



# **REASONS TO SUPPORT THE SPFA & WHY BC NEEDS IT**

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## **THE PROBLEM**

**Student journalists in British Columbia have inadequate protection from unjust censorship and obstructions to press freedom from public school officials.**

## **WHAT IS THE STUDENT PRESS FREEDOM ACT?**

The Student Press Freedom Act (the “SPFA”) is Canada's first student journalism protection legislation. It is designed to help solve the problem of censorship and press freedom obstruction in BC's public schools by codifying students' rights to a free press into provincial law.

Student journalism, like all journalism, is essential, and deserves nothing less than the full protection of the law.

**Journalism should be freely practiced and accessible in secondary schools to the same calibre as the rest of society, subject to only specific, narrow, and articulable exceptions.**

## **REASONS WHY BC NEEDS THE SPFA**

### **1. TO REAFFIRM CHARTER RIGHTS**

Section 2(b) of the *Canadian Charter of Rights and Freedoms* states that all Canadians have the freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication.

We know from *Lutes v. Prairie View School Division No 74* that students enjoy rights to freedom of expression in Canadian public schools. But some school officials use their position of authority over students with great latitude to censor journalism they find inconvenient. Courts have generally sided with school officials when *Charter* cases involving

students' rights have come before them, **influenced by American jurisprudence**, coming together to reduce the ability for students to claim their rights before a school official. The SPFA will remove the ambiguities in school officials' authority over student journalists, and shield student newspapers, magazines, news websites, yearbooks, podcasts, and other media from unjust censorship.

All Canadians, including public school students, have rights to free expression and a free press. But with all *Charter* rights, come reasonable limits in which government may impose restrictions. The SPFA would ensure that those restrictions from school officials are reasonable, justifiable, and respectful of Canada's Constitution.

**Unjustifiable censorship, particularly of public interest student journalism, is profoundly antithetical to a free and democratic society and should not be tolerated.**

## **2. TO COMBAT MIS/DISINFORMATION**

The last half-decade, and more specifically the COVID-19 pandemic, has shown the sweeping impact of mis/disinformation globally.

Student journalists can be some of the most effective players in the fight against mis/disinformation. With younger generations especially prone to conspiracies, falsities, and fake news through social media, it is more important than ever that students have access to accurate, truthful, and legitimate information.

Student journalists' reporting brings news both within and outside a school and helps better our society by building more factually-informed citizens.

Here's an example:

A student newspaper in a region with a significant divide over COVID-19 vaccination wants to publish an article encouraging people to get their vaccine. Many of those who refuse to get vaccinated receive their information from a regional FaceBook page, filled with mis/disinformation. The student newspaper knows this and wants to direct citizens' to proper medical and public health authorities.

But instead of allowing this article to go ahead, the students' principal decides "it's best not to stir up any trouble" and prohibits the students from publishing the article.

The SPFA would shield students' from being censored in the above example and would protect their ability to tell the truth, no matter how people feel about it. In this example, peoples' lives are directly at stake, and the information they receive will impact their decisions.

**The SPFA is critical in the fight against mis/disinformation.**

## **3. TO PROMOTE AND PROTECT PUBLIC INTEREST COMMUNITY REPORTING**

Commercial and professional media rarely focus on students in their news reporting, and even among community publications, youth are not often featured in the headlines. While adults can turn to multiple uncensored outlets covering news directly impactful to them, the over a half a million public school students in BC don't have that ability.

Student journalists have the ability to cover news with a direct focus on students, their campuses, and their communities, that is more often directly impactful to them rather than what their nation-wide broadcasters and commercial newspapers are covering.

Further, the student journalists have the ability to cover news strongly in the wider public's interest, including social and environmental justice issues they have first-hand experience with.

**The SPFA would enable student media to cover the news of their community in the way they see it, and support an informed community beyond the hallways of a high school.**

#### **4. TO FOSTER GREATER DEMOCRATIC PARTICIPATION AND STUDENT VOICE**

*"left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."* - Thomas Jefferson

A free student press means a student press able to comment on public affairs – including the public affairs of their school system.

In a democracy, we cherish the ability to freely voice our opinion in effort to advance ourselves as a collectivity. But the nature of the school system, and the broad discretionary power of school officials, currently allows for the casual disregard for the rights of students in a manner that would not be tolerated for any other group in society.

Students must be free to opine on their community decision makers without being censored or in fear of retaliation. The decisions of teachers, school administrators, district management, superintendents, trustees, and other stakeholder groups have a large amount of power over students' lives, and it is their right to comment on those decisions. Similarly, their rights to comment on matters of the public interest must never be infringed.

The SPFA would protect students' right to comment on the world and how it affects them, in full recognition of them as rights worthy and bearing persons.

**To deny students rights to free expression and press freedom would constitute an egregious withdrawal from Canada's and British Columbia's human rights obligations.**

#### **5. TO PROTECT THE VOICES OF MARGINALIZED GROUPS**

Student media is one of the only accessible ways for youth of all backgrounds to make themselves heard. Youth as a whole are an underrepresented group in commercial media. This includes student journalists of all gender identities, ethnicities, and abilities.

In professional journalism, newsrooms across the country still struggle with diversity in staff. **2020 Canadian Association of Journalists' Canadian Newsroom Diversity Survey** included data from 3,873 journalists from 209 newsrooms across the nation. It found that 75 per cent of journalists were white and 80 per cent of newsrooms have no visible minority or Indigenous journalists in a top editorial leadership role. Increasing representation in

newsrooms starts by fostering a diverse group of young journalists – rooted at the secondary school level.

**Protecting the stories of marginalized groups is essential to British Columbia’s human rights commitments and combatting systemic injustices.**

## **6. TO SUPPORT THE DEVELOPMENT OF CANADIAN JOURNALISM**

Student media - at both the secondary and post secondary levels - are the training grounds for future journalists. British Columbia even acknowledged that **back in 2006 when it issued a proclamation** commemorating the Canadian University Press’ "National Student Press Week".

**Many journalists got their start in student media. British Columbia has an opportunity to inspire a generations of journalists and make the province a national leader in supporting Canadian journalism.**

## **6. TO ADVANCE THE JUDICIAL COMMENT ON THE RIGHTS OF YOUTH**

In the **few Charter rights cases** involving public school students, courts have generally used an approach **incompatible with effective rights protection**, and have sided with school officials in a manner that diminishes students' rights. Further, of the case law surrounding students’ rights is notably influenced by American case law, which, in the context of student journalism, includes the **dangerous Hazelwood ruling**, one often cited by school officials in the United States when censoring student media.

The SPFA would help change that. The Act would signal to courts that British Columbia and Canada takes the rights of students and youth seriously by affording them specific protection in an enactment that recognizes them as rights-bearing persons.

## **7. TO PROTECT AN INVALUABLE EDUCATIONAL OPPORTUNITY**

By protecting the invaluable journalism, media, civics, and citizenship education offered by student media programs, the SPFA would promote an educational opportunity that gives students the ability to regularly and consistently impact the world around them to the benefit of their community.

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