

Story Tools

Font size: [A](#) [A](#) [A](#) [A](#)

Photo visibility: [Hide All](#) [Show All](#)

City must respect everyone's right to protest when it re-drafts bylaw

VANCOUVER SUN APRIL 12, 2011 9:46 AM



Falun Gong protesters meditate outside the Chinese consulate on Granville Street.

Photograph by: Dan Toulgoet, Vancouver Courier

As honoured guests in our country, officials at the Chinese consulate in Vancouver deserve the full protection of the law.

The law of Canada, that is, a country that strives to find a balance between the right of freedom of expression and the right of individuals to go about their business without being unduly hindered or harassed. Canadian law does not, however, guarantee freedom from embarrassment.

The revelation that City of Vancouver officials held confidential negotiations with Chinese officials while drafting a bylaw that would have had the effect of limiting protests in front of the consulate is disturbing.

We wouldn't be concerned if those talks were held in the context of trying to explain to

foreign visitors how our Charter of Rights guarantees freedom of speech, even if it is speech we might not like.

We can see how such discussions might be necessary with representatives of a government that for generations has efficiently stifled dissent within its own borders, a government that even now is actively trying to stamp out any hope that the democratic movement spreading through the Middle East will take root in Chinese society.

Instead, the private talks were held while staff were developing a bylaw to replace the one that was ruled by the B.C. Court of Appeal to be contrary to the Charter of Rights.

That bylaw was invoked in 2006 by then mayor Sam Sullivan to force Falun Gong protesters to take down the shelter they had erected in front of the Chinese Consulate on Granville Street as part of their round-the-clock vigil that has been going on since 2001.

The revised bylaw that was brought forward as a replacement was still clearly aimed at limiting the protests in front of the Chinese Consulate. It did so by prohibiting protest structures in residential areas. Even though it's on a main thoroughfare, the Chinese Consulate is in a residential neighbourhood.

On Sunday, Vancouver Mayor Gregor Robertson said the new bylaw is still too broadly worded and sent it back for revisions.

What comes back must reflect the legitimate interest of the city in maintaining order, with no hint that it is in any way aimed specifically at the Falun Gong protesters.

The vigil in front of the consulate has undoubtedly offended consular officials.

It may also be offensive to nearby residents.

But messy and offensive though it may be, there has been no suggestion that the protesters overstepped their right to free speech by interfering with traffic, trespassing on private property, harassing passersby or in anyway trampling on the rights of others. Robertson says there is no intent to stifle free speech. The actions so far by the city suggest otherwise.

We are encouraged by Robertson's assurance that the replacement bylaw will reflect his determination to protect the right of protest. But to overcome the impression left by the city's actions to date, it will have to clearly reflect, at a bureaucratic and regulatory level, the change of heart that finally seems to have permeated city council.