

Pilon, Janet

Subject: Information to help Hamilton pass bylaws to regulate graphic imagery of aborted fetuses

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To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Ward 1 Office <ward1@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: Information to help Hamilton pass bylaws to regulate graphic imagery of aborted fetuses

Dear Mayor Andrea Horwath and Councillor Maureen Wilson,

I'm the Executive Director of Abortion Rights Coalition of Canada (ARCC), and am writing to strongly support the idea of Hamilton passing a "viewer discretion" bylaw to regulate flyers with graphic imagery, requiring them to be fully concealed in an envelope with a warning label and identifying info from the sender. Thank you to Ward 1 Councillor Maureen Wilson for requesting a staff report on the feasibility of this bylaw, including looking at ways to regulate graphic imagery displayed in public spaces.

ARCC has been working for years on this issue and has developed resources to help cities. May I please provide some background information that could be of help to your staff? Please feel free to forward this email to staff, as well as to other Councillors.

Graphic Flyers

The graphic flyers are hand-delivered by volunteers with the anti-abortion group "Canadian Centre for Bio-Ethical Reform" (CCBR). The CCBR produces and distributes these graphics, which are sometimes purchased and distributed by local groups on behalf of the CCBR. The deliveries happen in dozens of communities across Canada and cause significant harm, especially to families with young children and people who've had miscarriages or abortions. They also violate the privacy of peoples' homes, essentially forcing them to view these images.

Six municipalities have so far passed Viewer Discretion bylaws to regulate these flyers: London ([May 2022](#)), Woodstock ([Feb 2023](#), see pg 7), Calgary ([May 2023](#)), Ingersoll ([June 2023](#)), Strathmore AB ([July 2023](#)), Okotoks AB ([Aug 2023](#)), and St. Catharines ([Sept 2023](#), see Section 7.3). Further, [Norwich](#), [Oakville](#), and [Toronto](#) are moving towards passing a flyer bylaw soon, while it's now on the agenda of other cities including Burlington, Mississauga, Vancouver, and others.

Notably, these bylaws make enforcement easier by stating that "a director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence." (wording from London's bylaw). This means it's not necessary to identify the particular volunteer who delivered the flyer – instead a municipality can charge the CCBR, which is a registered corporation in Alberta.

Graphic signage in public

The CCBR is also responsible for producing and showing the graphic signage shown on city streets, outside schools, and at universities. Several other municipalities are examining this issue:

- **Toronto:** On July 10, 2023, City Council passed a motion and directed the Municipal Licensing and Standards department to report to the April 2024 meeting of the Economic and Community Development Committee on how to regulate the unsolicited delivery of graphic images to residences in a similar manner as in London, as well as to report on the feasibility of prohibiting advocacy signs in public that display graphic images.
- **London:** In July 2022, the Community and Protective Services Committee supported a motion to direct staff to prepare a report about potentially expanding its existing graphic flyer bylaw to also prohibit graphic images in

public. In January 2023, city staff with the Building Division, Planning and Economic Development, indicated that more time for research was required but a report is hopefully expected by the end of the year.

- **Oakville:** On June 19, 2023, Town Council directed staff to look at placing restrictions on graphic anti-abortion flyers and public displays. Staff were instructed to come back with recommendations before the end of fall, to allow the matter to be discussed as part of a review of the town's licensing bylaw.

In **Calgary**, due to the CCBR displaying graphic signage in front of high schools, the city prohibited prohibit signage outside schools in a clever way. It passed a bylaw amendment on Oct 5, 2020 to the [Temporary Signs on Highways](#) bylaw (section 3.3.1(a)). The amendment limits signs with advocacy messaging to just 5" x 3.5" within 150 metres of any Calgary school. The restriction applies from 7:30 am to 9 pm on days when students would normally be present, and does not apply on school-owned property or private property. Violators face a ticket and fine up to \$1,000. The city's law department believes the restriction is justifiable under the Charter.

ARCC's resources for cities

Our updated report to cities on [How Local Governments Can Regulate Public Messaging](#) comprehensively covers all options available to cities to control graphic images and other unacceptable messages. It describes what other municipalities have done, explains how to address constitutional issues related to freedom of expression, and contains Appendices with bylaw excerpts, stories of the harms of the graphic images, and upheld complaints to Ad Standards. (Please feel free to share this report with City Councillors and staff, but not publicly.)

In the meantime, if Councillors receive complaints from their constituents about graphic flyers, they can encourage residents to use our [Provincial Trespass Remedy](#) to protect their homes from people delivering the graphic flyers.

Thank you very much for your time and consideration. I look forward to hearing from you.

Kind regards,

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