

“It is a national scandal that the safety of Canadian girls and women continues to be compromised by Canada’s Criminal Code.

DAVID CLEGG—
PRESIDENT,
ELEMENTARY
TEACHERS’
FEDERATION OF
ONTARIO

“You hear stuff like ‘What’s up, bitch?’ and ‘Hey, ho’ every other second.

TANYA, GRADE 9
STUDENT

“His lyrics are misogynist ... [Eminem’s] lyrics are sick-making; they express an odious hatred of women.

GLOBE AND MAIL
EDITORIAL
OCTOBER 27, 2000



Criminal Code Omission Endangers Girls and Women

FACT SHEET: EXCLUSION OF WOMEN FROM CANADA’S HATE PROPAGANDA LAW

May 2011

● Girls face alarming rates of violence

Two studies carried out in Ontario schools, one conducted by Toronto’s School Community Safety Advisory Panel, and the other by the Centre for Addiction and Mental Health (CAMH), found that sexual harassment and sexual assault of girls are occurring at alarming rates. The school safety Panel stressed that the problem requires immediate attention.

Following up on the Panel’s report, the Toronto Star ran an article on discussions with girls from five Toronto high schools. They reported being subjected to a barrage of hateful comments – girls are routinely called skank, whore (ho), and slut – as well as being grabbed on the breast or backside “at any time in the halls”. One 14-year-old student said, “You hear stuff like ‘What’s up, bitch?’ and ‘Hey, ho’ every other second”.

Dr. David Wolfe of the CAMH warns that, “All these behaviours, from physical violence to verbal harassment, can be harmful and have serious effects on their well-being.”

● Why is this happening?

A significant contributing factor to this hostile environment is the rampant misogyny of popular culture. Over the past 25 years, every segment of the entertainment industry has gradually picked up this theme, and it has now spread into television, video games, music, books, comics and the Internet. Degrading pornography was even offered as a pay-per-view event by one of Canada’s largest broadcasters!

The situation was summed up quite well by a New York Times columnist who said, “The disrespectful, degrading, contemptuous treatment of women is so pervasive and so mainstream that it has just about lost its ability to shock”. Little wonder then, that girls are being demeaned and assaulted at rates the school safety Panel called “alarming”.

● Politicians have refused to act

Much of the blame for this situation can be laid squarely at the feet of Canadian politicians who have refused to halt the spread of misogynist expression. In 1985, the federally-mandated Special Committee on Pornography and Prostitution said there was “ample evidence” indicating women were the targets of hate material, a conclusion the Committee reached after holding cross-country hearings. They recommended, among other things, that the federal government change the *Criminal Code* hate laws to extend protection to women.

Currently, Section 319 of the *Criminal Code* prohibits the public incitement of hatred against a limited list of “identifiable groups”, those being set out in Section 318 (4) as “any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation”. Sexual orientation, by the way, wasn’t added until 2003 under Private Member’s Bill C-250, introduced by NDP MP Svend Robinson.

At the time, federal politicians flatly refused requests to include “sex” in Bill C-250, the word that needs to be added to extend protection to girls and women. (The word “sex” is gender neutral and the change would also protect boys and men.)



“The disrespectful, degrading, contemptuous treatment of women is so pervasive and so mainstream that it has just about lost its ability to shock.”

BOB HERBERT—
NEW YORK TIMES
OCTOBER 16, 2006

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The public incitement of hatred is illegal under the *Criminal Code* because it’s acknowledged to be a contributing factor in the promotion of violence and discrimination against the target group. And yet, politicians have refused to add the female half of the population to the protected groups, despite the fact that we are subjected to extraordinary levels of violence.

In a news release criticizing the government’s failure to act on this law, David Clegg of the Elementary Teachers’ Federation of Ontario said bluntly, “It is a national scandal that the safety of Canadian girls and women continues to be compromised by Canada’s *Criminal Code*.”

● How dare they!

To add insult to injury, excluding girls and women from the hate law is *unconstitutional*. Section 15 of the *Charter of Rights and Freedoms* guarantees everyone the “equal protection and equal benefit” of Canadian laws. Despite this, politicians have refused to grant us our *right* to this one.

● Endorsements for amending the law

For over twenty years, diverse groups have offered their endorsement for this important change to the *Criminal Code*, including:

- Liberal Party of Canada Women’s Caucus—2009 Pink Book III
- Liberal Party of Canada—2008 Election
- Polish Canadian Women’s Federation
- Canadian Teachers’ Federation
- Ontario Federation of Labour
- Ontario Public School Boards’ Association
- Canadian Centre for Abuse Awareness
- Elementary Teachers’ Federation of Ont.
- Ontario Teachers’ Federation
- Ontario Catholic School Trustees Assoc.
- Ontario English Catholic Teachers’ Assoc.
- Ontario Federation of Home & School Assoc.
- Ontario Principals’ Council
- Ontario Provincial Police
- Ontario Secondary School Teachers’ Federation
- Ontario Student Trustees’ Association
- James Flaherty — as Attorney General of Ontario
- Ontario MPP Michael Bryant—as Liberal Attorney General Critic
- B’nai Brith League for Human Rights
- Law Reform Commission of Canada

Canadian Advisory Council on the Status of Women
National Action Committee on the Status of Women

● Private Member’s Bill

In 2005, Liberal MP Borys Wrzesnewskyj (Etobicoke Centre) tried to correct the situation by introducing a Private Member’s Bill which would amend Section 318(4) of the *Criminal Code* to read:

“In this section, ‘identifiable group’ means any section of the public distinguished by colour, race, religion, ethnic origin, sex or sexual orientation.”

He tried repeatedly to get his Bill passed, reintroducing it with each new Parliament, but the Conservatives blocked his efforts every time.

● Liberal Party election promise - 2008

Under Stéphane Dion’s leadership, the Liberal party promised during the 2008 election campaign that their efforts to fight violence against women would “begin with an amendment to the *Criminal Code* to include ‘gender’ in the hate propaganda provisions to help end societal acceptance for those who would incite hatred against women”.

In the 2009 Pink Book III, the Liberal Women’s Caucus included changing the hate propaganda law as a priority.

During those years, an Opposition Private Member’s Bill could have passed with the support of the NDP, Bloc and Liberals. However, now that the Conservatives have a majority in the House of Commons, an Opposition Private Member’s Bill is pointless.

It is now up to provincial and territorial Attorneys General to pressure the federal government to change the law. In July 2009, a delegation met with Ontario Attorney General Chris Bentley to enlist his support for this legislative change but, to date, the provincial Liberals have done nothing.

● Additional information

Visit The Free Radical website for additional information under the Hate Propaganda, Bill C-254 and Violence in the Media Coalition sections.

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