, the government changed its mandate. Its Women's Program had funded non-profit organizations addressing issues related to women's equality, such as violence against women, pay equity, and greater democratic participation. The new mandate prevented SWC from providing support to those engaging in advocacy, lobbying and general research activities. The government also made changes



Women and youth organizations have been undermined by Conservative government policies. Above, a rally for a federally funded universal child care program organized by the Childcare Advocacy Association of Canada, which had its federal funding pulled in 2009. Credit: Childcare Advocacy Association of Canada.

to eligibility, allowing for-profit organizations to apply for SWC funding. There was considerable public outcry in response to these changes, and the House of Commons Standing Committee on the Status of Women held hearings to examine the impact of the cuts and changes to SWC's mandate. Ultimately the government reinstated the funding but the mandate remains changed.¹³ As a result, organizations dedicated to addressing systemic barriers to women's equality are vulnerable. In 2007, the National Association for Women and the Law (NAWL) was forced to close because it lost its SWC funding. NAWL had been instrumental in securing increased legal rights for women, including changes to sexual assault laws, improvements to the Divorce Act, and the inclusion of equality rights in the Canadian Charter.¹⁴

Other organizations hurt by the changes include: the New Brunswick Coalition for Pay Equity,¹⁵ which had been told by SWC it was considered one of the ten best programs in the country, and the Feminist Alliance for International Action, which seeks to ensure Canada implements and respects women's rights recognized under international law.¹⁶ Research organizations such as the Canadian Research Institute for the Advancement of Women,¹⁷ National Network on Environments and Women's Health,¹⁸ and the Réseau québécois d'action pour la santé des femmes¹⁹ have also been adversely impacted.

In 2006, the federal government also cut all funding to the Court Challenges Program (CCP). The program began in 1978 to provide funding for litigation to protect language rights in Canada. With the advent of the Charter, the program was expanded to fund litigation enforcing the equality guarantees in the Charter.²⁰ As such, it was an important source of support for organizations seeking to

ensure rights to equality, including gender equality, are respected. While public protests forced the government to reinstate minimal funding for linguistic rights court challenges, equality rights litigation remains unfunded.²¹

One organization especially hurt by the defunding of the CCP was the Women's Legal Education and Action Fund (LEAF), which advances equality for women and girls through litigation and public legal education. LEAF has been at the forefront in the fight for women's equality for 30 years, regularly intervening before courts and tribunals including the Supreme Court of Canada.²² While the organization continues to help establish important legal precedent in the courts, it has become more reliant on volunteers and pro bono counsel, and has had to reduce its number of paid staff members.²³

*The struggle for gender equality is as important now as ever. According to a 2006 StatsCan report, "1 in 9 Canadian women live in poverty, women still earn only 70.5 per cent of what men earn for full-time work; and the bulk of unpaid caregiving – for children, seniors and the disabled – continues to be done by women".*²⁴

Some individual Members of Parliament have more recently attempted to undermine the reproductive rights of Canadian women.²⁵

Additionally, the current federal government has introduced legislation that threatens women's rights to pay equity. The Public Sector Equitable Compensation Act (PSECA) was introduced as part

of the federal omnibus budget bill in 2009. This Act effectively ignored recommendations prepared by the Pay Equity Task Force established in 2004 to help the government meet international and domestic pay equity obligations. According to Professor Margot Young, at the Faculty of Law at the University of British Columbia, the Act does not treat pay equity as a human right, despite broad consensus that it is a right.

The Act requires employers and employees to negotiate pay equity at the bargaining table, rather than requiring pay equity to be part of all employment relationships. It introduces market forces to the list of factors used to determine the value of work, which can be inconsistent with the protective nature of pay equity legislation. It also prohibits public service unions from encouraging or assisting members in filing equity complaints. This bill has been challenged at the Ontario Superior Court by the Public Service Alliance of Canada (PSAC) and the Professional Institute of the Public Service of Canada. The Standing Committee on the Status of Women agreed with PSAC's comments on the bill, and the Liberals tabled a bill to revoke the Act. However this bill died with the call of the 2011 elections. Although the Act is not yet in force, it remains on the books.

THE FEDERAL GOVERNMENT IS VILIFYING AND DISTRUSTING CANADA'S VETERANS

In the 2006 election, the Conservative Party campaigned on improving the lives of Canada's veterans.²⁶ The passing of the Veterans Bill of Rights in the government's first term (in 2007) gave hope to veterans and serving members of the military that Canada's veterans would receive the services and support necessary for those returning from conflict. The federal government's attitude has not lived

up to its early promise. The New Veterans Charter (NVC), also passed early in the government's first term, is seen to significantly reduce benefits to veterans, offering only a lump-sum payment for injured veterans, instead of a lifetime pension.²⁷ The most recent federal budget has included an increase of funding for veterans.²⁸ However, advocates have expressed concerns that this is still not enough to adequately address the needs of many veterans, especially those who experience disabilities.²⁹

The federal government has maligned individuals who have expressed concern over existing policies. Pat Stogran, Yves Côté and Pierre Daigle, all defence force ombudsmen (for either serving personnel or veterans) were prevented from serving second terms after issuing strong critiques of the federal government's policies.

The government has also harassed and invaded the privacy of veterans advocates, seemingly in retaliation for their public criticism.

Sean Bruyey, a Gulf War intelligence officer and later journalist and advocate for veterans, spoke out about the poor treatment of veterans' advocates by the Canadian government. As a result, he had his personal and medical files accessed by public servants on numerous occasions between 2005 and 2007. His personal information was used to prepare briefing memoranda for Veterans Affairs Canada (VAC) staff, the Minister of Veterans Affairs and the Prime Minister's office, which included details of his mental health condition and appeared designed to discredit Bruyey and his position.³⁰ Ultimately, the Privacy Commissioner stated in relation to the case: "What we found in this case was alarming... The

veteran's sensitive medical and personal information was shared – seemingly with no controls – among departmental officials who had no legitimate need to see it. This personal information subsequently made its way into a ministerial briefing note about the veteran's advocacy activities. This was entirely inappropriate".³¹

In 2007, Dennis Manuge found himself in a similar position when he initiated a class action against the federal government after its clawback of disability benefits paid to veterans. After learning of Bruyca's experience, Manuge decided to access information about his own records. This revealed that between 2002 and 2010, his medical, psychological, personal and financial information had been accessed over 900 times, by numerous public servants with no apparent reason to do so.³²

THE FEDERAL GOVERNMENT IS FAILING TO SUPPORT AND INVEST IN CHILDREN AND YOUTH

The federal government has cut funding to several organizations providing services for children and youth. Canada's youth were especially hard hit by Canada's economic recession and experience high levels of student debt and un- and underemployment.³³ Despite these difficulties, the federal government has consistently cut services for the country's youth. For example, Service Canada's Jobs Centres for Youth were eliminated in 2012, reducing it to a website after 40 years of offering active resource offices.³⁴

*The Childcare Advocacy Association of Canada (CAAC) saw its federal funding halved in 2006, and cut altogether in 2009.*³⁵

Rather than fund childcare initiatives, the federal government instituted a taxable \$100 allowance for all children under six. Parents spend this allowance as they see fit. The policy resulted in an 80 per cent cut to the federal childcare budget.³⁶ As a result, much of the responsibility for childcare infrastructure fell to the provinces.

The Canadian Council for Learning (CCL) was established in 2004 and given a grant for five years to study learning conditions for children across Canada. It created the Composite Learning Index, a tool to measure the extent to which individuals learn at school, at home, in the workplace, and in their communities. This index received international praise and was adapted for use in Europe.³⁷ Despite its success, in 2009, the government refused to renew the grant, and the organization was forced to close in 2011.³⁸ Human Resources and Social Development Canada noted it would prefer to work with provinces to create a "more comprehensive learning information system" that is "more aligned with labor market demands."³⁹

In 2012, the federal government cut all funding to Katimavik, a program facilitating youth volunteering to improve social and environmental conditions for communities across the country. The program was meant to provide youth with employment skills, while stimulating a sense of belonging amongst Canadian youth.⁴⁰ Katimavik earned a reputation for promoting increased youth participation in progressive causes in the public sphere.⁴¹ Since 1977, it had more than 35,000 alumni, making it a significant social institution.⁴²

THE FEDERAL GOVERNMENT IS UNDERMINING UNIONS AND THE LABOUR MOVEMENT

The federal government has been especially disparaging of the labour movement. Conservative MPs have publicly questioned whether politicians with ties to unions can represent the interests of the Canadian public. They have tried to initiate hearings into union-sponsored political events. They have also introduced private members bills⁴³ to require unions to release public financial statements.⁴⁴ Labour Minister Lisa Raitt's intrusion into and interference with high profile labour disputes such as those involving Air Canada and CP Rail also demonstrates the government's attitude to organized labour.⁴⁵

The Canadian Union of Postal Workers (CUPW) was instrumental in ensuring legal recognition of collective bargaining rights for Canadian civil servants. In 2007, the CUPW and Canada Post had a labour dispute that

eventually led to a strike. Subsequently Canada Post locked out its workers, asserting this was the best way to bring the strike to an end, despite the fact that the CUPW had agreed to continue negotiations.⁴⁶

Bill C-6 was tabled within hours of CUPW and Canada Post agreeing to return to the bargaining table.⁴⁷ The bill was unusually harsh because it forced the return to work of strikers after only five days on strike, when back-to-work legislation is usually reserved for more extended disputes. The bill eroded several established norms for conducting labour arbitrations, and specified a maximum wage rate the arbitrator was able to impose.⁴⁸ These changes interfered with the usual powers and process at play in arbitrations, and resulted in a decision that involved a wage rate considerably lower than Canada Post's previous offer.⁴⁹



The Conservative government has weakened the public service and their unions. The Canadian Union of Postal Workers has been particularly attacked. Photo: Rally to support postal workers and Canada Post. Credit: Socialist Action.

THE FEDERAL GOVERNMENT IS ISOLATING AND STIFLING THE VOICES OF THE ECONOMICALLY MARGINALIZED

Federal budget cuts and CRA audits have adversely affected several organizations including Oxfam Canada, Canada Without Poverty (CWP), and the Community Access Program (CAP), that serve those living on lower incomes.

Budget cuts to CAP have effectively deprived many people living in rural communities and those living on lower incomes of access to the internet. CAP was initiated as a response to the lack of access to the digital world in these communities. The steady digitalization of government and other services has meant that access to the internet and digital literacy is becoming increasingly important. In 2010, CAP was providing access to computers and the internet to 3,785 locations across the country.⁵⁰ Two years later, the federal government cut all funding without warning. The government explained the cut was necessary due to “challenging fiscal times,” and asserted that the Program’s objectives had already been met.⁵¹ There are no replacement programs facilitating internet or computer access for these populations.

The federal government has also used CRA rules to frustrate Oxfam Canada’s work to address poverty. A 2013 review of Oxfam Canada’s charitable purposes by the CRA determined that Oxfam Canada could only maintain its charitable status by removing “preventing poverty” from its list of charitable purposes.⁵² The CRA asserted that alleviating poverty was a charitable activity, but preventing it was not and that “[p]reventing poverty could mean providing for a class of beneficiaries that are not poor”.⁵³

Robert Fox, who was executive director of Oxfam Canada at the time of the review, described the CRA’s exchanges with Oxfam Canada over its charitable status as absurd.

CWP had its federal funding eliminated in 2007. As this funding constituted 55 per cent of their revenues, the cut threatened the ongoing work of the organization. Since 2011, CRA has been auditing CWP.⁵⁴ The government’s efforts to frustrate the work of CWP mirror its treatment of Oxfam Canada, and are symptomatic of the federal government’s preference for limiting the work of charities to the provision of front-line services at the expense of programs with a systemic and preventative focus.

Ensuring that the voices of Canada’s marginalized communities are heard is crucial to the functioning of a fair and healthy democracy. An enabling environment would allow these communities adequate resources to empower them to actively participate in democratic institutions, ensuring that law and policy develop in ways that advance greater equality.

However, the federal government has mounted a sustained campaign to eliminate, divert and paralyze these groups and individuals. Extensive budget cuts have frustrated the important work of charities and non-government organizations to ensure greater equality for women, Indigenous peoples and youth. The federal government has also vilified, harassed and ostracized advocates working to improve conditions for Canada’s veterans. And it has passed oppressive legislation that undermines the labour movement and counters progress towards women’s equality.

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Silencing Voices Through Foreign Affairs & National Security¹

For decades, Canada has proudly maintained a reputation domestically and abroad as a country that believes in respecting and promoting human rights. But recent measures – many undertaken in the name of national security, foreign policy and asserted threats to Canadian borders – have reduced the ways in which the Canadian government is held accountable for human rights abuses committed in Canada and abroad. The public’s right to access information about government conduct has been correspondingly eroded. Moreover, measures – and in particular funding cuts to programs for newcomers, and Bill C-51 – have undermined civil society and the rights of Canadians to associate freely and express their views.

THE FEDERAL GOVERNMENT IS USING NATIONAL SECURITY TO HIDE AND JUSTIFY HUMAN RIGHTS ABUSES

Ensuring Canada’s national security is a legitimate goal of government. However, successive Canadian governments have introduced legislation that has progressively expanded the reach of Canada’s security and intelligence agencies, given them ever increasing powers, and reduced or eliminated oversight mechanisms that ensure accountability and transparency.² In this new security landscape, the conduct of Canadian security forces has been marked by secrecy and repeated complicity in the violation of the rights of both Canadians and citizens of other countries.

In the wake of September 11, 2001, Canadian intelligence and security forces were complicit in the detention of Abousfian Abdelrazik,³ Omar Khadr,⁴ Abdullah Almalki, Ahmad Abou-Elmaati, Muayyed Nureddin and Maher Arar by countries well-known for committing human

rights abuses, including torture – respectively Sudan, the United States at Guantanamo Bay, Syria and Egypt.

*Arar’s case led to a Commission of Inquiry into the conduct of Canadian officials that “revealed serious problems in intelligence collection and sharing, which had real and far reaching impact on the lives of Canadians, and called for much more robust oversight mechanisms for national security investigations”.*⁵

A judicial inquiry into the Almalki, Elmaati and Nureddin cases had no mandate to formulate recommendations, but made findings about those three cases consistent with the conclusions and recommendations from the Arar inquiry.⁶

Many of the recommendations of the Arar Commission of Inquiry have not been implemented. If Bill C-51, the Anti-Terrorism Act 2015, becomes law, security and intelligence services will have unprecedented powers to investigate the democratic activities of Canadians, to infringe the privacy of individuals both inside and outside Canada, to share information extensively, as well as detain and ‘list’ individuals on the basis that they might pose a threat to national security. The vague wording of the Act means there is a risk these powers will be exercised in relation to activities that were previously protected as lawful, including protesting and expressing dissent. Moreover, these increased powers have not been matched with oversight and transparency.⁷

The Anti-Terrorism Act has been widely opposed by rights groups, journalists, academics and the general

public.⁸ Professors Kent Roach and Craig Forcese, both leading legal academics in the field of national security, have condemned the lack of oversight mechanisms in the Act as “breathtakingly irresponsible without a redoubled investment in our tattered accountability system”.⁹ The Privacy Commissioner has expressed grave concerns about the information sharing provision in the Act: However, the scale of information sharing being proposed is unprecedented, the scope of the new powers conferred by the Act is excessive, particularly as these powers affect ordinary Canadians, and the safeguards protecting against unreasonable loss of privacy are seriously deficient. While the potential to know virtually everything about everyone may well

identify some new threats, the loss of privacy is clearly excessive. All Canadians would be caught in this web.¹⁰

*Rights groups have repeatedly argued that Bill C-51's vague and broad language criminalizes the expression of dissent, protest and other forms of advocacy.*¹¹

Groups especially concerned about Bill C-51 are Indigenous groups defending their lands, who have in the past been labelled terrorists and radicals by the federal government.¹² In an open letter to the Prime Minister nearly 100 non-government organizations, academics and professionals, condemned the law as



National security legislation has been criticised for criminalizing dissent and increasing the scope of what is considered “terrorism.” Photo: Indigenous land defenders march against Bill C-51 in Toronto. Credit: Kevin Konnyu.



Various communities, including Canadian Muslims, have raised concerns that they are targeted by Conservative anti-terrorism legislation. Photo: Nasim Asgari, an Iranian-Canadian spoken word artist, performs at a rally against Bill C-51. Credit: Kevin Konnyu.

“irresponsible, dangerous and ineffective” and as one that “will detrimentally impact our social frameworks, democratic values and fundamental rights”.¹³

THE FEDERAL GOVERNMENT IS PUTTING FOREIGN POLICY BEFORE HUMAN RIGHTS AND DEVELOPMENT

Like national security concerns, Canadian foreign policy interests have trumped the rights of Canadians to free expression, the free flow of information, and freedom of association. In particular, the Canadian government has interfered with individuals and organizations whose agendas do not align with the Canadian government’s foreign policy and international economic strategies.

For example, in July 2010, government funding for the Canadian Council for International Cooperation (CCIC) was eliminated, forcing the council to fire two-thirds of its staff. The CCIC had been working on building

capacity in Canada’s non-government sector and “monitoring and analyzing federal policies on foreign affairs, aid, peace-building, trade and human rights for almost four decades”.¹⁴ The “decision is widely seen as ‘payback’ for CCIC’s advocacy of public policy positions that had run at cross purposes with those of the government”.¹⁵ Gerry Barr, the executive director of CCIC at the time its funding was eliminated, described the decision as the “politics of punishment”.¹⁶

Although this trend can be observed across the Canadian development and humanitarian sector...

...there is a clear pattern of silencing individuals and civil society organizations engaged in development or humanitarian work in the West Bank or Gaza, or with advocating for the human rights of Palestinians.

In particular, KAIROS, a faith-based charity that works on a range of issues, including peace between Palestine and Israel, unexpectedly lost substantial funding in 2009.¹⁷ Justifying the elimination of funding, the Minister of Citizenship, Immigration and Multiculturalism alleged that KAIROS is an organization that “promote[s] hatred, in particular anti-Semitism”.¹⁸

The Canadian Arab Federation also had its funding suddenly cut in 2009. The CAF provides support to Arab communities living in Canada, fosters links between Arabs in Canada and the Arab homelands, and supports causes affecting the human rights of Arabs including the Palestinian people. Evidence suggests the loss of funding is directly linked to statements, which were admittedly highly critical and inflammatory, made by CAF against the federal government and the Minister for Citizenship and Immigration.¹⁹

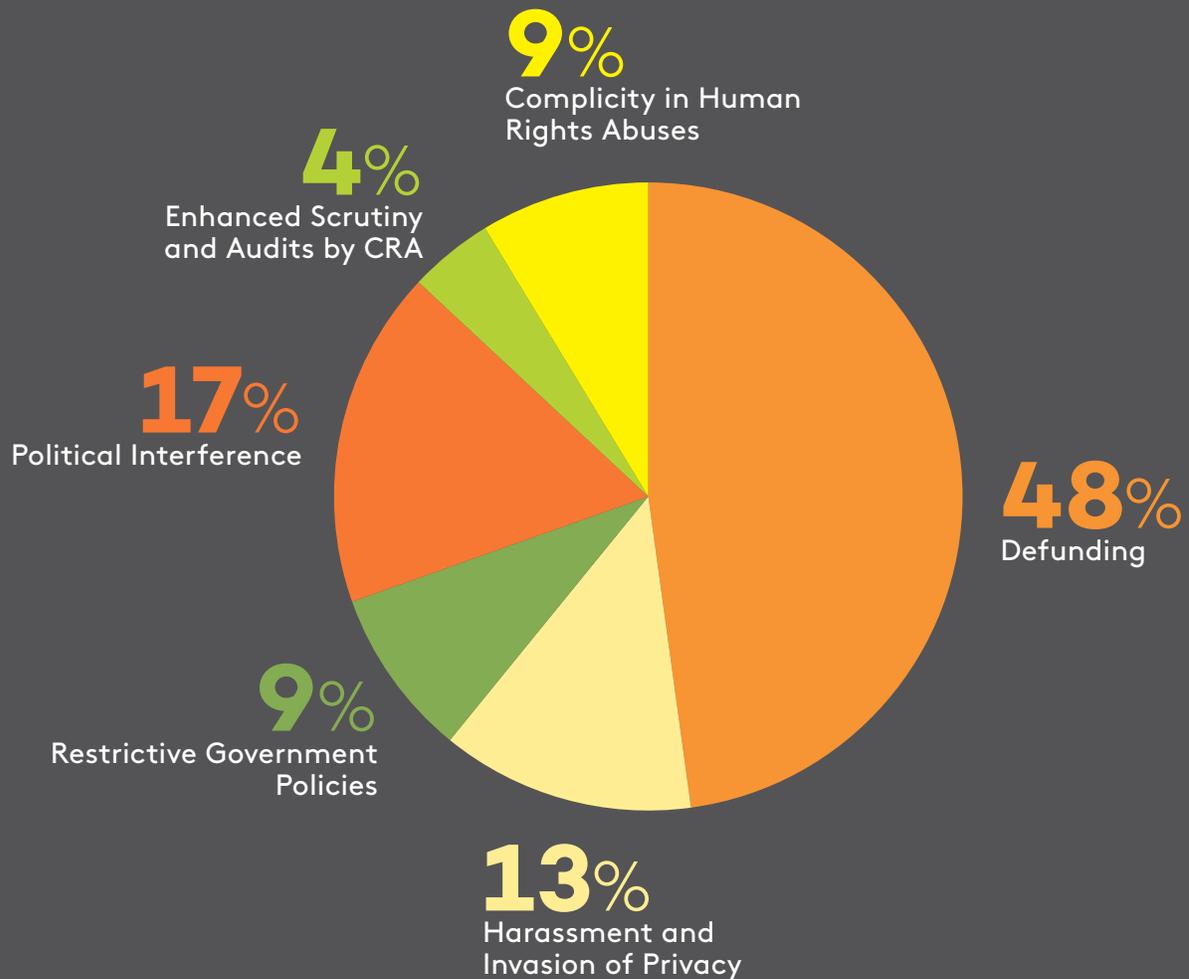
In 2010, the Mada al-Carmel Arab Centre for Applied Social Research, which engages in research and critical analysis related to Palestine and Israel, had two research grants already awarded withdrawn by the International Development Research Centre. This funding was for research into democracy and the human rights of Palestinian women in Israel. Mada al-Carmel challenged the legality of IDRC’s funding decision, proceedings which ultimately settled.²⁰ Palestine House, which provides language and settlement support to Palestinians newly arrived in Canada, had its funding discontinued in 2012.²¹ The federal government explained that this was due to the organization’s political statements which were seen as being “supportive of terrorists”.²²

IRFAN Canada, a non-profit Canadian organization focused on humanitarian relief in the West Bank and Gaza, is currently embroiled in a long-running dispute with the federal government over its charitable status. In May 2014, this dispute took a grave turn, with IRFAN Canada being listed by the government as a terrorist organization.²³ IRFAN has been forced to abandon its pursuit of charitable status while it focuses its attention on getting itself removed from the government’s terror list.

Silencing has come in the form of direct interference with individuals. In 2009, Sharryn Aiken, an associate professor and Associate Dean of Graduate Studies and Research at the Faculty of Law at Queen’s University in Kingston, Ontario, organized with colleagues from Osgoode Law School, a conference entitled: ‘Israel/Palestine: Mapping Models of Statehood and Paths to Peace.’ The purpose of the conference was to “explore which state models offer promising paths to resolving the Israeli-Palestinian conflict, respecting the rights to self-determination of both Israelis/Jews and Palestinians”.²⁴ The federal government unsuccessfully sought to have the Social Sciences and Humanities Resource Council withdraw its funding for the conference.²⁵ Aiken was also subject to an anonymous and extensive freedom of information request, which focused particularly on her communications about the conference and with groups conducting work on Middle East issues.²⁶

Individuals known for their activism with respect to the human rights of Palestinians have also faced barriers to entry to Canada. For example, George Galloway, an activist, humanitarian and former British parliamentarian, who was travelling to Canada for a speaking engagement, was assessed as inadmissible by the Canadian Border Services Agency.²⁷ The CBSA’s

Silencing Voices Through Foreign Affairs & National Security



CASE STUDY SUBJECT	YEAR	VOICE	LINK TO FULL TEXT	SILENCING TACTICS
Canadian Council for International Co-operation	2010	Foreign policy	http://voices-voix.ca/en/facts/profile/canadian-council-international-co-operation	Defunding
Canadian Arab Federation	2009	Foreign policy	http://voices-voix.ca/en/facts/profile/canadian-arab-federation	Defunding
KAIROS	2009	Foreign policy	http://voices-voix.ca/en/facts/profile/kairos	Defunding
Mada al-Carmel	2010	Foreign policy	http://voices-voix.ca/en/facts/profile/mada-al-carmel	Defunding
Afghan Association of Ontario	2010	Newcomers	http://voices-voix.ca/en/facts/profile/afghan-association-ontario	Defunding

Eritrean Canadian Community Centre of Metropolitan Toronto	2011	Newcomers	http://voices-voix.ca/en/facts/profile/eritrean-canadian-community-centre-metropolitan-toronto	Defunding
South Asian Women's Centre	2011	Newcomers	http://voices-voix.ca/en/facts/profile/south-asian-womens-centre	Defunding
Palestine House	2012	Foreign policy	http://voices-voix.ca/en/facts/profile/palestine-house	Defunding
Hospitality House Refugee Ministry	2012	Newcomers	http://voices-voix.ca/en/facts/profile/hospitality-house-refugee-ministry	Defunding
Canadian Doctors for Refugee Care	2012	Newcomers	http://voices-voix.ca/en/facts/profile/canadian-doctors-refugee-care	Defunding
Interim Federal Health Program	2014	Newcomers	http://voices-voix.ca/en/facts/profile/interim-federal-health-program	Defunding
Attaran, Amir	2007	Foreign policy	http://voices-voix.ca/en/facts/profile/amir-attaran	Harassment and invasion of privacy
Mendes, Errol	2008	Foreign policy	http://voices-voix.ca/en/facts/profile/errol-mendes	Harassment and invasion of privacy
Aiken, Sharryn	2009	Foreign policy	http://voices-voix.ca/en/facts/profile/sharryn-aiken	Harassment and invasion of privacy
Canadian Citizenship (Bill C-24)	2014	Newcomers	http://voices-voix.ca/en/facts/profile/canadian-citizenship-bill-c-24	Restrictive policies
Bill C-51	2015	Human rights	http://voices-voix.ca/en/news/case-study-107-bill-c-51-anti-terrorism-act-2015	Restrictive policies
Barghouti, Mustafa	2010	Foreign policy	http://voices-voix.ca/en/facts/profile/dr-mustafa-barghouti	Political interference
George Galloway	2009	Foreign policy	http://voices-voix.ca/en/facts/profile/george-galloway	Political interference
Beauregard, Rémy	2010	Foreign policy	http://voices-voix.ca/en/facts/profile/remy-beauregard	Political interference
Rights and Democracy	2010	Foreign policy	http://voices-voix.ca/en/facts/profile/rights-democracy	Political interference / defunding
IRFAN-Canada	2014	Foreign policy	http://voices-voix.ca/en/facts/profile/irfan-canada	CRA audit
Abousfian Abdelrazik	2006	Human rights	http://voices-voix.ca/en/facts/profile/abousfian-abdelrazik	Complicity in human rights abuses
Omar Khadr	2012	Human rights	http://voices-voix.ca/en/facts/profile/omar-khadr	Complicity in human rights abuses

assessment, which was leaked to the media, referred to entirely unfounded allegations about Galloway’s links to terrorism. Dr. Mustafa Barghouti, a Palestinian doctor and human rights activist, was due to speak in Canada at a event organized by Canadians for Justice and Peace in the Middle East (CJPME).²⁸ However, Dr. Barghouti had to reschedule his engagement, after his visa was not issued in time for him to travel to Canada. The delay resulted in part from the need to conduct checks on Barghouti and his host organization – the CJPME.

The government’s interference is not confined to civil society, but has also extended to parliamentary agencies. Rights and Democracy was one such agency. Established in 1988 and mandated to “provide non-partisan support to Canada’s foreign policy”, Rights and Democracy received public funds and reported directly to Parliament. From 2008 onwards, the work of Rights and Democracy was undermined by a conflict between the agency’s president – Rémy Beaugard – and newly appointed members of the agency’s board.²⁹ The conflict related to the agency’s funding of three Israeli human rights groups – B’Tselem, Al Haq and Al Mezan – which were described as “toxic” and “extremists” by Aurel Braun, one of the new board members. According to Ed Broadbent, a former president of Rights and Democracy, “They [the government appointments] are bringing what can only be described, it seems to me, as Middle East politics, directly into the heart of the centre. Never was there such interference before”.³⁰ Broadbent, and three other former presidents of Rights and Democracy, called on the government to address “a subversion of the independence and integrity of the institution”.³¹ On January 8, 2010, and in the midst of the period which saw his management subject to constant and unwarranted scrutiny and unjustified

criticism, Rémy Beaugard died unexpectedly of a heart attack.³² Rights and Democracy has since been shut down.

THE FEDERAL GOVERNMENT IS REMOVING EQUALITY FOR NEWCOMERS

Newly arrived immigrants and refugees have been the target of increasingly hostile government measures. Changes to the Citizenship Act and reduced funding for services assisting those who have recently arrived in Canada, including unconstitutional limits on the availability of health care for refugee claimants, have together undercut the ability of all individuals in Canada to participate equally in democracy.

*In December 2010, the federal government announced a series of drastic funding cuts to organizations providing settlement services and sponsorship.*³³

These cuts have affected a large number of organizations, including the York South-Weston Local Immigration Partnership, which is an umbrella group with 26 member organizations, all of which have been affected.³⁴ At least 14 other Toronto-based organizations have suffered as a result of the cuts, including:³⁵

- **Afghan Association of Ontario**
- **South Asian Women’s Centre**
- **Eritrean Canadian Community Centre of Metropolitan Toronto**
- **Community Action Resource Centre**

Reports suggest the federal government emailed those organizations affected, forbidding them from discussing the cuts publicly. The government

subsequently asserted the email was sent by mistake.³⁶ Underlying the government's elimination of funding for services to refugees and newly arrived immigrants is a spurious suspicion of individuals seeking protection in Canada. This notion of 'bogus refugees' taking advantage of Canadian hospitality was part of the Canadian government's rationale for making extensive cuts to the Interim Federal Health Program (IFHP), originally established in 1957 to provide healthcare to refugees or those waiting for the determination of refugee applications. In 2012, the government drastically cut back these services, essentially denying refugees subsidized health care. Canadian Doctors for Refugee Care (CDRC) joined with other organizations and initiated a court challenge.³⁷ The doctors won their case, the court describing the cuts as "cruel and unusual treatment" of refugees and requiring the government to reinstate health care coverage by November 2014.³⁸ The federal government appealed this decision, and has in the meantime funded some but not all additional services.³⁹ The CDRC has since taken the government back to court pressing for the restoration of the remaining services.⁴⁰

In 2014, the federal government introduced Bill C-24, the Strengthening Canadian Citizenship Act.⁴¹ Bill C-24 amended the Citizenship Act in several key ways, including:

- **Making it more difficult** for permanent residents to obtain citizenship
- Providing immigration officials with more **discretionary powers**
- Giving newcomers less legal recourse to challenge adverse decisions
- Giving the Minister **powers to revoke a person's Canadian citizenship** when that

person has been convicted of certain terrorism or national security related offences

- Permitting the Minister to apply to the Federal Court for a declaration **revoking a person's citizenship** if he or she is believed to have concealed 'material circumstances' related to certain national security grounds, the violation of international human rights, or organized criminality.⁴²

A major objection to the Act was that it would create a two-tiered system of citizenship. According to Alex Neve, Secretary General of Amnesty International Canada's English-speaking branch: "The revocation provisions also put Canadians at risk of discrimination based on their dual nationality, or their family origin. The bill cuts against Canada's duty not to discriminate and to protect people from discrimination".⁴³ Such provisions undermine the ability of all Canadians to participate equally in democracy.

The federal government has repeatedly invoked national security concerns, foreign policy interests and the need to protect Canada's borders to justify draconian laws and policies, and harsh funding cuts that encroach on free expression, public debate and equal treatment. The government's proposed new anti-terror legislation will erode the ability of Canadians, including many marginalized communities, to speak freely, and to organize and protest in opposition to government action. Budget cuts and interference have been used to silence organizations and individuals that express a position at odds with the government's foreign policy interests. Cuts to services for immigrants and oppressive new rules regarding citizenship discriminate against a large sector of the Canadian population and undermine their capacity to participate equally in democracy.

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CONCLUSION

Individuals and organizations must be empowered to participate meaningfully in democracy. This understanding is also rooted in Canadian and international law. Governments should be accountable and transparent, and individuals must have the tools to demand accountability and transparency when it is lacking. To achieve this, the government must promote the ability of Canadians to express opposition and organize. But more than this is required: government must foster the social, political and public institutions necessary for all groups and individuals in Canada's diverse society to participate meaningfully in Canadian democracy. This requires democratic processes and oversight mechanisms to be protected, knowledge of all kinds to be generated and disseminated, civil society to be resourced and free from interference, and human rights to be respected.

On each of these fronts, the Canadian government is failing. It is not only failing to enhance democratic participation and the flourishing of Canadian democracy, its undermining of democracy is much more fundamental. It erodes established rights and practices that foster democratic participation,

and silences the voices necessary to develop sound policy that serves all Canadians. Far from enhancing democracy, the Canadian government is stifling it.

Parliamentary processes have been misused, and reduced funding and restrictive codes of conduct have threatened the ability of the public service to deliver frank, independent and competent advice. Interference with oversight mechanisms has frustrated their ability to hold the government accountable, and a weak framework for the protection of whistle-blowers has led to reprisals against those willing to expose government misconduct.

The knowledge that Canadians need to properly assess government policies, and participate meaningfully in democracy is vanishing. Through a series of devastating budget cuts, independent agencies established to conduct important scientific research and provide important government oversight have been forced to close or else had their work crippled. These tactics have attacked evidence-based decision-making and prevent the development of government policy that is responsive to the public's needs.

The voices of marginalized Canadians have also been silenced. Many organizations representing diverse groups such as women, Indigenous peoples, veterans, labour, youth and those who are economically marginalized have lost funding or been targeted by the government in other ways. The ability of these groups to organize and ensure all Canadians are treated fairly and equally has been compromised.

National security, foreign policy and “safe borders” have been repeatedly invoked to avoid accountability for the government’s own human rights abuses, to justify or overlook human rights abuses perpetrated by other governments, and to discriminate against those new to Canada.

By attacking and limiting the diversity of voices in Canada’s public sphere, the federal government is eroding Canadian democracy and the fabric for ensuring strong human rights protection in the country.

It is crucial that Canadians and their elected representatives resist these developments and instead actively protect, include, and value Canada’s diverse voices who are working to make it a fairer and more welcoming place. Canadians deserve a vibrant and dynamic democracy, and they are capable of building that together. It is the job of government to support those engaged in this task, not undercut and destroy their striving for a better and more inclusive democracy.





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