

## Canadian Federation of Library Associations Intellectual Freedom Committee

### Intellectual Freedom Toolkit for Canadian Libraries

Version: April 28, 2022

The CFLA Intellectual Freedom Toolkit is an assemblage of useful information and links on questions of intellectual freedom, especially as this concept intersects with libraries. We have prepared the toolkit with Canadian library managers and workers in mind, but it will be useful to anyone looking for basic information in this area. Among other possibilities, intellectual freedom encompasses the freedom to read texts or consume other media of one's choice and the freedom to express information and opinion in either writing or speech.

#### ***1. Intellectual freedom-related statements from library associations***

Many organizations (international, national, provincial or local), both beyond and within the library community, have issued general statements in support of intellectual freedom. We provide here a list of particularly relevant statements to the Canadian context library context. This is not an exhaustive list: additional statements can be found.

United Nations

- [Universal Declaration of Human Rights](#) (see especially Article 19)

International Federation of Library Associations and Institutions (IFLA)

- [Principles of Access to Information and Freedom of Expression](#)
- [Statement on Libraries and Intellectual Freedom](#)
- [Code of Ethics for Librarians and other Information Workers \(full version\)](#)
- [Statement on Censorship](#) (see also the associated annexes)

Canadian Federation of Library Associations (CFLA-FCAB)

- [Statement on Intellectual Freedom and Libraries](#)
- [Position on Third Party Use of Publicly Funded Library Meeting Rooms and Facilities...](#)
- [Position on Protest and Disagreement related to Collections, Programs and Speakers in Libraries](#)

Ontario Library Association (OLA)

- [Statement on Intellectual Freedom and the Intellectual Rights of the Individual](#)

Library Association of Alberta (LAA)

- [Intellectual Freedom](#)

American Library Association (ALA)

- [Library Bill of Rights](#)

## **II. Legislation and jurisprudence that might be relevant to intellectual freedom in Canada**

The Canadian Charter of Rights and Freedoms provides broad intellectual freedom rights, stated most explicitly in Article 2. Notwithstanding these stated freedoms, certain kinds of expression have been limited or proposed for limitation by legislation, but these have been contested in some cases. We provide here some potentially helpful readings on these topics.

Constitutional basis of freedom of expression in Canada

- [Canadian Charter of Rights and Freedoms](#) (especially Article 2)
  - [Freedom of Expression](#) -- Charterpedia, Justice Canada
  - [Chamberlain v. Surrey School District No. 36](#) -- Supreme Court of Canada Judgment relevant to the banning of books in schools; see also the [brief summary](#) of this case in Wikipedia

Limitations to freedom of expression in Canadian Law

- Hate propaganda: Section 318-320.1, [Criminal Code of Canada](#)
  - [Hate Speech Laws in Canada](#) (Wikipedia)
  - [Hate Speech Q&A](#) (British Columbia's Office of the Human Rights Commissioner)
- [Obscenity](#) (an article noting a *de facto* high bar in proving obscenity in Canadian courts)
- [Promotion of terrorism](#) (a discussion of the 2015 bill that would have criminalized the promotion of terrorism; the bill did not become law)
- Child pornography: [Section 163.1, Criminal Code of Canada](#)

General and historical information on censorship in Canada

- [Censorship in Canada](#) (Wikipedia)

## **III. Resources or assemblages of resources on intellectual freedom**

Several Canadian organizations (and some others) have provided other helpful assemblages of resources and links relating to intellectual freedom—or advocating for such. We provide links to some of these.

- Freedom to Read.ca – [Links about Intellectual Freedom](#)
- Freedom to Read.ca - [Resources](#)
- BCLTA – Discussion Starters – [Intellectual Freedom](#)
- Central Kansas Library System -- [Intellectual Freedom Resource Guide](#) (U.S. as context)
- [OLA Advocacy Toolkit](#) (Ontario Library Association, updated November 2019)
- Centre for Freedom of Expression - [Events](#)
- Workplace Speech - [Workplace Speech Discussion document](#)

#### ***IV. A short bibliography of online articles on current or typical intellectual freedom issues in libraries***

We provide here a short bibliography of articles (and a more extensive bibliography of resources) that discuss aspects of intellectual freedom and its challenges, mostly in the Canadian context.

- Richard Beaudry – [Censorship in Canadian Schools](#)
- Andie Bullman – [Banning a book: Why the freedom to read can't be taken for granted](#)
- Alvin Schrader – [Can Public Libraries Maintain Their Commitments to Intellectual Freedom in the Face of Outrage over Unpopular Speakers?](#)
- Martin Garner, Trina Magi, [ALA] Office for Intellectual Freedom (OIF) – [Intellectual Freedom Manual](#), Tenth Edition (2021) (\$).
- Deb Thomas -- [List of Selected Resources for Intellectual Freedom](#) (Bibliography, February 2020)
- Deb Thomas -- Presentations on Intellectual Freedom: [Introduction to Intellectual Freedom](#) and [A Shifting Landscape for Intellectual Freedom](#)
- IFLA - [Objectionable Third-Party Content: Library Responses](#)

#### ***V. Sample documents to support library responses to intellectual freedom challenges***

As Canadian libraries frequently receive complaints about items in their collections, programs, and services, many have developed policies, procedures, forms and other texts to assist in the management of such complaints. We provide here a sampling of such resources.

- Toronto Public Library – [Materials Selection Policy](#)
- Vancouver Public Library – [Collection Development Policy](#)
- Edmonton Public Library – [Customer Complaints About Library Materials](#)
- Edmonton Public Library – [Challenged Materials at EPL](#)
- Edmonton Public Library – [Customer's Request for Reconsideration of Library Material](#)
- Edmonton Public Library - [Intellectual Freedom](#)
- Edmonton Public Library - [Intellectual Freedom customer brochure](#)
- Huron County Library – [Intellectual Freedom Statement](#)
- MacOdrum Library, Carleton University – [Challenged Materials in the Library Policy](#)
- Burlington Public Library -- [Intellectual Freedom Policy](#)
- Saskatoon Public Library -- [Statement on Intellectual Freedom](#)

#### ***VI. Model letters and library statements that address challenges to library resources or library bookings***

When a challenge of a library resource occurs or whenever else it may be important to address an intellectual freedom controversy, it can be helpful to see how communication around such

matters have been handled by others, especially by library leaders or associations. We offer here a selection of texts that may serve as models for communications in new situations.

- Vancouver Public Library: [Public Meeting Rooms & Facilities Use](#)
- Edmonton Public Library: [Meeting Room Policy](#)
- Edmonton Public Library: [Freedom of Expression blog post](#) in response to TPL continuation of third-party room booking for a presentation by Megan Murphy.
- CFLA – [Challenges to the book Irreversible Damage by Abigail Shrier – a CFLA-FCAB Intellectual Freedom Brief](#)
- CFLA - [Response to concern from a patron about Irreversible Damage in the local library](#) (Note that the patron was interested in why the CFLA IFC had chosen to defend the inclusion of the book in library collections)
- A small public library - [Response to a patron challenging a particular children’s book](#)

### ***VII. Suggestions as to how to deal with a challenge***

As it can be helpful to have in hand some practical suggestions for actions that might be taken when an intellectual freedom challenge arises, we provide here some checklists for front-line library workers and for library leaders. As all situations are unique, not all actions may be applicable—and important actions in a given situation may be missing from these lists—but we hope that they are nevertheless a useful point of departure.

- The Oklahoma Library Association offers a set of [Intellectual Freedom Tools](#) (many in the form of links to American Library Association [web pages on challenge support](#)), which include its own [Oklahoma Library Association Intellectual Freedom Toolkit](#) -- This resource makes a number of practical suggestions (in the U.S. context) as to what to do when library materials are challenged and how to converse with a person complaining about library materials.

### ***VIII. Challenges in the context of school libraries***

In the case of a challenge to library materials in the context of primary or secondary schools in Canada, there may be additional considerations or procedures to follow, given that school libraries operate as a part of schools and school boards, so may have less liberty of action than, say, public libraries. Nevertheless, there are resources that provide some helpful guidance.

- The independent [Canadian School Libraries](#) (CSL) organization may be able to provide some assistance.
- The CSL [Collection Diversity Toolkit](#) advocates aspects of intellectual freedom and includes [Selection Guidelines and Reconsideration Procedures](#).

## ***IX. Key contacts for assistance with challenges to library materials in Canada***

It can sometimes be helpful to speak with someone who is very familiar with intellectual freedom matters when an issue arises. The Chair of the CFLA Intellectual Freedom Committee is frequently approached, in confidence if desired, as a sounding board or source of advice when this may be desired. The Director of the Ryerson University's Centre for Free Expression might be another helpful contact [*to be verified with J. Turk!*].

- CFLA – [Intellectual Freedom Committee](#)
- British Columbia Library Association (BCLA) - [Intellectual Freedom Committee](#)
- Ryerson University – [Centre for Free Expression](#)

## ***X. The CFLA Intellectual Freedom Challenges Survey***

For many years, the Canadian Federation of Library Associations (and the Canadian Library Association before that) has maintained a registry of challenges of books and other resources in Canadian libraries. The “Intellectual Freedom Challenges Survey” helps Canadian libraries to know what resources have been challenged, where challenges have occurred and, in many cases, how the challenges were resolved.

- CFLA – [Intellectual Freedom Challenges Survey](#)

## ***XI. Updates and suggestions***

This toolkit will continue to shift and evolve based on feedback and suggestions from the library community. Please send your suggestions and ideas to the [CFLA-FCAB Intellectual Freedom Committee](#) by way of the [general CFLA-FCAB email account](#). The IF Committee will make updates to this toolkit on a quarterly basis.