



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

STATEMENT

Chief Commissioner Judge David Arnot of the Saskatchewan Human Rights Commission delivered the following statement:

In October 2011, we appeared before the Supreme Court to argue that William Whatcott's words and behaviour had crossed the line between critical speech and hateful speech – the type of extreme speech that has the potential to incite violence against others, challenge their safety and human dignity, and actively promote discrimination.

We came seeking protection from the most extreme and destructive forms of public expression because of the very real connection between hate speech and hate crime.

We asked the Court to uphold the principle that there is a justifiable and narrow limit on freedom of expression when it has the potential to escalate and expose a target group to hate.

Today, the Supreme Court rendered its decision – both on the substance of Saskatchewan's Human Rights Code and the content of William Whatcott's flyers and messages targeting gay and lesbian Canadians.

We are in the process of reviewing the minority and majority arguments of this decision. However, an early reading of the ruling suggests that that Court has affirmed the validity of the legislation as written and has confirmed that it strikes the proper balance between freedom of expression and freedom from the harm and harassment that comes with hate-filled speech. This decision recognizes and celebrates Saskatchewan as a leader in human rights promotion and protection. It also provides a model and a path for other governments to adopt similar provisions in their Codes and to protect Canadians from the indignity, intimidation and harm that hate speech promotes.

With respect to the content of William Whatcott's flyers, messages and public statements against gays and lesbians, it appears that the Court has sided with our position that Mr. Whatcott's words and behaviour did indeed cross the line between critical and hateful speech. The Court has upheld the principle that there is a justifiable and narrow limit on the freedom of expression when it has the potential to escalate, spark violence and incite harm towards others. On this question, the Court has made its position clear: when it comes to speech, we are free to be critical, controversial and even careless but we cannot be hateful.

As mentioned, we are in the process of reviewing the specifics of the Court's ruling and will provide further comment in the near future.

Words have power. This power demands that each of us use our words responsibly and within reasonable bounds.

History provides countless examples of extreme speech and related violence that was left unchecked and unchallenged to terrible and tragic ends. The profound harm hate speech causes to society in general, and to members of target groups in particular, is too costly to ignore.

As such, our work continues – as does our commitment to the principle of freedom of expression and the right of every Saskatchewan citizen to live free from fear, harm or personal harassment.

Thank you.