



PEN CANADA
24 Ryerson Avenue, Suite 301
Toronto, Ontario M5T 2P3
416.703.8448 pencanada.ca

FREE
EXPRESSION
MATTERS

April 3, 2013

Mayor Ford and City of Toronto Executive Committee Members
c/o Kelly McCarthy
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Mayor Ford and Executive Committee Members,

PEN Canada is a non-profit organization that fights censorship and defends the right to freedom of expression. In addition to supporting writers who have been censored abroad, PEN monitors freedom of expression within Canada and promotes public discussion of related issues. We are writing to you to voice our concern about the revisions to the City of Toronto's anti-discrimination policy and funding conditions for grant applicants that are being considered, with regard to the negative consequences that these changes could have on freedom of expression.

In September 2012, City Council's Executive Committee requested that the City Manager revise the declaration of compliance, which is signed by organizations contracted with the City (including grantees), to include policies that "go beyond provincial and federal statutes and legislation" and requested that he "report on amendments to the City's anti-discrimination policies, which would state that the City condemns harassment, denigration, discriminatory actions, promotion of hatred or anything which shows a lack of respect for all persons." The Committee also asked the City Manager to consider a condition of funding that prohibited the term "Israeli Apartheid" from being used in the 2013 Pride event. We believe these revisions could create a chill on freedom of expression for City-funded organizations in Toronto.

First, the vague phrasing of the proposed changes to the anti-discrimination policy ("condemns...anything that shows a lack of respect for all persons") leaves the policy open to overbroad interpretation and arbitrary application by City staff and Council, and is likely to prevent funded organizations from freely expressing their views on a wide range of issues that would benefit from debate. This would infringe a right that is both constitutionally protected and a necessary condition for a healthy democracy. Likewise, including specific provisions that shield a particular community from offense sets a precedent that may be invoked by any group that feels its sensibility has been offended by a City-funded organization.

PEN believes that the City of Toronto and its residents are better served when all are allowed to express their viewpoints freely.

Sincerely yours,

Charles Foran
President, PEN Canada