

Freedom of Expression and the East Coast Seal Hunt

The East Coast seal hunt is expected to begin in early March. Journalists and animal rights activists gather from around the world to observe and protest the hunt. [Fisheries and Oceans Canada](#) has rules that keep the observers and hunters separated and are considering increasing the “buffer zone” from 10 to 20 meters. Through the department’s website, the public was given a few days to participate in a consultation process and comment on the proposal. The final decision will be made by Fisheries Minister Loyola Hearn and it is uncertain if any new rules will be in place for this year’s hunt.

Members of the [Canadian Sealers Association](#) proposed a much larger zone of one mile (about 1,600 metres). Tempers have flared in the past and the sealers want to avoid any accidents or confrontations that might result in injuries. On the other hand, the [Anti Sealing Coalition](#) (ASC) believe that an extended zone will make it more difficult if not impossible to observe the hunt.

Last year, there were several altercations and the government says they are considering a larger zone to ensure the hunt is carried out safely. This motive is questioned. The hunt attracts negative attention internationally (both in press reports and trade restrictions on seal products). Some believe the larger zone is to prevent observers from recording negative images of the hunt and releasing them to the public. Such images serve to increase both domestic and international opposition to the hunt.

The ASC argue that they have a constitutional right to document the seal hunt: “The Canadian seal hunt occurs in public space. Our Canadian Charter of Rights and Freedoms guarantees us the right to document this activity.”[1] Section 2(b) of the Canadian Charter of Rights and Freedoms provides for freedom of thought, belief, opinion and expression, including freedom of the press. In the 1988 case of International Fund for Animal Welfare Inc. (IFAW) v. Canada, the IFAW were charged under the Seal Protection Regulations for flying a helicopter too close to the seal hunt and for coming within half a nautical mile of the hunt without a license. The Federal Court of Appeal affirmed that s. 2(b) includes the freedom to access information that is pertinent to the ideas a person wishes to express. The Court then determined the license requirement for observers hindered this information gathering process, and was therefore in violation of the Charter. However because of safety concerns, the restriction on landing a helicopter within half a mile of the hunt was found to be a reasonable limit on freedom of expression under s. 1 of the Charter and was consequently allowed. If observers were to challenge the newly proposed buffer zone regulations, it would be up to the Fisheries department to show that the re-defined distance of separation is a necessary limit on journalists’ and protestors’ freedom of expression.

Sources:

- “Save The Seals Now” Humane Society of Canada
- “Action Alerts: DFO trying to restrict observers” Canadian Anti-Sealing Coalition (9 February 2007)
- “Feds consider wider buffer between sealers, observers” CBC News (17 February 2007)
- Chris Morris, “Ottawa considers new rules to keep seal hunters, observers further apart” CBC News (15 February 2007)
- International Fund for Animal Welfare, Inc. v. Canada, (1988), [1989] 1 F.C. 335 (F.C.A.).
- Marine Mammal Regulations (SOR/93-56)

Further Reading:

- “Seals and Sealing in Canada” Fisheries and Oceans Canada
- “Move seal office from Charlottetown, fishermen urge Ottawa” CBC News (22 February 2007)
- “Seal hunt supporter takes shots at German boar hunt” CBC News (1 March 2007)
- “Seal hunt activist plans court challenge on observer permits” CBC News (10 April 2006)
- “EU rejects appeal for ban on Canadian seal products” CBC News (26 January 2007)
- Paul Watson, “Confessions of a career criminal” National post (23 January 2006)
- Stephen Best “End the Seal Hunt” Environmental Voters (September 2003)
- “Protesters arrested as tempers flare in seal hunt” CBC News (27 March 2006)

[1] “Action Alerts: DFO trying to restrict observers” Canadian Anti-Sealing Coalition (9 February 2007) <[www. http://www.antisealingcoalition.ca/](http://www.antisealingcoalition.ca/)>