

Annual Report 2021-22

CENTRE FOR FREE EXPRESSION

**Toronto
Metropolitan
University**

Centre for Free Expression
at The Creative School

**Centre for Free Expression
The Creative School
Toronto Metropolitan University**
e: cfe@ryerson.ca
t: +14379957396
w: cfe.ryerson.ca

Contents

2	Letter from the Director
3	Public Education
6	CFE Commentaries
8	Court Interventions
10	Projects
15	Law Reform
18	Research
19	Working Groups
22	Board, Fellows, Staff

Letter from the Director

If Canada were to have a word-of-the-year for 2021-2022, it likely would be “freedom.” It was emblazoned on the bumpers and sides of massive tractor-trailers that truckers and their supporters used to occupy downtown Ottawa for three weeks in their quest to end all public health restrictions related to COVID-19. At the same time, the besieged residents of Ottawa demanded freedom from the protesters and their vehicles who had taken over their city and disrupted their lives.

Six months later, another quest for “freedom” came to a head in the British Columbia Court of Appeal. The 13-year legal marathon legal by Dr. Brian Day to allow Canadians with the financial means the right to turn to private health care when dissatisfied with Canada’s public health care system was [rejected](#) by the Court on the grounds that allowing private care would endanger the public system.

Two of the most consequential freedom of expression cases in recent years were decided by the Supreme Court of Canada, a few weeks apart in October 2021 - [City of Toronto v. Ontario](#) and [Ward v. Quebec](#). As [Jamie Cameron](#) has pointed out, each divided the court 5-4, with the same justices making up the majority and minority in both, but with them taking opposite positions in the two cases.

Inconsistency on expressive freedom abounds elsewhere. Erstwhile champions of freedom from mask mandates and vaccine requirements, like [Action4Canada](#), have embraced a censorship campaign demanding that children and youth books related to sexual orientation and gender identity be removed from public libraries and school libraries. American organizations, like [Moms for Liberty](#), are opening Canadian branches to push similar demands.

The Centre for Free Expression was created in 2014 to be a platform for exploring the complexities of the expressive freedom rights that are so essential to individual developments, the advancement of knowledge, public discourse that is the foundation of democracy, and social justice. The importance of that work only grows, and the uniqueness of the Centre becomes more apparent, as the public space shrinks for addressing the complicated and nuanced nature of fundamental freedoms and rights in our increasingly polarized society.

The Centre for Free Expression has been actively engaged this past year in public education, advocacy, assisting courts, law reform, and countering the resurgence of the notion that censorship is a useful tool rather than counterproductive in the quest for greater social justice.

The range, quality, and influence of the Centre’s work is attributable to the many dedicated people who do the work of the Centre—on our Advisory Board; speaking at our events; writing our commentaries; serving on our various issue-based working groups, advisory, and steering committees; collaborating in our multiple projects; representing us *pro bono* before the courts; and helping fund our initiatives. To each of you, we owe a debt of gratitude that goes beyond my ability to convey. We also want to thank the Office of the Provost at Toronto Metropolitan University for their continuing support.

James L. Turk

Public Education

The Centre hosted 26 virtual public panels and conversations in 2021-22, reaching audiences across Canada and internationally. Videos of each are available on the [CFE website](#).

Free Expression, Public Discourse, and Democracy

Black Stand-Up Comedy as Cultural Critique

Terrence Tucker
In conversation with Vershawn Young
November 16, 2021

The Future of Democracy in an Era of Social Fragmentation

Tara Henley
In conversation with Samir Gandesha
Tuesday March 15, 2022

Does Cabinet Secrecy Unduly Undermine Open Government & the Public's Right to Know?

Yan Campagnolo
In conversation with Mel Cappe
Wednesday March 30, 2022

Corporate Rules: The Real World of Business Regulation in Canada

Panelists: Bruce Campbell, Jason MacLean, Theresa McClenaghan, Jennifer Quaid
Moderator: James L. Turk
Tuesday April 26, 2022

Confronting Hate and Racism

Can Tougher Hate Speech Laws Stem the Tide of Hate?

Panelists: Faisal Bhabha, Ena Chadha, Richard Moon
Moderator: Cara Zwibel
September 15, 2021

Countering Islamophobia in Canada: After 20 Years of the "War on Terror"

Azeezah Kanji
In Conversation with Tim McSorley
September 22, 2021

The Problem of Anti-Racist Discourse in Canada & US

Anthony Stewart
In conversation with Vershawn Young
October 5, 2021

Challenging Racism in Anti-Racism

Samir Gandesha
In conversation with Charles Reeve
October 20, 2021

Racial Politics in the post George Floyd Era

Panelists: Desmond Cole, El Jones, Adolph Reed, Jr.
Moderator: Vershawn Young
June 14, 2022

Freedom of Expression & the Workplace

Watch What You Say! The whole world is becoming your workplace

Charles Smith & Daniel J. Paré
In conversation
November 8, 2021

Threats to Press Freedom

Silencing Kashmir—The state of press freedom in the world's most militarized zone

Panelists: Aakash Hassan,
Raqib Hameed Naik,
Kunal Majumder, Geeta Seshu
Moderator: Julian Sher
Wednesday March 2, 2022

Afghanistan: The War Against Journalists

Panelists: Shakor Kamran, Makia Monir, Rachel Pulfer
Moderator: Julian Sher
Wednesday April 6, 2022

Putin's War on Journalists

Panelists: Ekaterina Kotrikadze, Alexey Kovalev, Maxim Trudolyubov, Chris Brown
Moderator: Julian Sher
Thursday May 5, 2022

Press freedom in Canada - What about student journalists?

Panelists: Spencer Izen, Jessica Kim
Discussant: Danielle McLaughlin
Moderator: James L. Turk
Friday June 10, 2022

Taming Big Tech: Exploring the Alternatives

Governing Big Tech in Canada

Taylor Owen
In Conversation with Andrew Clement
November 2, 2021

How Should Democracies Regulate Speech Online?

Jameel Jaffer
In Conversation with Andrew Clement
December 8, 2021

Use a Scalpel or A Club?

Konrad von Finckenstein
In Conversation with Andrew Clement
January 12, 2022

How to re-claim digital platforms for democracy in Canada

Wendy Chun
In Conversation with Andrew Clement
January 18, 2022

In the Golden Age of Surveillance, Can Privacy Laws Save Us?

Tamir Israel
In Conversation with Andrew Clement
January 26, 2022

How Canada can lead in privacy reform globally

Elizabeth Denham
In conversation with Andrew Clement
Thursday May 12, 2022

Why Whistleblowers Matter

Dr. Michèle Brill-Edwards & Health Canada's Regulation of Prescription Drugs

Michèle Brill-Edwards
In conversation with James L. Turk
February 24, 2022

Bob Stenhouse: A cop's cop - until he blew the whistle on the RCMP

Bob Stenhouse
In conversation with James L. Turk
Wednesday May 25, 2022

Media, Press Freedom & an Informed Public

Publication Bans vs. Press Freedom & Open Courts

Panelists: Ryder Gilliland, Alyshah Hasham, Paul Schabas, Alexi Wood
Moderator: Justin Safayeni
October 27, 2021

"Accountable? Us?" Journalists' professional standards in an era of ungated content

Ivor Shapiro
In conversation with Susan Harada
December 1, 2021

"How do you know that?" When journalists' best questions seem too sensitive to ask

Panelists: Vidya Kauri, Shenaz Kermalli, Adrian Ma,
Moderator: Janice Neil,
February 17, 2022

When and how should non-Indigenous reporters cover an Indigenous story?

Panelists: Willow Fiddler, Brandi Morin
Moderator: Duncan McCue
Tuesday May 17, 2022

CFE Commentaries

CFE provides regular commentaries by leading experts in Canada on issues related to freedom of expression and the public's right to know.

Academic Freedom

Richard Moon and Anver Emon, [Misadministering Justice? The U of T Law School Case Takes a Strange Turn](#), September 16, 2021.

Melanie Newton, Denise Reaume & Alissa Trotz, [The Censure of the University of Toronto as a Struggle Over Higher Education](#), October 1, 2021.

Access to Information

Alexandra Flynn, [The Poverty of Broadband Infrastructure in Nunavut Can and Must Be Ended](#), October 6, 2021.

Anti-SLAPP

Justin Safayeni, [Supreme Court of Canada Takes A Second Look at Anti-SLAPP Legislation](#), February 25, 2022

Censorship

John Degen, [Delete Your Account, Internet Archive — No-one is Burning Digital Books](#), March 2, 2022

Lara Karaian, [Restricting Young People's Access To Porn Won't Save Them, But It Will Threaten Sexual Speech](#), February 22, 2022.

Freedom of Expression

Jamie Cameron, [Freedom of Expression and the Charter: 1982-2022: Section 2\(b\) solitudes \(Part 1 of 5\)](#), February 10, 2022.

Jamie Cameron, [Freedom of Expression and the Charter: 1982-2022: A quantitative and qualitative inventory of s.2\(b\) of the Charter: 1982-2022 \(Part 2 of 5\)](#), May 26, 2022.

Danielle McLaughlin, [Who Gets to Tell Your Kids to Shut Up?](#), July 9, 2021.

Dax D'Orazio, [Free Expression Walks into a Bar: The Case of Mike Ward and the Future of Canadian Comedy: Part 1](#), March 23, 2022.

Dax D'Orazio, [Free Expression Walks into a Bar, Part 2: How Stand-up Comedy Became the Target of Censorship](#), June 24, 2022.

Carolyn Sale, [Shakespeare and the Truckers' 'Freedom Convoy'](#), February 18, 2022.

Workplace Free Expression

Danielle McLaughlin, [Should Personal Taste in Music Imperil Employment?](#), October 22, 2021.

Daniel J. Paré and Charles Smith, [Know Your Rights: Disconnecting's not one 'em; at least not yet](#), June 14, 2022.

Intellectual Freedom

Richard Beaudry, [When a Book by an Eminent Indigenous Author Is Pulled from a School Library, Something is Wrong](#), May 4, 2022

Richard Beaudry, [When Politics Trumps Teachers' Professional Judgment, Students and Society Lose](#), October 26, 2021.

Danielle McLaughlin, [What Were They Thinking?](#), November 11, 2021.

Islamophobia

Azeezah Kanji, [The "Consultation" Racket: A Report on the National Islamophobia Summit](#), August 9, 2021.

Misinformation

Max Binks-Collier, [How Private Organizations and Public Institutions Converge to Create Misinformation](#), April 8, 2022.

Transparency & Accountability

Danielle J. McLaughlin, [COVID, Confusion, and the Right to Know](#), February 1, 2022.

Marianna Valverde, ['Arms-Length' Infrastructure Agencies and Citizen Disempowerment](#), January 21, 2022.

Court Interventions

The Centre seeks leave to intervene in court cases where we feel our expertise will be useful to the court in reaching its judgment. In each case, we are represented by expert, pro bono legal counsel. The following are the interventions in which the Centre was engaged in 2021-2022.

A. Supreme Court of Canada

Case: *Canadian Broadcasting Company v. Manitoba 2021 SCC 33*

Issue: Publication Bans

CFE Counsel: Justin Safayeni (Stockwoods)

Status: Leave Granted – [Judgment](#) (2021-09-24)

Case: *Toronto (City) v. Ontario (Attorney General) 2021 SCC 34*

Issue: Freedom of Expression

CFE Counsel: Jamie Cameron, Pierre Gemson, & Christopher Bredt
(Borden Ladner Gervais)

Status: Leave Granted – [Judgment](#) (2021-10-01)

Case: *BC (Attorney General) v Council of Canadians with Disabilities 2022 SCC 27*

Issue: Public Interest Standing

CFE Counsel: Faisal Bhabha (PooranLaw)

Status: Leave Granted – [Judgment](#) (2022-06-23)

Case: *Attorney General for Ontario v. IPC and CBC*

Issue: Access to Information

CFE Counsel: Adriel Weaver (Goldblatt Partners)

Applying for Leave

B. Federal Court of Appeal

Case: *Gordillo v. Canada (Attorney General), 2022 FCA 23*

Issue: Error of the Office of the Public Sector Integrity Commissioner

CFE Counsel: David Yazbeck (Raven Law)

Status: Leave Granted – [Judgment](#) (2022-02-09)

C. Federal Court

Case: *National Council of Canadian Muslims et al. v. The Attorney General of Canada*

Issue: Judicial Review of Canadian Judicial Council decision re David Spiro

CFE Counsel: David Wright (Ryder Wright Blair and Holmes)

Status: Leave Granted – Awaiting Judgment

C. Ontario Court of Appeal

Case: *Canadian Federation of Students v. Ontario (Colleges and Universities), 2021 ONCA 553*

Issue: Freedom of Expression

CFE Counsel: Phil Tunley and Jennifer Saville (St. Lawrence Barristers)

Status: Leave Granted - [Judgment](#) (2021-08-04)

Case: *Working Families Ontario v. Ontario*

Issue: Freedom of Expression

CFE Counsel: Jamie Cameron & Chris Bredt (Borden Ladner Gervais)

Status: Leave Granted – Awaiting Judgment

Case: *Attorney General for Ontario v. IPC and CBC*

Issue: Access to Information

CFE Counsel: Daniel Sheppard (Goldblatt Partners)

Status: Leave Granted – [Judgment](#) (2022-01-26)

D. Ontario Superior Court

Case: *Animal Justice et al. v. Attorney General of Ontario*

Issue: Freedom of Expression

CFE Counsel: Alexi Wood, Lillian Cadieux-Shaw

Status: Applying for Leave

Projects

1. Program to Assist Whistleblowers

Canada's whistleblowing laws provide little or no protection for whistleblowers. While actively advocating for reform of our laws and institutional practices, the Centre also aids public-interest whistleblowers. We provide information and assistance, make available *pro bono* legal advice, and connect whistleblowers with investigative journalists, as appropriate. It is the only such program in Canada.

2. National Whistleblower Archives at Toronto Metropolitan University

Plans for the launch of the new National Whistleblower Archives to be housed at Toronto Metropolitan University was postponed in 2020 due to the pandemic. CFE had worked with TMU's Chief Librarian and her staff to plan for it and has arranged for important Canadian public-interest whistleblowers to donate their records to the Archives. We are hoping the launch will happen this fall.

3. Libraries Challenges Database

The Centre has created a database of challenges libraries in Canada receive with respect to books and other items in their collections, programs, community use of space, internet usage, and displays. The library challenges database contains each complaint/challenge, the background research the library undertook to respond to the challenge, and the library's response to the complainant. The database will allow research on censorship in Canada and will assist libraries in dealing with challenges by being able to see how they have been dealt with elsewhere. The initial phase is involving reaching out to the hundreds of public libraries across Canada for their records of challenges. The second phase will focus on challenges received by school libraries. Subsequent phases will add challenges received by academic libraries and government libraries.

4. Public Libraries Intellectual Freedom Policy Database

The Centre has created and maintains a [database of public library policies](#) related to intellectual freedom – materials selection, public internet use, library programming, displays, and space rental. The database assists libraries in identifying best practices and in policy discussions and development.

5. Intellectual Freedom Support

CFE provides a support service to assist libraries that face opposition for upholding intellectual freedom. We offer them with tactical and strategic advice; share information on how similar challenges have been handled at other libraries; give advice on dealing

with the media, their staff, politicians, public officials, and the community; write letters of support and arrange for letters of support from others; assist with drafting of public letters and op-eds that explain the importance of intellectual freedom; arrange speakers; and provide access to other resources.

6. Intellectual Freedom Online Learning and Development Course for Library Staff

CFE, in collaborations with the Edmonton Public Library, has developed a two half-day online learning and development course on intellectual freedom for library staff who may have to deal directly with challenges in their day-to-day work. A pilot version of the course will be offered in the fall.

7. Workplace Free Expression Database

Social media has radically transformed the ability of individuals to transmit and publish their thoughts and opinions. One consequence has been to blur the boundary between employees' public right to free expression and their private obligations as employees. Increasingly, employees are being disciplined or dismissed for engaging in social media-based activities outside of the workplace. This raises important questions about the extent to which personal activity outside of work is becoming subject to employer control. To facilitate research and information sharing on workplace expressive freedom, the CFE, working with Charles Smith at St. Thomas More College at the University of Saskatchewan and Daniel J. Paré at the University of Ottawa, has created and maintains a searchable online [database of legal decisions](#) regarding freedom of expression at work.

8. Code of Silence Awards for Outstanding Achievement in Government Secrecy

The Centre coordinates this joint initiative with Canadian Association of Journalists, News Media Canada, and Canadian Journalists for Free Expression to identify and present annually the [Code of Silence Award for Outstanding Achievement in Government Secrecy](#) to the most secretive department or agency at the federal level, among provincial governments, among local/municipal governments, and among Canadian law enforcement agencies.

The objective is to highlight the inadequacies of access-to-information laws in Canada that allow public bodies to avoid transparency to build public awareness and pressure for better legislative protections for the public's right to know. The 2021 recipient in the federal category was [Indigenous Services Canada](#), in the provincial category was the [Government of British Columbia](#), in the municipal/local government category was [Stratford \(Ontario\) City Council](#), and in the law enforcement category was the [Royal Canadian Mounted Police](#).

9. Peter Bryce Prize for Whistleblowing

Last year, CFE introduced the [Peter Bryce Prize](#) which is awarded annually to honour individuals who serve the greater good by speaking up about wrongdoing and abuses of public trust.

The 2022 winner was Janet Merlo, a Royal Canadian Mounted Police officer for nearly 20 years, who spoke out about persistent gender-based bullying and harassment within the RCMP. She initiated a class-action lawsuit against the RCMP, joined by more than 3,000 other women, and subsequently published [No One To Tell: Breaking My Silence on Life in the RCMP](#). Her initiatives resulted in a settlement in 2016 that forced the Government of Canada to pay out more than \$125 million to more than 2,300 women who faced discrimination, harassment, bullying and even sexual assault during their time as RCMP officers.

The prize is named after [Dr. Peter H. Bryce](#), an early Canadian whistleblower who, starting in 1907, spoke out about appalling public health conditions in residential schools and whose reports were suppressed by the Government of Canada. The Prize comes with a \$5,000 award made possible by the generosity of the Zita and Mark Bernstein Family Foundation.

[Nominations](#) for the Prize can be made by any member of the public no later than December 31st of each year.

Projects On Hold Due to Pandemic

With the onset of the pandemic in early 2020, several projects were put into abeyance. We are hoping to return to them in 2022-23.

1. Partnership: Centre for Free Expression, UK's Box Clever Theatre, and Toronto Metropolitan University School of Performance

The Centre reached out to the UK's Box Clever Theatre which excels at using theatre to foster public discussions of difficult issues. A key figure in their work is eminent Shakespearian director, Iqbal Khan, whose productions of *Merchant of Venice* for Box Clever have been performed in the UK and Israel to explore anti-Semitism and whose Royal Shakespeare Company production of *Othello* fostered innovative discussions of race.

Khan was part of the Centre's virtual public education events in 2020-21. Plans to explore joint initiatives with the Toronto Metropolitan University School of Performance and other theatre schools are on hold until after the pandemic.

2. Snowden Archive-in-a-Box Display in the Toronto Metropolitan University Library

Also put on hold temporarily were the Centre and the Toronto Metropolitan University Library's plans to unveil the Snowden-Archive-in-a-Box -- a display designed for the library to educate students and faculty on privacy and surveillance. Created by CFE Senior Fellow, Evan Light, the Snowden-Archive-in-a-Box is a portable box containing a complete, searchable archive of all the published documents released to journalists by Edward Snowden. The Archive-in-a-Box allows users to connect via its own Wi-Fi network, and browse from their own devices, without connecting to the Internet – making possible the browsing of Snowden's documents securely. As part of the display, there is a "Wi-Fi ___33 sniffer" inside the box, which detects traffic on the box's network and displays it on the screen within the box. The data are not saved, but the display is a useful educational tool that shows how easily our "private" behaviour can be monitored. Once Toronto Metropolitan University opens from the pandemic, the Snowden-Archive-in-a-Box will be publicly displayed in the Toronto Metropolitan University Library and used as an educational tool.

3. Free Expression in Schools

The CFE has developed a workshop for elementary and secondary teachers that addresses teachers' free expression rights. Special focus is put on (1) dealing with controversial issues in the classroom; (2) teachers and social media; (3) teachers and politics, and (4) restrictions on teachers' behaviour outside the school. The objective is to allow teachers to share experiences and explore their rights.

4. Toronto Metropolitan University National Security Faculty and Student Helpline

The Centre for Free Expression has developed a support service for Toronto Metropolitan University faculty and students who are approached by Canadian national security agencies requesting an informal or formal interview. The objective is to make TMU students and faculty aware of their rights and to assist if they decide to go ahead with the interview. (The program will not deal with requests for assistance in relation to police investigations.) The Helpline is modelled on, and is working with, similar initiatives at the University of Toronto and at Osgoode Hall Law School.

While the front end of each university's program has been designed for its own campus, the three programs will share a back end consisting of specially trained lawyers who will provide *pro bono* advice and assistance to the faculty and students. Details of the initiative have been vetted by TMU General Counsel, Julia Shin Doi. The launch of the helpline has been delayed until the campus fully reopens.

5. Partnership: Freie Universität Berlin

The Centre was in the process of developing a partnership with the Freie Universität Berlin (FUB) involving joint research and policy initiatives with FUB and Toronto Metropolitan University faculty on issues of academic freedom, freedom of the press, and threats to liberal democratic values. The FUB has approached the Humboldt Foundation for support for a joint speaker series on freedom of expression and has included its partnership with CFE in its current Erasmus bid that would allow Toronto Metropolitan University students to spend three months to a year studying at FUB, which offers several relevant social science programs in English. We are also exploring several joint events on academic freedom and on freedom of the press.

6. CFE Film Series

The CFE Film Series had to be suspended because of the pandemic in March 2020. We are planning to resume as soon as full use of campus facilities is possible and audience members feel comfortable returning to in-person events.

Law Reform

1. Whistleblower Protection

There is virtually no effective protection for whistleblowers in Canada under federal, provincial, or municipal legislation and regulations. Last year, the International Bar Association and the US-based Government Accountability Project ranked Canada last (tied with Lebanon and Norway) in its [report](#) comparing the effectiveness of whistleblower protection legislation in 38 countries.

One of the CFE's key priorities is to help change this situation. In February, the CFE published an updated guideline for assessing the adequacy of whistleblower protection legislation and policies: [Evaluation Criteria for Protection of Whistleblowers: A guide for legislation and policy](#). The document was prepared by CFE Senior Fellows Ian Bron and David Hutton. Starting in September, CFE will begin releasing detailed assessments of each province's whistleblower protection legislation and of the federal Public Servants Disclosure Protection Act.

At the same time, CFE is in the final stages of preparing a model Whistleblower Protection Act – the project is being led by Edgar Schmidt, CFE Senior Fellow and former General Counsel, Justice Canada. The model act will be used in the CFE's advocacy for better whistleblower protection at all levels of government in Canada.

2. Access to Information

Public access to information and government transparency are vital to a healthy democracy. Unfortunately, Canada's access to information system is broken. For more than two decades, the federal government has largely ignored repeated recommendations for reform proposed by successive federal information commissioners and advocacy groups. The most recent statutory review of the federal *Access to Information Act* (ATIA), to have occurred in 2020, shows no sign of nearing completion.

A Stanley Tromp's report, [206 Recommendations for Reforms to Canada's Access to Information Act](#), published by the CFE in August 2021, documents the repeated recommendations that have been made for improvements to the federal Act by Canadian information commissioners, access policy experts, frequent users, and civil society groups but largely ignored by successive federal governments.

To help coordinate advocacy for access to information report, Centre for Free Expression brought together new network of civil society organizations that have an interest in promoting transparency and access to information. Named the Right to Information Alliance Canada (RTIAC), the network members are: BC Civil Liberties Association, BC Freedom of Information and Privacy Association, Canadian Association of Journalists, Canadian Civil Liberties Association, Canadian Institute for Information

and Privacy Studies, Canadian Journalists for Free Expression, Canadian Media Lawyers Association, Centre for Free Expression, Centre for Law and Democracy, Environmental Defence, Greenpeace Canada, National Claims Research Directors, News Media Canada, Ontario Council of Hospital Unions, and World Press Freedom Canada. The Centre for Free Expression provides the administrative support of the RTIAC, and the CFE's Director chairs its monthly meeting.

While the CFE's and the network's immediate focus is on the current federal review of the *Act*, our work goes well beyond that – including advocacy for better provincial and municipal legislation and policy as well as working to advance transparency more generally in both the public and private sectors.

3. Research Confidentiality

Researchers in many fields engage in a broad spectrum of health, social science, legal, criminological, and other important research in which ensuring the confidentiality of communications in the researcher-participant relationship is essential to the acquisition of valid and reliable data. But there is no statutory protection for such assurances of confidentiality in Canada. After evaluating statutory protections for research confidentiality in other jurisdictions, the CFE is finalizing preparation of detailed drafting instructions for a Canadian *Human Subjects Confidentiality Act*. After meeting with senior officials in Canada's three funding agencies and finalizing their support, the proposal will be presented to the federal Minister of Justice for consideration and adoption.

4. Provincial Anti-SLAPP legislation

The Centre has a long-term goal for the adoption of anti-SLAPP (Strategic Lawsuit Against Public Participation) legislation by the seven provinces that do not currently have it (all provinces except Ontario, Quebec, and British Columbia). To achieve that goal, the Centre is assisting with the creation of coalitions of provincial and local organizations in each province to join the CFE in advocating for the adoption of anti-SLAPP legislation based on the [Ontario's Protection of Public Participation Act, 2015](#) which excels in the CFE's comparison of Anti-SLAPP legislation in all North American and international jurisdictions.

5. Online Harms

In responding to public concern about online harms that have been intensified by the Internet and social media, the Government of Canada proposed regulatory solutions in 2021 that were widely and rightly disparaged. Following the subsequent election, the new government stepped back and created an expert advisory group on online safety, mandated to provide the Minister of Canadian Heritage with advice on how to design the legislative and regulatory framework to address harmful content online. With deep concerns about the federal government's approach, the Centre for Free Expression

created, in January 2022, a national network of organizations with both a commitment to meaningfully address the problems and a deep concern with the approaches the government appears determined to follow. The purpose of the CFE Online Harms Network is to facilitate the sharing of information among member organizations; help ensure that necessary background research is done; be a forum for discussion of tactics and strategies; draw attention to joint advocacy opportunities; facilitate joint submissions and statements; help coordinate joint actions; and help amplify the voices of member organizations.

Member organizations of the Online Harms Network are: Access Now, Amnesty International, Arab Canadian Lawyers Association, BC Civil Liberties Association, Black Labour Action Centre, Canadian Association of University Teachers, Canadian Civil Liberties Association, Canadian Council of Muslim Women, Canadian Internet Policy and Public Interest Clinic, Canadian Journalists for Free Expression, Centre for Free Expression, Citizen Lab, Electronic Frontier Foundation, Independent Jewish Voices, International Civil Liberties Monitoring Group, Internet Society, Ligue des droits et libertés, Noor Cultural Centre, Open Media, PEN Canada, and Women's Legal Education and Action Fund (LEAF).

Research

The CFE's research this past year has been primarily to support our law reform and advocacy initiatives.

1. Anti-SLAPP Legislation

With support from Participedia, a global resource for participatory democracy housed in McMaster's Faculty of Humanities and funded by SHRC, the CFE in collaboration with Sanjay Ruparelia, Associate Professor and Jarislowsky Democracy Chair in the Department of Politics and Political Administration at Toronto Metropolitan University has completed an analysis of the legislation in each jurisdiction in the world that has anti-SLAPP legislation. It will be published in the fall.

2. Whistleblower Protection Legislation

CFE Senior Fellows Ian Bron and David Hutton completed a detailed study whistleblower protection legislation to determine essential provisions for effectiveness. They then prepared an updated report: [*Evaluation Criteria for Protection of Whistleblowers: A guide for legislation and policy*](#) published in February 2022.

3. Canadian Jurisprudence regarding Academic Freedom

Academic freedom in Canada is established through collective agreements and adjudicated through grievance and arbitration, unlike in most other jurisdictions in the world. Arguably, that has provided strong protection for academic freedom because of the clear and essentially similar collective agreement language and because arbitrators typically are experienced in dealing with the academic context. Sometimes, however, issues related to academic freedom comes before courts. CFE is preparing an analysis of how Canadian courts have understood the concept, and what that understanding can mean for the future of academic freedom in Canada.

4. Police Secrecy

CFE awarded the first of its Creative School-funded early stage SRC grants to Lisa Taylor, Associate Professor of Journalism, whose research will identify trends in Ontario police agencies' release of identifying information about victims of homicide. The research is seeking to determine if, as it appears, information vital to the public's understanding of fatal crime is being withheld from journalists and, by extension, the constituencies they serve, with increasing frequency.

Working Groups

CFE Whistleblowing Initiatives (CFEWI) Steering Committee

The [CFEWI Steering Committee](#) plays a central role in advising and helping carry out all the CFE's work in relation to whistleblowing and whistleblower assistance. The Centre sees one of its most important missions to strengthen Canadian society by making public-interest whistleblowing possible through effective protection for Canadian whistleblowers.

Toronto Metropolitan University has created a dedicated CFEWI [fund](#) for donors who wish to support the CFE's whistleblower protection work.

The Centre for Free Expression is the Canadian member organization of the Whistleblowing International Network – the international network of whistleblowing NGOs worldwide.

The members of the CFE Whistleblowing Steering Committee are:

Sandy Boucher

Corporate Investigator, Grant Thornton
LLP Advisory Services

Michèle Brill-Edwards

Pediatrician & Clinical Pharmacologist,
Canadian Whistleblower

Ian Bron

Ph.D. student in public policy at Carleton
University, former naval officer and
federal civil servant, and prominent
Canadian whistleblower

David Hutton

Former Executive Director, Federal
Accountability Initiative for Reform
(FAIR)

Peter Jacobsen

Partner, WeirFoulds LLP

Anna Myers

Executive Director, Whistleblowing
International Network (WIN)

John O'Connor

Physician and prominent Canadian
Whistleblower

Amélie Perron

Professor, School of Nursing
Faculty of Health Sciences
University of Ottawa

Edgar Schmidt

Former General Counsel
Justice Canada,
Canadian Whistleblower

James L. Turk

Director, Centre for Free Expression &
Toronto Metropolitan University

David Yazbeck

Director, National Labour Relations
Professional Institute of the Public
Service of Canada

Working Group on Intellectual Freedom

To help guide its work on intellectual freedom, the CFE has created a [Working Group on Intellectual Freedom](#). The working group assists the Centre to identify and undertake appropriate public education, research, and advocacy regarding intellectual freedom. This is especially important amidst growing calls for restricting libraries' collections, programs, displays, and community facility use to limit access to perspectives that some deem wrong.

Member of the working group are:

Richard Beaudry

BC School Librarian;
Chair, Canadian Federation of Library
Associations Intellectual Freedom
Committee

Christina de Castell

Chief Librarian,
Vancouver Public Library

Carla Graebner

Librarian for Data Services and
Government Information
Simon Fraser University

Babs Kelly

Director of Learning and Development
British Columbia Library Trustees
Association

Todd Kyle

Chief Executive Officer
Brampton Public Library

Danielle MacKinlay

Manager, Library Services
Canadian Coast Guard

Pilar Martinez

CEO
Edmonton Public Library

Erin Patterson

Head of Research Services
Vaughan Memorial Library
Acadia University

Toni Samek

Professor and past Chair
School of Library and Information
Studies, University of Alberta

Sabrina Saunders

CEO
Blue Mountains Public Library

Alvin Schrader

Professor Emeritus, University of
Alberta, and former President of the
Canadian Library Association

James L Turk

Director, Centre for Free Expression &
Toronto Metropolitan University

Marcellus Turner

Chief Executive Officer and
Chief Librarian
Charlotte Mecklenburg Library

Lisa Radha Vohra

Director, Collections and Membership
Services
Toronto Public Library

Mark Williams

Chief Librarian & CEO
Milton Public Library

Working Group on Academic Freedom

The public mission of post-secondary education is to advance and disseminate knowledge and educate students. These ends cannot be achieved without the academic freedom of academic staff to be guided by their best professional judgment. Yet, academic freedom is being seriously undermined in a wide variety of ways. The members of the CFE [Working Group on Academic Freedom](#) assist the Centre in its work of public education about the nature and importance of academic freedom, highlighting current threats, and working to help ensure that real academic freedom rights are extended to all academic staff.

Members of the working group are:

Faisal Bhabha

Associate Professor
Osgoode Hall Law School
York University

William Bruneau

Professor Emeritus, Educational Studies
University of British Columbia

Jamie Cameron

Professor Emeritus, Constitutional Law
Osgoode Hall Law School

Dax D'Orazio

Postdoctoral Fellow
Department of Political Studies at
Queen's University

Len Findlay

Distinguished Professor Emeritus
University of Saskatchewan

Mark Gabbert

Associate Professor, History
University of Manitoba

Peter S. McInnis

Associate Professor and Chair, History
St Francis Xavier University

Carolyn Sale

Associate Professor
English & Film Studies
University of Alberta

Clea Schmidt

Professor of Education
University of Manitoba

Linda St.-Pierre

Sessional Lecturer
Faculty of Science, Engineering and
Architecture Laurentian University

Penni Stewart

Professor Emeritus, Sociology
York University

James L Turk

Director, Centre for Free Expression &
Toronto Metropolitan University

CFE Board, Fellows, Bloggers, Staff

CFE Advisory Board

Faisal Bhabha

Associate Professor
Constitutional & Human Rights
Osgoode Hall Law School
York University

Jamie Cameron

Professor Emerita
Constitutional Law
Osgoode Hall Law School
York University

Andrew Clement

Professor Emeritus & Co-Founder
Identity Privacy and Security Institute
Faculty of Information
University of Toronto

Brendan de Caires

Executive Director
PEN Canada

Ryder Gilliland

Founding Partner
DMG Advocates LLP

David Hughes

Executive Director and
Managing Editor, Content
CTV News

Peter Jacobsen

Partner
WeirFoulds LLP

Meghan McDermott

Policy Director
British Columbia Civil Liberties Association

Shelagh Paterson

Executive Director
Ontario Library Association

Toni Samek

Professor
School of Library and Information Studies
University of Alberta

Robin Sokoloski

Director of Organizational Development
Mass Culture/Mobilisation culturelle

Laura Tribe

Executive Director
OpenMedia

David Walmsley

Editor-in-Chief
Globe and Mail

Vershawn Young

Professor
Black Studies, Communication Arts, and
English, University of Waterloo

Cara Zwibel

Director, Fundamental Freedoms Program
Canadian Civil Liberties Association

Senior Fellows

Leslie Berger

Associate Professor
Lazaridis School of
Business and Economics,
Wilfrid Laurier University

Sandy Boucher

Corporate Investigator
Grant Thornton LLP
Advisory Services

Ian Bron

Whistleblower Advocate
Former Canadian
Whistleblower

Bruce Campbell

Adjunct Professor
York University, Faculty of
Environmental Studies

Susan Caron

Former Director of
Collections and
Membership Services
Toronto Public Library

Jonathan Farrar

Associate Professor
Lazaridis School of
Business and Economics,
Wilfrid Laurier University

Len Findlay

Distinguished University
Professor Emeritus
University of
Saskatchewan

Mark Gabbert

Associate Professor
Department of History
University of Manitoba

David Hutton

Former Executive Director
Federal Accountability
Initiative for Reform

Peter Jacobsen

Partner
WeirFoulds LLP

Lara Karaian

Associate Professor
Institute of Criminology
and Criminal Justice,
Carleton University

Abbas Kassam

IP Litigation &
Privacy Lawyer
Rideout & Maybee LLP

Ummni Khan

Associate Professor
Department of Law and
Legal Studies, Carleton
University

Evan Light

Assistant Professor
Communications Program
Glendon College
York University

Catherine Loughlin

Professor
Sobey School of Business
Saint Mary's University

Peter S. McInnis

Associate Professor and
Chair of History
St Francis Xavier University

Ruth Merskey

Public Policy and
Leadership Professional
Government of Ontario

Richard Moon

Distinguished University
Professor & Professor of
Law, University of Windsor

Ivor Shapiro

Professor Emeritus
School of Journalism,
Toronto Metropolitan
University

Charles Smith

Associate Professor
Department of Political
Science, St. Thomas More
College, University of
Saskatchewan

Penni Stewart

Professor Emerita
Department of Sociology
York University

Lisa Taylor

Assistant Professor School
of Journalism, Toronto
Metropolitan University

Mariana Valverde

Professor
Centre for Criminology &
Sociolegal Studies,
University of Toronto

Junior Fellows

Evan Brander

J.D. candidate
Toronto Metropolitan
University Faculty of Law

Madigan Cotterill

Freelance writer and
photographer

Aya Fahmi

J.D Candidate
Osgoode Hall Law School

Sam Kary

Freelance Researcher &
Analyst

Amber Mitchell

Auerbach Family
Foundation Intern
Centre for Free Expression

Ahsan Moghul

Graduate Student
Joint program in
Communication & Culture
York & Toronto
Metropolitan University

Waseem Munir

Undergraduate Student
School of Social Work
Toronto Metropolitan
University

Adil Syed

Freelance Researcher &
Writer

Bloggers

Richard Beaudry

Chair
CFLA Intellectual Freedom
Committee

Faisal Bhabha

Associate Professor
Osgoode Hall Law School

Max Binks-Collier

Journalist
Recent MJ
Toronto Metropolitan
University

Jamie Cameron

Professor Emerita
Osgoode Hall Law School

Deborah Cowen

Professor
Department of Geography
& Planning, University of
Toronto

John Degen

Executive Director
Writers' Union of Canada

Dax D'Orazio

Postdoctoral Fellow
Department of Political
Studies, Queen's University

Anver M. Emon

Professor & Canada
Research Chair in Religion,
Pluralism and the Rule of
Law, University of Toronto
Faculty of Law

Len Findlay

Distinguished Professor
Emeritus, University of
Saskatchewan

Alexandra Flynn

Assistant Professor
Allard School of Law
University of British
Columbia

Andrea Gonsalves

Partner
Stockwoods LLP

Tamir Israel

Staff Lawyer
Samuelson-Glushko
Canadian Internet Policy
and Public Interest Clinic
(CIPPIC)

Azeezah Kanji

Legal academic, writer,
and journalist

Lara Karaian

Associate Professor
Institute of Criminology
and Criminal Justice,
Carleton University

Abbas Kassam

IP Litigation &
Privacy Lawyer
Ridout & Maybee LLP

Ummni Khan

Associate Professor
Department of Law and
Legal Studies, Carleton
University

Danielle S. McLaughlin

Director of Education
Emerita, Canadian Civil
Liberties Association

Tim McSorley

National Coordinator
International Civil Liberties
Monitoring Group (ICLMG)

Richard Moon

Distinguished University
Professor &
Professor of Law
University of Windsor

Melanie J. Newton

Associate Professor
Department of History,
University of Toronto

Daniel J. Paré

Associate Professor
Department of
Communication, University
of Ottawa

Denis Reaume

Professor Emerita
Faculty of Law, University
of Toronto

Justin Safayeni

Partner
Stockwoods LLP

Carolyn Sale

Associate Professor
Department of English &
Film Studies, University of
Alberta

Clea Schmidt

Professor of Education
University of Manitoba

Alvin M. Schrader

Professor Emeritus
School of Library and
Information Studies,
University of Alberta

Ivor Shapiro

Professor Emeritus
School of Journalism,
Toronto Metropolitan
University

Charles Smith

Associate Professor
Department of Political
Science, St. Thomas More
College, University of
Saskatchewan

Alissa Trotz

Professor
Caribbean Studies, New
College, Women and
Gender Studies
University of Toronto

James L Turk

Director, Centre for Free
Expression
Toronto Metropolitan
University

Mariana Valverde

Professor
Centre for Criminology &
Sociolegal Studies,
University of Toronto

Staff**Ange Holmes**

Coordinator

Amber Mitchell

Auerbach Family
Foundation Intern

Waseem Munir

Auerbach Family
Foundation Intern

James L Turk

Director



Centre for Free Expression
at The Creative School