



Communiqué

Canadian Conference of the Arts ~ Conférence canadienne des arts

REMINDER: Arts Groups to Speak Out Against Bill C-20

For immediate release

Ottawa, October 7th, 2003 - The **Canadian Conference of the Arts (CCA)**, **The Writers Union of Canada (TWUC)**, **Canadian Artists Representation (CARFAC)**, and the **Canadian Museums Association (CMA)** are opposed to the elimination of the artistic merit defence in section 163.1 of *Bill C-20* (an Act to amend the Criminal Code, currently before the Standing Committee on Justice). These groups will hold a joint press conference on

Wednesday 8 October 2003
11.00am, in the Charles Lynch Press Conference Theatre
130 S Centre Block, House of Commons

Speaking at the news conference will be the CCA's National Director **Megan Davis Williams**; **Frank Addario** from the law firm Sack, Goldblatt, Mitchell; children's authors **Janet Lunn** from TWUC and **Charles Montpetit** from Union des écrivaines et écrivains québécois; **Marian Hebb**, legal counsel for TWUC; **Deborah Windsor**, Executive Director of TWUC; and **John McAvity**, Executive Director of the CMA.

At issue is the freedom of expression of Canada's artists, and all Canadians, as guaranteed under Canada's *Charter of Rights and Freedoms*. Under the proposed bill:

- artists from all disciplines who create works with themes relating to young people and sexuality, risk having their work criminalized
- should there be a charge relating to child pornography, artists whose work contains themes depicting young people and sexuality will be required to establish that his or her book, film, painting or other work serves the public good (reverse onus)
- the concept of "artistic merit" would be removed leaving only the defence of "public good. "Public good" is a very subjective concept that even the Supreme Court of Canada feels has not been clearly defined
- an expansive interpretation of "sexual purpose" will infringe on new and existing artistic works (including literature, visual art, film, and theatre)
- under this legislation, museums and galleries which display such works could be charged, and even visitors considered voyeurs

We believe *Bill C-20* as presented is poorly crafted. We seek a re-framing of the legislation to better protect children and to allow artists the freedom to create.

We believe the retention of the defence of artistic merit in the criminal code will better serve the people of Canada, both youth and their elders.

We believe elimination of the artistic merit defence will not have any effect on the Government's purpose of eradicating sexual abuse of minors nor will it prevent child pornography; it will only serve to create confusion and punish artists whose work, created in good faith, could be deemed in contravention of the new legislation.

