

SOME THOUGHTS ABOUT:

A BY-LAW TO PROTECT SAFE ACCESS TO VULNERABLE SOCIAL INFRASTRUCTURE

Mayor, Councillors , It seems to me that the intention of this bylaw is to enable the residents of this Town to be able to visit, without fear or anger, public places that provide important services for their lives, but which, just because of their public importance, may also become places where demonstrations occur. This bylaw is an attempt to enable both of these activities to occur at the same places.

However, in trying to achieve this purpose the bylaw protects the uncontroversial access of these place so strongly, that it becomes impossible for these public places to become locations where dissatisfied groups may express their Canadian rights of freedom of assembly and expression.

The most severe restriction that this bylaw imposes upon holding demonstrations at hospitals, schools, libraries, colleges, day cares etc.is the hours at which demonstrations may occur; namely, from one hour before these places of Vulnerable Social infrastructure open for business, until one hour after they close. However, hospitals are open 24 hours every day so it would be completely impossible to hold a demonstration there, even though the Ontario Health Coalition might want to hold a demonstration to publicly oppose the privatization of Ontario's health care. Libraries are open most days between 10:00am and 9:00pm, so, unless an organization or individual wants to hold a demonstration in the dark, demonstrations there are totally useless; even though some social activists might want to hold a demonstration objecting to our Oakville libraries refusing to post notices of political and religious events, despite the Canadian and Ontario Library Charters expressly saying they should. Presumably, under the bylaw restrictions, demonstrations could not be held at schools and colleges until all their extra curricular activities were finished, even though Palestinian parents might want to demonstrate about their children not being allowed to display their flag or speak about their history.

In other words, none of these groups could hold important demonstrations at any of these places, at the times, when the users of these places were present; a restriction that totally undermines the purpose of a demonstration, which is to encounter the public with a message and if possible, to get some publicity in the process. Hence these restrictions on times when demonstrations at these Vulnerable Social Infrastructures can be held, deprives any group that is in some way seriously dissatisfied with their operation, from expressing their rights of freedom of assembly and speech. It thereby deprives all ages of society, including children, of an experience of these rights so that they can accept and appreciate them and, consequently, keep them alive for the future.

The other area in this bylaw which is problematic as regards demonstrations at centres of Vulnerable Social infrastructure, concerns what the by law calls 'graphic images'. It is not clear by what 'objective standard' it might be decided if an image was graphic or not. It is also not clear who would count as a 'reasonable person', who, the bylaw assumes, would be able to make this decision. Nor is it clear when these decisions about graphic images would be made.

I would suggest that the by law recognizes a distinction between 'graphic images' and 'disturbing images'. I would further suggest that a graphic image should mean images of executions, torture, dismembered bodies and body parts. Images of these realities should not be allowed in any demonstration held at any time, anywhere by any individual, or group.

'Disturbing images' should include corpses, and portrayals of injured, imprisoned and anguished persons. Disturbing images are necessary to demonstrations because people need to see the wrong that the demonstration is opposing. 'Seeing' is often more effective in conveying the message about what is wrong than 'saying'. I see no reason why disturbing images should not be included amongst signs that are 20 meters or more away from the entrance of the premises where the demonstration is taking place.

I find it surprising that the bylaw makes no mention about what language may be used at demonstrations. No hate speech, as defined by Canadian law should be allowed in signs , speeches, chants, or songs in any place, at any time, by anyone.

In conclusion, I hope this bylaw, as it was published on the Town's website, will be tabled for amendment or totally withdrawn. This is because of its excessive restrictions on Canadian rights of assembly and expression. Without these excessive restrictions the bylaw has nothing to add which is not already available through existing legislation.

I cannot help feeling that part of the motivation for this bylaw is a desire to keep Oakville nice and to keep it quiet by avoiding becoming involve in the messiness and noisiness of the evils of this world. Distancing ourselves from disturbing and destructive events , however, will only perpetuate them, not resolve them. For that to happen we need as wide an active involvement as possible.

Respectfully submitted

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