

Grace-Pepin Award Remarks by Ken Rubin May 25, 2016

I am grateful for having been nominated and supported by so many journalists, public interest groups and others and to be chosen for this award for long time contributions made to the development and critical assessment of freedom of information in Canada.

As both a pioneer trail blazer and current advocate of the public's right to know, I have to fight daily against secrecy practices in Canada. My struggle over the last five decades has indeed been to get governments, corporations and institutions to be more accountable. Along the way that has meant reporting on and exposing inequalities, fraud, unsafe products and environmental degradation, and secrecy practices.

Starting with work in citizen groups, I learned the art of information queries and activism. I and others took on Bell Canada in rate hearings, battled car manufacturers and governments for their failure to divulge secret car warranties and tackled food industry's unhealthy foods and hidden meat packers' safety inspection reports.

I became a life-long advocate for transparency, lobbying for freedom of information and privacy protection and produced reports that examined unnecessary excluded cabinet confidences, and exposed excessive secrecy. I filed thousands of requests, either on my own initiative or on behalf of a variety of client groups and individuals struggling to obtain data and to get it used. It 's meant going to the courts where necessary, appearing as a parliamentary witness, writing about the many deficiencies of access legislation, and having hundreds of stories done on documents uncovered.

I have worked with many groups on many issues, including the Cree in Northern Quebec seeking records on mining company pollution of their lands and waters, and on individual cases like in Northern Manitoba where a young disabled adult in a remote native community had to and still has to crawl around given inadequate in-home and disability services.

Past obtained access records fought for after many delays and severances included Canada's deceptive promoting here and abroad of asbestos for use in construction. Yet it is still in car brakes and pad installation and found in our schools, playgrounds and buildings.

Other records revealed that as late as the 1980's government researchers were helping the cigarette industry develop tobacco strains with more nicotine. Still more records showed how government for years has slanted public nutrition food guide information that cater to powerful food industry groups.

Uncovered over twenty years ago were records that acknowledged despicable drinking water conditions on many reserves. Yet still many boil water orders are in place on reserves today. These are but a few examples of the records uncovered and hundreds of stories done.

Freedom of information began with the efforts of a persistent Swedish legislator 250 years ago demanding a culture for prompt public inspection of records.

But it took hundreds of years before many other countries adopted various forms of access laws. The Canadian 1982 version that I and others fought to get ended up being very weak and disappointing. Yet at that very time Canada adopted a Charter of Rights and Freedoms that included the right to freedom of expression. And Canada in 1948 signed the UN Declaration of Rights whose Article 19 committed nations to having both freedom of expression and the right to information.

The 1982 Access to Information Act has for over thirty years not lived up to those proclaimed charter and UN standards. It is more an instrument for many secrecy practices. The right to information in Canada has instead been hindered by barriers that include lengthy delays, high fees, creative avoidance, multi exemptions and exclusions, record alterations and destruction, and sanitizing records. The top-down secrecy approach the Access Act allows places cabinet records out of the reach of Canadians and hides policy options and on-going work as advice. This must end. We need to dramatically change such non-empowering relationships.

Central to this is the need for a substantial effort by institutions to become real agents of transparency rather than promoters of secrecy. This can be done with the creation of pro-active disclosure codes and transparency agreements. This would allow matters like human rights reports on countries like Saudi Arabia, the Prime Minister's daily agendas, Bombardier funding arrangements and clinical drug trial reports to be routinely released.

The current PM and government claim that they will move on openness and transparency. But so far they have offered minor technical changes, glib statements and a future with more not less secrecy overrides. And all of this in the Internet age and with over a hundred countries now possessing right-to-know legislation.

Reconciliation, governments telling the truth, is difficult. Promises of full partnership and fuller information will not be easily fulfilled or simply conceded.

So it is an honour to share the Grace-Pepin award with Truth and Reconciliation Commission whose efforts over the past seven years have provided Canadians with a model for sensitive record collection from affected residential school survivors and their children. Their efforts illustrate just how such records can add to and contradict official records and actions.

Their struggles to get governments and institutions to turn over records for a permanent digital access centre are our struggles and important to what kind of information rights Canadians should have. Their story for empowerment too goes back 250 years ago when a crown-indigenous partnership was proclaimed and then ratified by indigenous nations but as pointed out by the TRC never implemented.

Listen, and that what was what the Reconciliation Commissioners did, we need less injustices and better rights that include information not by default but as a full right.

As Canada nears its 150th birthday as a nation, there is potential should governments want to enter into real partnerships with all its peoples.

Mine has been a persistent effort of prying out records and demanding more transparency but as one nomination supporter, Ottawa Citizen's Tom Spears, said that is no easy task. The public knowing what governments are doing is a radical idea in a town like Ottawa, Spears said. He also said that Ottawa would be a duller place without me. And that Ottawa would have had a lot more secrets. That's my legacy and aspiration for all of us.

In conclusion, a short story. In way of background, Debbie and I through our public interest advocacy foundation assisted the local Mamawi-Together group to bring Commissioner Marie Wilson to Ottawa last year for a community awareness reconciliation discussion at Rideau High School. It drew a large crowd and was attended by young and old, parents and students, aboriginal and non aboriginals. Tonight this year Senator Sinclair is their guest speaker.

Marie Wilson asked the audience then to close their eyes to imagine from a parent and then a child's perspective what being forced into and kept at a residential school was like.

I ask you now to pause briefly and close your eyes and imagine what having access to so much denied information can have to our safety, our environment, our expenditures, our voices and our participation.

So now open your eyes, ears, hearts and minds to imagine Canada without a deeply embedded culture of secrecy and discrimination.

I am sure both late Access Commissioners John Grace and Marcel Pepin, whom I knew, would say that both my and the Reconciliation Commission's work are worthwhile fights, ones that all of us must continue to pursue. The recognition received today is for Canadians rights and your recommitment to our advancement.