



Border busts ; Prohibited Importations Unit must decide what is allowed into Canada

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By Kathleen Harris

Canada's border agency has seized anti-Semitic books, smutty DVDs and sexually explicit comics as it classes what material is welcome into the country and what is banned because it breaches the "community standard of tolerance."

Quarterly reports obtained from Canada Border Services Agency's Prohibited Importations Unit from April 2009 to March 2010 reveal a flow of erotic material themed on incest, bestiality and violent sex trying to make its way into Canada. Of the 384 items stopped for review for suspected "obscenity," 167 were deemed admissible to the country and 217 were barred from entry.

Other titles of prohibited items -- including child pornography -- are not included in the summaries.

According to CBSA's obscenity guidelines, material can be rejected entry because it's deemed harmful to society for undue exploitation with crime, horror, cruelty or violence. "Obscenity indicators" change according to "ever-evolving" public standard of tolerance and case law from challenges based on the constitutional right to freedom of expression.

Dave Quist, executive director of the Institute of Marriage and Family Canada, called it "quite disturbing" that incest is a common theme running through DVDs, books and magazines, with titles such as *A Mother's Guilt*, *Runaway Incest Child*, *Family Heat* and *Ero-sister*.

While it comes down to personal morality and choices, Quist said the government has an obligation to restrict overly explicit material. Even less hard-core pornography is degrading to women and destructive to families and society, he said.

"I think the state, the government, has a role to play here in determining and enforcing what is in the best interests of society," he said.

But Nathalie Des Rosiers, general counsel for the Canadian Civil Liberties Association, said the state should not serve as morality police, warning that freedom of expression must be carefully guarded as border officials gain increasingly broad and extensive powers. She said the existing determination process heavily cloaked in mystery, and called for an independent review to ensure standards aren't overly restrictive or abusive.

"There is little oversight and people don't know the process. Trying to get some accountability about what their policies are is flawed," she said. "It's kind of a black hole in a way -- an inability for the legal system to know exactly what is going on."

Importers don't have the time, energy or money to file complaints to fight rulings, she said.

Material that is suspected of being "hate propaganda" -- which can also include items deemed treasonous or inciting violent revolt against government -- has also been seized at the border. During the one-year period, 28 items were stopped, with 11 prohibited and 17 allowed in.

Many of these banned items are themed on white supremacy, including The Aryan Alternative newspaper by Glenn Miller.

Importers can appeal CBSA's findings. Prohibited material is either shipped back at their expense, or forfeited to the Crown for destruction.

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