



*Canada's only national political pro-choice advocacy group*

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July 7, 2023

To: Executive Committee: [exc@toronto.ca](mailto:exc@toronto.ca)

cc: Councillor Paula Fletcher: [Councillor\\_Fletcher@toronto.ca](mailto:Councillor_Fletcher@toronto.ca)

## **Regulation of Graphic Flyers and Signage Showing Aborted Fetuses**

Dear Executive Committee,

I'm the Executive Director of the Abortion Rights Coalition of Canada (ARCC) and am writing to add my comments in strong support of the Motion that was presented to City Council on June 14 by Councillor Dianne Saxe (MM7.17 - Graphic Image Delivery), which was then referred to your committee for consideration at your July 11 meeting.

The motion asked City Council to draft a London-style Viewer Discretion bylaw for the graphic flyers, and also asked City Council to take action against graphic images in public.

ARCC is a national group that has been active across Canada since 2017 asking municipalities and working with them to restrict or regulate these graphic images. We have communicated with the City of Toronto (Council, individual councillors, city staff) on dozens of occasions over the years, and also have tracked incidents of graphic flyer delivery and signage display.

### **Graphic Flyer Bylaw:**

Four cities and towns have now passed a bylaw that requires the graphic flyers to be sealed in envelopes with identifying information on the outside and a trigger warning: London ([May 2022](#)), Woodstock ([Feb 2023](#)), Calgary ([May 2023](#)) and Ingersoll ([June 2023](#)). Further, [St. Catharines](#) and [Oakville](#) are moving towards passing a flyer bylaw soon.

As the first city in Canada to pass a Viewer Discretion type bylaw, London has seen no legal action by the anti-abortion group who were delivering the flyers, which appears to have stopped flyer delivery in London. Therefore, we are strongly encouraging other cities and municipalities to adopt the same kind of successful bylaw, which likely meets Charter scrutiny.

### **Graphic Signage in the Public Realm:**

Regarding the regulation of graphic signage in public, it is unfortunate that there has been very little action by Toronto since 2017, while other cities are starting to move forward. Within the last year, [London](#) and [Oakville](#) have begun considering how to regulate the graphic signage in public. In October 2020, the City of Calgary passed a [bylaw amendment](#) to its *Temporary Signs on Highways* bylaw, which limits signs with advocacy messaging to just 5" x 3.5" within 150 metres of any Calgary school during school hours.

However, we know that some other cities across Canada may have acted sooner because they were waiting to see what Toronto would do. As the largest city in Canada with the most resources, Toronto sets an important example and precedent for other municipalities.

For the record, here's a recounting of past efforts and postponements by the City of Toronto:

- **Dec 2017:** City Council passed a motion requesting staff to assess legislative and private options to regulate the signage and flyer delivery.
- **July 2018:** City Council passed a motion to review sidewalk bylaws and consider enforcement options available. This resulted in a review of the city's Temporary signs bylaw to see if the bylaw could be amended to address the graphic imagery on streets.
- **Sept 2019:** Municipal Licensing & Standards issued a report. On the topic of regulating temporary sign content, it said: "It is expected that staff will be in a position to report back to the appropriate committee in the second quarter of 2020." (The report did make a limited recommendation to control graphic images under [Chapter 743-9](#), and also to amend Chapter 693 to establish a new temporary sign type: "Advocacy Signs.")
- **July 2020:** City staff advised ARCC that the report on graphic signage will be delayed until at least early 2021 because of the COVID-19 pandemic, cautioning that it "may require additional time for research, consultation, and legal analysis."
- **July 2021:** City staff advised ARCC that the report would be further delayed due to pandemic priorities, stating: "We are currently reviewing our reporting schedule and hope to have a better sense of timing in the fall."
- **March 2022:** City staff advised ARCC: "We do not have a firm date for the report back on this directive, but are aiming to bring a report in 2023."
- **June 2022:** Then-Councillor Mike Layton introduced motion MM-45.22 to try and speed things up, asking Municipal Licensing and Standards, and Transportation Services, to explore options for prohibiting graphic images on flyers, as well as prohibiting and regulating graphic signage in public, and to report back to Council.
- **June 7, 2023:** A Councillor staff member told ARCC that staff have delayed the report about graphic signage in public to 2024.
- **June 14, 2023:** Councillor Dianne Saxe presented motion MM7.17 to City Council, to draft a Viewer Discretion bylaw for the graphic flyers and to take action against graphic images in public.

The ongoing delays in the staff report about regulating graphic signage are unacceptable in the light of the ongoing harm of this signage in public. Toronto is consistently the **worst-affected city in Canada**, with by far the most incidents of graphic imagery display or distribution in the country. ARCC can track only a fraction of the graphic signage displays in Toronto, but our records show the following in the years while the city was repeatedly delaying action:

- 2023 – 6 incidents
- 2022 – 23 incidents
- 2021 – 14 incidents
- 2020 – 7 incidents
- 2019 – 17 incidents
- 2018 – 20 incidents

The true number of incidents is likely at least double. Tens of thousands of Toronto residents have been affected over the years, and it's fair to say that most have been harmed to at least some degree and many have been quite traumatized.

**Harms of Graphic Images:**

The images cause citizens to become upset and irate, resulting in many complaints to local governments and police. Families with young kids are often the most infuriated, with many stories of children traumatized as a result of having seen the pictures.

Also, the images can be quite devastating to people capable of pregnancy. If someone has had a miscarriage or any negative pregnancy experience, the images can trigger traumatic memories and cause mental distress. The images can potentially induce guilt or shame in those who have had an abortion, while anyone who strongly values reproductive rights may experience the images like a gut punch, because they represent an infuriating challenge to their fundamental human rights. The graphic images should therefore be seen as discriminatory because the harms fall disproportionately on cisgender women.

Seeing graphic images of aborted fetuses can be analogized to the exposure to graphic images and events experienced by some professions, which can result in post-traumatic stress disorder (PTSD). Examples include police officers, soldiers, first responders, funeral industry workers and medical examiners, journalists, and social media content moderators.

Freedom of expression does not extend to forcing oneself on a captive audience, which must have the equal freedom to avoid the message without undue inconvenience or restriction of movement. Toronto citizens out in public often constitute a "captive audience". For example, when the imagery is shown on city streets, hapless pedestrians and drivers may pass by without warning. Even if they're aware of the display, they may have no other feasible route by which to detour around the display, depending on its location and the available transit routes. Further, drivers and vehicle passengers may be caught in traffic and cannot escape for several minutes, and protesters may try to harangue passersby about abortion against their will.

Taken together, the above factors should make it defensible under Section 1 of the *Charter of Rights and Freedoms* to restrict the graphic signage in public.

ARCC suggests that the City could pass a bylaw similar to Calgary's school bylaw, but a broader one that applies anywhere in public. The value of such a bylaw is that it balances the anti-abortion protesters' freedom of expression with the right of the public to not be subjected to these images.

Thank you very much for considering my comments and evidence.



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