



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

NUMBER 031

Monday, April 19, 2021

Chair: Mr. Chris Warkentin



Standing Committee on Access to Information, Privacy and Ethics

Monday, April 19, 2021

• (1100)

[English]

The Chair (Mr. Chris Warkentin (Grande Prairie—Mackenzie, CPC)): Colleagues, I call this meeting to order.

This is the 31st meeting of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

I'd like to remind colleagues that today's meeting will be televised, and it's going to be available via the House of Commons website.

Pursuant to the motion adopted by this committee on Friday, December 11, 2020, the committee is resuming its study on the protection of privacy and reputation on platforms such as Pornhub.

Today we have three witnesses with us. We have Melissa Lukings, who is the juris doctor candidate, Faculty of Law, University of New Brunswick. We have the Canadian Alliance for Sex Work Law Reform, Jennifer Clamen, who is the national director, and we have Sandra Wesley, who is the executive director at Stella.

We'll turn it over to our witnesses. I believe we'll start with Melissa Lukings for an opening statement followed by the others.

Ms. Lukings, the floor is yours.

Ms. Melissa Lukings (Juris Doctor Candidate, Faculty of Law, University of New Brunswick, As an Individual): I am Melissa Lukings. I was born in Ontario in 1989—

[Translation]

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): On a point of order, Mr. Chair. There is an issue with interpretation. Since—

[English]

The Chair: Pardon me, there's a point of order. There is a problem with static.

We'll just check the translation.

I think it is fine now.

I apologize for the interruption. Please continue.

Ms. Melissa Lukings: I moved to Newfoundland in 2007, and then I moved to New Brunswick in 2018.

I have an undergraduate degree from Memorial University of Newfoundland in linguistics and psychology, and I'm working on my law degree, juris doctor, from the University of New Brunswick.

My background includes 13 years of lived experience in sex work. From 2008 to 2013, I was an employee at an adult erotic massage parlour in St. John's, Newfoundland that was called Executivesweet Spa. For four years I managed or operated but also worked at another erotic massage parlour, and that was called Studio Aura. I've also worked independently from 2018 to the present.

If we look at those dates, we'll notice something super-fun, and that is that I had been working in sex work since before the Bedford outcome happened. That started in 2008; the Bedford outcome was in 2013, followed by Bill C-36 in 2014, so there's some interesting overlap there.

Within those years of lived experience, eight years involve a degree of sexual exploitation, so again we're having some overlap here, and the exploitation was very interestingly related to cryptocurrencies, data mining and business development in Newfoundland and Labrador. I feel that my perspective is all the different sides—well, I haven't been trafficked—exploitation, certainly, and sex work as well.

My recent relevant volunteer experience includes Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre; the Community Coalition for Mental Health, NL; the Schizophrenia Society of Newfoundland and Labrador; Safe Harbour Outreach Project; HardOnTheRock.com; Reproductive Justice New Brunswick; Save Clinic 554; SafeSpace London; and the Canadian Alliance for Sex Work Law Reform now.

My current relevant work experience is that I am a cybersecurity law researcher, so I'm particularly interested in dark web content, regulation, cryptocurrency and decentralization, all of that within the law of Canadian perspective sex work legal regulation research, and I've also just finished publication of a 10-piece article series on understanding Canadian cybersecurity laws with IT World Canada.

The perspective that I want to share is obviously one of decriminalization of sex work but also regulation of surface web content, the recognition of the differences between surface, deep and dark web content and the realities that go along with the legal enforcement of those areas.

Thank you.

• (1105)

The Chair: Thank you.

We'll turn to Ms. Jennifer Clamen.

Ms. Jennifer Clamen (National Coordinator, Canadian Alliance for Sex Work Law Reform): Thank you.

I am Jenn Clamen. I'm the national coordinator of the Canadian Alliance for Sex Work Law Reform. We are an alliance of 25 sex worker rights groups across the country, the majority of which are led by sex workers working in the sex industry. The alliance was created in 2012 as the means of getting sex workers' voices to people like you, to Parliament, as a means of building respect and legitimacy for the voices and the experiences of sex workers where we are otherwise ignored and not taken seriously.

Also, the alliance was really created as a mechanism for sex workers to get involved in the policies and practices that affect their everyday lives, and that's the work we do together.

That's where I want to focus my intervention today, on the ways and the duty of parliamentarians to take direction and leadership from sex workers who are really best placed to speak to any policy or practice that may regulate online sex work or online porn.

I'll start by saying that it's important—obviously we all feel that it's really important—to remain really critical of abusive and exploitive practices on the Internet, and more so for people who are targeted for violence. Sex workers understand this. We have been organizing for over 50 years against violence and abuse in the industry. It's why we started organizing. We didn't start organizing for the right to work in the industry. We started organizing against abuse and violence. For this reason, sex workers are the best placed to be at the centre of this discussion. Sex workers are mitigating violence all of the time in the context of criminalization and stigma that is perpetuated against the industry.

I want to talk about meaningful consultation and why it's so important, and also how to do it. We've been involved in so many of these parliamentary discussions, and people talk about consultation, and we get invited at the last minute, on a Friday evening to a meeting on Monday morning. Some people might not know how to do consultation, and that's okay, but we're here to explain how to do that as well. We want to teach you how to do that and hope that you're open to those learnings.

So far, your committee hearings have really promoted a set of values that have been extremely damaging for sex workers to watch across the country and across North America. Our alliance member groups, as well as individual sex workers across Canada and the States, have been pressuring for a seat at this table since day one of these hearings. On day one of these hearings, you all heard from Rape Relief as a means of framing the discussion. They framed it, not surprisingly, as one of exploitation; and that has been really clear to sex workers and really harmful to sex workers across the country.

It is made clear that sex workers are not welcome at this table and are not considered valued participants. We were told outright that this committee didn't concern us, and it hasn't been safe for sex workers to come and publicly testify as a result in this what we consider a hostile setting.

I want to talk about meaningful consultation, and what it means, what you need to do, and I'm happy to send this all in written form. Meaningful consultation is something we consulted our members on years ago, and we wrote it down for exact moments like this. Meaningful consultation means treating sex workers like experts on

the impacts of laws related to sex work. Often the only people who are treated as experts in conversations like the ones happening in this committee are lawyers, academics, politicians, social workers and, in the case of this committee, people who don't work in the sex industry. So, sex workers are most affected by any regulation, and sex workers' perspectives need to be at the centre of your discussion.

Meaningful consultation also means proportionately weighing the consultation based on who is affected by the laws. Sex workers currently working in the sex industry are most affected and live the experience of criminalization and regulation every day, so their perspectives should hold more weight for all of you who are considering regulation.

Meaningful consultation also means scrutinizing who is considered an expert on sex work issues. Exodus Cry, Rape Relief, RCMP—it's a hard no on all of that from our end. How can any of these people explain to you how exploitation or violence happens in the industry when they don't work in it? They're merely providing an ideological perspective.

Meaningful consultation also means gathering experts by asking sex workers who their allied organizations and community groups are, where they access services. We've been trying to send you lists and lists of people you can speak to from day one, and unfortunately that's gone ignored—and I'm not just chastising you. Please see this as more than chastising you for what this committee hasn't done. It's really an invitation to open and change the way things are moving forward, so that any regulation or any policy moving forward is actually centring sex workers at its base.

• (1110)

Meaningful consultation also means accounting for structural barriers in consultations. This means considering anonymity for sex workers, who have the right to remain anonymous and have to remain anonymous; considering pseudonyms; or allowing them not to show their face. It means offering in camera or private face-to-face dialogues with sex workers and chosen supporters. It means ensuring that there's sufficient time in the lead-up to the conversations to allow sex workers to prepare for these moments of intervention. It means providing information in advance on the kinds of questions you're asking and the kinds of interrogations you're doing. It means making particular efforts to contact communities of more marginalized sex workers, such as racialized sex workers, indigenous sex workers, Black sex workers and trans sex workers. It means holding informal meetings in these kinds of conversations for sex workers who are marginalized, particularly by poverty, immigration status or indigeneity.

This committee has received briefs and written testimony from sex workers who have experienced violence in the industry, and this testimony outlines how violence happens and makes suggestions for ways to mitigate that violence. Every industry has violations. Industries that are criminalized and stigmatized have more, and we need to work to address them. The most basic premise here would be the inclusion, centring and leadership of people who are experiencing those violations. No other industry would create regulation without the input of workers.

This committee has the challenge of addressing exploitation that some people experience, without infringing on the rights of sex workers. The people on the front lines of this industry—sex workers—are best placed to help shape any existing or proposed regulation. Any approach that fails to consider their needs will harm sex workers. I promise you this. Sex workers are systematically ignored in policy that impacts our lives.

Consultation isn't an easy process. In 2007, the Canadian Alliance for Sex Work Law Reform held a consultation, over a year and a half, with our member groups and sex workers in our member groups to create a series of 54 recommendations for law and policy reform. It was a collective process to write those recommendations, and they are a clear rejection of criminal sanctions and other repressive measures of the industry, not based on ideology but based on the impacts of regulation.

Those recommendations are underscored by a series of principles that I want to share with you, because I think the committee could benefit from this set of principles. Based on the hearings so far and the ways that these conversations have been going—and we've been listening very closely—this committee really needs a dose of neutrality rather than ideology, and a dose of evidence. We want to share with you some of the principles that underscored our recommendations.

Selling or trading sexual services is not inherently immoral, harmful or a public nuisance.

Sex work does not inherently damage the physical or mental health of those who do it, and sex workers do not become unfit employees, parents, tenants, customers, clients or people who can testify at committees.

Stigma towards sex work and against sex workers is real and pervasive, and it's deeply ingrained in Canadian society and around the world. It contributes to harassment, discrimination, violence and abuse. It also contributes to bad policy, as we've been seeing in the discussions at this committee. Laws and policies and their enforcement often reflect and reinforce the stigma, or encourage or tolerate the abuses that flow from it.

Eliminating stigma against sex workers needs to—

• (1115)

[*Translation*]

Ms. Marie-Hélène Gaudreau: On a point of order, Mr. Chair.

[*English*]

The Chair: Pardon me, Ms. Clamen.

We have a point of order.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I don't want to miss a single sentence of your testimony.

Ms. Jennifer Clamen: I understand. I have also sent you my brief.

Ms. Marie-Hélène Gaudreau: The interpretation stopped working a few seconds ago.

Ms. Jennifer Clamen: I didn't hear what the member said.

[*English*]

What's not functioning? Is it the headset?

[*Translation*]

Ms. Marie-Hélène Gaudreau: The interpretation is no longer coming through.

[*English*]

The Chair: I think it's not working on the English and the French channels. I was not getting the interpretation as well.

I just want to make sure that everyone's headset is plugged fully into their computer. There seems to be a significant amount of static coming through.

I just want to verify, Ms. Clamen, if your—

Ms. Jennifer Clamen: My headset is plugged in.

The Chair: Very good.

Mr. Fergus, I see your hand is raised. Do you have a suggestion?

[*Translation*]

Mr. Greg Fergus (Hull—Aylmer, Lib.): Mr. Warkentin, when you started talking, I didn't hear that noise, but I hear it now.

Ms. Gaudreau, do you hear the same thing?

When Mr. Warkentin was talking, I couldn't hear anything.

[*English*]

The Chair: Thank you. I've asked the technicians to verify where that static is coming from.

Let us try to get through this. Hopefully the technicians are able to identify it and eliminate it.

Ms. Clamen, we'll turn back to you.

Ms. Jennifer Clamen: Sure.

Hopefully you can hear me say that the irony of you not being able to hear me while I'm talking about sex workers not being heard is not lost. Hopefully that will give all of you a little smile for the day. Maybe you can't hear that.

Madame Gaudreau, you cannot hear me say it still? You can? You thought my joke was funny, fantastic.

I'll just continue on some of the principles that underscored our recommendations.

The last few are around how singling out sex workers and activities related to sex work for additional prohibitive or additional repression is virtually always harmful for people working in the sex industry. Some of the briefs that you received, particularly the one from West Coast LEAF and other partners, really outlined the evidence around that.

Any legislation or policy or repressive measure that you're thinking of right now should really maximize the autonomy of sex workers to be able to work as safely as possible in keeping with sex workers' human rights to safe working conditions, liberty, privacy, non-discrimination and dignity.

I'll finish up now, but there's been a lot of discussion around youth in this committee as well. There's been a lot of conflation of issues with youth, and exploitation, and sex industry, human trafficking; these words are being bandied about very carelessly. In our recommendations for law reform, we also took the time with the hundreds and hundreds of sex workers to talk about recommendations for youth. I also wanted to share those with you too, because our recommendations really stem from recognizing the agency of people, and that includes people under 18, and by agency meaning the capacity to think, and the capacity to make decisions in a given set of conditions that anybody is living on.

The entire focus on child exploitation and human trafficking in this committee has been completely overblown. That is not to suggest these things don't exist in real space and time, but they have been overblown with respect to the conversations in this committee. The framing of all content online as youth exploitation really undermines sex workers' ability to keep safe and makes it harder to address violence in the industry. When we see everything as violence in the industry, it's hard to understand when sex workers are actually experiencing violence.

The alliance's groups recommend the following principles with respect to understanding youth and any regulations that involves youth: a harm reduction approach that requires authorities to use

the least intrusive approach towards youth with the emphasis on preserving community; and a recognition that repression, apprehension, detention and rehabilitation are often experienced as antagonistic and traumatic and often push youth away from supports rather than towards supports.

The alliance's member groups also recommend a reliance on existing laws rather than the creation of new laws, additional regulations and law enforcement measures that move people away from supports rather than towards supports.

I'll conclude by saying that last week we heard Bill Blair say what all sex workers were fearing as a result of this committee. We were assured it had nothing to do with committee, but we heard Bill Blair say that he was thinking of creating a new regulatory body that would be created for online content. We can't stress enough that more regulation is not the answer and that it will just actually harm sex workers and harm the industry in general with respect to sex workers' rights.

There's also the ongoing parallel work of Bill S-203 submitted to the Senate by Julie Miville-Dechéne.

On top of this there's the continual refusal of Parliament to decriminalize sex work, despite the evidence that regulation and criminalization harms sex workers.

Targeting Internet sex work during a pandemic is such an aggressive and violent move on your part and on the part of everybody who's considering regulation right now. The Internet has been a safe haven for so many workers who are unable to face the conditions of COVID like so many sex workers. Some sex workers, but not all, have moved online and have been able to support themselves this way, so it is important, now more than ever, to protect these spaces and to ensure that sex workers can continue to work without violence and exploitation.

If you want to know how to protect people on platforms like Pornhub, create a committee, sit down with people who actually post their content on Pornhub, sit down with sex workers and talk to us.

Thank you.

• (1120)

The Chair: Thank you.

Ms. Wesley, we'll turn to you now for your opening statement. You have seven minutes.

Ms. Sandra Wesley (Executive Director, Stella, l'amie de Maimie): Hi. My name is Sandra Wesley.

[*Translation*]

Normally, I would testify in French, because we are a Montreal group. However, due to interpretation issues and time constraints, I will do it in English.

I am very sorry; I apologize to Ms. Gaudreau and other francophones.

[English]

I'm going to continue in English.

[Translation]

However, I will be very happy to answer questions in French.

[English]

Before I begin, I want to be very clear that this committee's hostility toward sex workers will contribute to violence against us. The actions so far of this committee have been hostile and have contributed to harming sex workers. Any further repressive measures against sex workers will absolutely kill many of us. This is the level of seriousness that this has for us. Every demeaning and every dehumanizing thing that is said is heard loud and clear by every aggressor, abuser and exploiter out there.

We saw it recently in Atlanta, with a man who aimed to eradicate all massage parlours, all Asian massage parlours, and went and killed several women in a massage parlour. We see this time and time again. When our governments send out a message that they want to eradicate us, people take that into their own hands and find different ways of carrying out the government's mandate.

Stella is an organization by and for sex workers. We were created in Montreal in 1995. We represent sex workers. We are sex workers ourselves. We do not represent or defend the rights of third parties in the industry. We have no opinion on any specific company or individual who works around sex workers. We are not for or against. Some websites work very well for some people and can be the absolute worst for someone else. However, third parties are necessary for a lot of sex workers. Especially when we're working online, the average sex worker does not have the time, energy and knowledge to create her own entire website in terms of distribution or method of payment and processing. We need to work with other people.

Our community is very diverse and broad. It includes women who work in porn full time and part time; people who perform in videos with other performers; solo videos; videos they produce themselves or with third parties; women who post content on major platforms, such as Pornhub, or on smaller online communities or their own websites; women who do live work on camera versus pre-recorded videos; and people who work through all kinds of different models, including a lot of women who combine some online work with other types of sex work, in person or remotely. It is very important to not have a narrow view of pornography while you're focusing on one single website and to make regulations for one website while ignoring the massive diversity in the sex industry.

In terms of this inquiry, we can't make any assumption about why you decided to investigate Pornhub specifically. However, we can certainly witness the context in which this is happening. In December 2020 an article was published by The New York Times denouncing Pornhub specifically and making all kinds of claims about its content and procedures. To our community of women working in the sex industry, this type of sensational reporting is nothing new. It's been happening consistently over many decades. Anti-porn activists and anti-sex work activists have been active for a long time. This is how they operate. They try to come up with the most sensational, most dramatic stories and put them out into the media to get a reaction out of society. Over time, their overt argu-

ments against porn in general have become less effective. The course has shifted to talking about violence and exploitation, trafficking or about the presence of youth in the sex industry.

These extremely emotional arguments are not necessarily representative of the true objectives of those groups or of the reality of sex work. It creates this big dichotomy where it positions people. You can either be against exploitation, and therefore against sex work and pornography, or you can be in favour of sex workers' rights. Somehow that's being construed as being supportive of that kind of exploitation.

I urge you, in your duties as members of Parliament who are sworn to work within the charter and not on emotion, to take a step back and look in a more objective and non-ideological manner at the situation and what led you to decide to spend so much time on the follow-up of a New York Times article that was written by a journalist with a very long history of exploitative reporting, of sensational reporting not just about sex work but about sexual violence in general.

• (1125)

This particular reporter also has been called out in the past for writing an entirely fabricated story [*Technical difficulty—Editor*] organization, which raised a lot of money for this completely fake organization. We know that this is not someone with high standards, and we know that this is someone who has been very willing to use his position as a reporter to push an anti-sex-work ideology.

You've also heard about who instigated campaigns against Pornhub, which you've actually heard from. One of those groups has a new name now. It's called the National Center on Sexual Exploitation. This is a recent rebranding of a group known as Morality in Media.

Morality in Media was founded in the early seventies or maybe late sixties. Specifically, their initial mandate was to eradicate all erotica literature from bookstores. They felt that it went against their Christian values. They are well known in the United States for such campaigns as boycotting Disney in the nineties because of their non-Christian content, wanting to eradicate the National Endowment for the Arts because they were worried that some artists might be making some sexual content, and boycotting Madonna and other pop artists. Ultimately, what they want is the eradication of all content from the Internet or society that does not meet their view of heterosexual, Christian, monogamous relationships.

A few years ago, seeing that this message was not getting them anywhere, they rebranded and focus now on this notion of sexual exploitation and human trafficking, because those are the buzzwords that get everyone from every party to stop and listen to them. Who instigated this? Obviously not anyone who has the well-being of women or sex workers at heart.

The other group, Exodus Cry, also rebranding over the past few years, is fundamentally a religious group with very violent views, specifically towards the LGBTQ2S+ community. Their goal is to also eradicate all sex that doesn't meet their Christian standard. They're violently anti-gay, violently anti-trans and violently against sex workers. They despise us and want to eliminate us.

Collectively, those groups obviously are not friends of sex workers. Starting an inquiry based on their assessment of a problem will never lead to anything positive within the community. Their only goal is to eradicate pornography.

You've heard also from some groups who brand themselves as feminists and who also have very ideological views. Instead of maybe a religious argument, they bring forward an argument based on their view of feminism, which is being increasingly marginalized and excluded from mainstream feminism. They're fundamentally anti-trans and anti-sex-workers, and they also share the religious groups' goal of eradicating us. They cannot be listened to when it comes to making our work safer or to tweaking anything in our industry to improve anyone's safety, because their goal is not that.

We've also seen a long history of repressive measures against sex work on the Internet, and repressive measures against the Internet in general, where sex work is the excuse to push that forward. In the nineties, when the Internet became a more common consumer-based thing, in the United States those same groups mobilized, because they wanted to essentially ban the Internet. The United States at that point was able to pass a law that included a section that makes websites not liable for the content on their platforms. This is the reason that we have the Internet as we know it today.

The first time any erosion of those rights happened was in SESTA and FOSTA, again in the United States, a few years ago. This created an exception to section 230, which now makes websites liable for sex work happening on their platforms. This has had devastating impacts. You can look up what sex workers have had to say about SESTA and FOSTA in the United States and elsewhere. It has led to a lot of deaths and a lot of violence. It's opening the door to further and further regulation of the Internet, to the point where all kinds of content gets captured under this increased censorship that we're seeing.

We've seen websites—for example, Tumblr, which had sexual content—simply choose to get rid of all the sexual content, which for the most part had nothing to do with sex work, just in case they were caught up in this. We've seen Facebook ban eggplant emojis and peach emojis. This is kind of funny on one level, but it is also an indication of how this liability for companies leads to a very drastic eradication of sexual content. It's making it harder for queer youths and for young people in general to get sexual education online because that also gets captured under pornographic content that should be eradicated.

• (1130)

I want to address a little bit about what sex workers actually need when it comes to—

The Chair: Ms. Wesley, I do apologize. You are now several minutes over the allotted time. I'm wondering if you could move to a conclusion so that we can allow for questions. I don't want to eliminate the members' opportunity to ask questions.

Ms. Sandra Wesley: Sure. I will quickly go over the needs and the conclusion.

There are four broad categories of needs that we have identified for sex workers who work online and for anyone who uses the Internet for any kind of sexual content.

The first thing is income. We work in the sex industry to make money, so any policy that takes away our source of income is not feminist, is not helpful and is another form of violence against us.

In relation to security, we need to avoid being outed, so any policy that involves putting our legal name forward exposes us to all kinds of violence and is not okay for us.

As for privacy, we need to be able to operate without putting our legal information out there. We have heard from some people who have told you that they wanted, for example, a registry of everyone who owns a porn company, who has performed in porn or who accesses porn. That will eliminate every small porn production company and only leave some major companies that have the money required to hire lawyers and to have other people put their names on the company so that the performers are not outed, so that's extremely problematic for us.

We also need dignity. We need to be treated as valuable human beings. We need to have our work recognized and valued. Government needs to stop acting like we're political pawns to be just used whenever there's a need to rile up the population or to create a moral panic.

As long as this government wants to eradicate sex workers, as this government is doing through the Criminal Code when it comes to sex work, violence will continue, and there will be no solutions to make it safer for anyone, for people who are there willingly and for people who have their videos put online against their consent.

As sex workers, we're not willing to sacrifice our lives for your moral panic or your anti-porn project. We are demanding that our rights be respected, and we want our allies, who normally support sex workers' rights, not to forget everything they have learned over the years the moment we're talking about pornography.

• (1135)

The Chair: Thank you.

We will turn to our members' questions now.

We will start with Mr. Viersen for the first questions.

Mr. Viersen.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for making time to appear at our committee today.

I'm not sure if the members are aware, but on Friday the Pulitzer Prize winning New York Times journalist, Nicholas Kristof, released another significant column on this story around online exploitation, which our committee had studied. It's an incredibly compelling article, and I hope that all of you have had a chance to read it.

He highlights a story of a Canadian survivor from Alberta—that's where I'm from—and I wanted to share her story.

Mr. Kristof writes:

Heather Legarde, a young woman in Alberta, felt the world crashing down on her last August. She had discovered that her ex-husband had posted intimate videos of her online, she told me, and people around the world were gazing at her naked body.

"I'm all over the internet," she told me sadly. "Not what I wanted to be famous for."

Worst of all, in one video her former husband sexually assaulted her as she lay unconscious in their bed. Legarde has no recollection of the assault and no idea how the video was made. One clue: It was tagged "sleeping pills."

Mr. Chair, how much time do I have?

The Chair: I will verify that. I do apologize.

You have plenty of time. I will verify, though, when we get the clerk.

Go ahead, Mr. Viersen.

Mr. Arnold Viersen: All right.

Over 200,000 people had watched the video of her being assaulted while she lay drugged and unconscious. On that day in August, mortified, dizzied by her discovery of the betrayal, Legarde prepared to tie a noose.

"I was standing in my garage, under a beam, holding onto a rope", she recalled, but finally, she changed her mind. She said, "I said to myself, 'If this is your situation, he'll do it to someone else tomorrow.'" Legarde resolved her own story and fought back, so now it doesn't have to happen to other girls.

We've heard several stories like this from people who have come to this committee.

Nicholas Kristof points out that this isn't about pornography. This is about rape and sexual abuse. He's also heard from a Canadian student who said, "I have no problem with consensual adults making porn." Her concern is that many people in the pornographic videos weren't consenting adults, like her. Kristof writes that after she turned 14, a man enticed her to engage in sexual play over Skype. He secretly recorded her. A clip, along with her full name, ended up on XVideos, the world's most-visited pornography site. Google searches helped direct people to this illegal footage of child sexual abuse. This Canadian student shared with Kristof how she begged XVideos to remove the clip. Instead, XVideos hosted two more copies so that hundreds of thousands of people could leer at her at the most mortifying moment in her life.

I also want to highlight another study that came out at the beginning of the month and that may be important to this committee's work. The study, published in *The British Journal of Criminology*, looked at the ways in which mainstream pornography positions sexual assault violence as normative sexual script. By analyzing videos and titles found in the landing sites of these three most popular pornography sites in the United Kingdom—XVideos, Pornhub and XHamster—the study drew the largest research sample on online pornographic content to date, over 130,000. It is unique in its focus on the content immediately advertised to the new user. The academics found that one in eight titles shown to a first-time user on the main page of the porn sites depicted sexual violence or non-consensual content.

Mr. Chair, we have heard from people from across the spectrum about how they have been targeted and exploited by companies such as Pornhub, and that is what this study is all about.

Kate was 15 years old. Her ex was 20. He was into making homemade videos and stuff, and he videotaped her. One day he said, "Let me show you something." She tried to get the content taken off Pornhub. It took her years to get rid of that content.

Rosa was 16. She was drunk at a friend's party. She woke up and there were naked pictures of her on Pornhub, with her name and her phone number. She had endless calls and texts. She had to change her number.

Nicole was 14. She made a decision that changed her life. She was having a sexual FaceTime with someone she didn't know. "I didn't know anything about him, his name or his age or anything", she said, "but I showed him areas of my body that were private. I didn't know it at the time but he was recording it and uploaded it to Pornhub. The name of the video was even 'Young Teen', but that wasn't enough for Pornhub to analyze it and take it down. No, years later, classmates of mine found out about me and the pornography that was shot of me as a child. I've had the police involved on multiple occasions and cannot get the videos taken down."

This is a video of Rosella, who was raped when she was 14, yet the video is still up on Pornhub.

Kyra, at the age of 15, was coerced into making a film of a sexual act. The video had been uploaded, without her consent, to Pornhub. The uploader was also underage. No one confirmed anyone's age or consent. "I've been dealing with image issues, PTSD, sexual discomfort since the incident and into adulthood. This is my personal account, and I have heard similar stories from other women. I will never forgive Pornhub for allowing my abuse to be shared publicly. It caused me to relive my pain, year over year over year."

• (1140)

The Chair: Mr. Viersen, you are out of time. I do apologize but I'm going to have to interrupt.

Mr. Arnold Viersen: These are just some of the stories of those who have been victims of Pornhub, and that is what this study is about. Thank you, Mr. Chair.

The Chair: Ms. Lattanzio, we'll turn to you for the next six minutes.

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. Chair.

First off, I want to thank the witnesses for taking the time, on such short notice, to be with us this morning. Do know that you are all very much welcome at this table. I feel bad, actually, that the two witnesses did not even get an opportunity, Mr. Chair, to respond to Mr. Viersen's intervention. I must tell you, right off the bat, that the information that we received this morning from the three eloquent speakers has been very much informative, and more work needs to be done. I feel pressed, Mr. Chair, that we need to hurry on and get on with asking the questions this morning, but there's just so much more to learn from these three witnesses.

I'll start with Ms. Clamen.

What are the biggest challenges currently facing sex workers in regard to the online platforms?

Ms. Jennifer Clamen: Thank you, Ms. Lattanzio, for your recognition that we actually said something today.

If you don't mind, I will start by saying that Mr. Viersen's intervention was the exact reason that we don't want to come to committees like this, but at the same time why we are compelled to. The discrediting is a very common tactic. We had three people come and present and the first thing that Mr. Viersen does is not ask a question of clarification or show any interest in anything we said, but completely discredit all of our testimony and presentation by heralding Nicholas Kristof as some god and also conflating all of the issues.

I do thank you, Mr. Viersen, for providing a really good example of the way conflation happens. It's telling really horrific stories of abuse and rape that Madam Legarde experienced—which is something that we've been fighting against as feminists and as people in the sex industry, for so long—and mixing that story with stories of people who are actually working in the industry. There are little lines here and there talking about how we're not sure who's consenting or not, then moving on to stories about 15-year-olds with

their partners and weaving in and out of these tales and these testimonies in a way that suggests that everything is exploitation.

That's the exact reason why this committee unfortunately is in large part failing—with testimonies like Mr. Viersen's—to actually ask the right questions like, for example, those you're asking right now. What are the concerns of sex workers? Thank you for asking.

Some of the concerns of sex workers online right now are a lot of the repression that's happening. There's a huge level of fear. Sex workers are being kicked off online platforms. Credit card companies are scared because of the constant threat of more oppression from the threat of being accused of being child traffickers when there is no evidence to support this. Credit card companies are backing out.

Point blank, it's harder for sex workers to earn money, particularly in the context of a pandemic where sex workers have received zero support from the government. Most were not able or did not want to access the CERB for fear of being outed as a sex worker. In that context, where some sex workers have moved online to make money, it's becoming increasingly hard to make money and sex workers are living increasingly in poverty.

That repression is making it really hard for people to work.

• (1145)

Ms. Patricia Lattanzio: What changes do you think need to be made to be able to protect individuals from having their images posted without their consent? What recommendations would you have for this committee in that regard?

Ms. Jennifer Clamen: As far as we understand, laws exist already to prevent that. There are existing laws around privacy. There are existing laws around people who are under 18, whether or not that actually stands in line with our recommendations at the alliance. Existing laws can just be applied. Additional repressive measures are not what we recommend.

That's all that I have to say, but if the committee is considering additional repressive measures, they need to sit down with sex workers to develop those.

Ms. Patricia Lattanzio: I'm wondering if Ms. Lukings has an answer to that same question.

Ms. Melissa Lukings: I sure do.

First, I'd like to refer to what Mr. Viersen said. It sounded like he was actually describing parts of my life. I was once given temazepam, which knocks you right out, and videos were made of me, so I get it. I'm also seeing the other side.

The big issue with online things for sex workers right now is that websites are not acting under PIPEDA, which is the privacy law that we already have in Canada for organizations that engage in commercialized activities. Under PIPEDA, there are already fines that exist for companies, and under the new the digital charter implementation act, 2020, the new one that was proposed in December, there would actually be heightened fees.

That's not what the issue is, though. The issue is that by preventing online content that is hosted by safer websites, we're actually forcing people to move onto encrypted, anonymized platforms, which are on the dark web. The way to think of it, if I could make a metaphor, you're shooting an arrow into a dark room. That's the dark web. When we catch exploitation, trafficking, abuse or whatever on the Internet on the dark web, it's very much like shooting an arrow into a dark room. We can't trace it; we can't track it. We can only get instances of actions, so when there's a click or when an action happens, we can sometimes see that.

It really is like shooting an arrow into a dark room. What we're doing right now is we're forcing people, who are consensually engaging in sexual activities commercially, to move off the surface web. We can think of it like an iceberg, and I'll include it in my brief later. When we move off the surface web and into the dark web, that saturates the market on the dark web with consensual and exploitative material. If we were able to advertise consensual material, and have that hosted on surface web areas, then those times when you shoot the arrow into the room and it hits something, you're way more likely to actually get someone who's committing a crime, rather than wasting time, resources, legal capacity on trying to trace a person who's doing it consensually anyway.

I currently work online for a substantial amount of my work. What I feel the biggest issue is for sex workers is that these laws, and preventing people from advertising or having material hosted on these websites, are removing payment options like Visa, PayPal and Mastercard. People are then resorting to cryptocurrencies. Cryptocurrencies do not have a paper trail, because they're encrypted through a different router system. They go through one node, the entry node, then there are all these relay nodes. I can provide a diagram, and I'll also include that in my brief.

We're forcing people to use cryptocurrencies, which are decentralized, and do not have a paper trail. In this way, we're actually making it harder for us to intervene, and to allow people to gather evidence. If there is an issue where someone is being exploited, and they want to have something done about that, they can't have a paper trail.

To me, by forcing people onto encrypted, anonymized dark web platforms and forcing people to use cryptocurrency, we're essentially forcing people to hide it way more than was ever the case before.

That, to me, is the biggest concern, because right now, having Pornhub and its content available, we can actually see it. It's one thing to go on the Internet, and say, "Oh look, there's a video of me". It's another thing to receive anonymized emails from the dark web about a video that you can't even see, because it's on the dark web. That is way worse; that is so much worse. By forcing people underground, that's the kind of scenario we're making happen.

I wanted to reply to both of you with regard to that.

• (1150)

The Chair: We're going to turn to our next questioner, Ms. Gaudreau.

Ms. Sandra Wesley: Am I also able to answer that question?

The Chair: Unfortunately, our time is up for Ms. Lattanzio. Hopefully, we will have an opportunity during the next round of questions.

Ms. Gaudreau, please go ahead.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Good morning, ladies.

I'm going to give you some time, even though I only have a few minutes.

I think your testimony has been effective, but I would like us to go even further together. There are many interpretations, many images. I would like to shed some light on some things.

I am a new member of Parliament and, as my colleagues know, I am an entrepreneur. So I have a good grasp of the subject. In fact, I have done psychosocial interventions for many years and I come from a community background. My responsibility is a concern for living together and understanding our issues.

We have a problem right now. As parliamentarians, we owe it to ourselves to respect our system. The system we live in is not keeping pace with our issues at all, the information superhighway and the Internet.

Essentially, our committee wants to look at privacy. It is the small window to make sure that people's safety and dignity are assured, as Ms. Wesley mentioned, and that you don't have to worry about your work. I am saddened by all of this, unfortunately, but it affects you. That said, the results of our work may allow us to act with the Five Eyes, because this is a global problem.

At committees, we have to hear various statements and we don't necessarily know what will be discussed. However, this committee really has a connection to public safety.

Of course, we don't have control over what is released to the public or through the media. On the other hand, I remember very well the questions that I asked and the things that I disclosed. I have never, ever passed judgment. I would not allow myself to do so, because I think of my teenage daughters who could inadvertently experience a situation like yours. That's the part that I find unacceptable.

We can think about how to address the issue. However, when we have a legislative change to make, we obviously owe it to ourselves to talk to the people who have experienced the issue at hand. As much as we want to move quickly, our system is still very slow and it is not keeping up with the speed of technology, not to mention the current pandemic environment. I agree with you on that. But it really comes down to education. Just as it is important to learn about ourselves, both for you and for us, it is also important to learn how Parliament works.

On the other hand, I represent Quebec, and in Quebec, we are acting quickly; measures have already been implemented to consolidate everything. Right now, you are struggling with this situation, we are all caught up in it. We need to put measures in place while avoiding collateral damage to you.

We come from different fields. As a social psychologist by training, I would like to know, in a few seconds, if you understand the difference between our committee and other committees, like the Standing Committee on the Status of Women and the Standing Committee on Public Safety and National Security.

We want to protect the public and make sure that any initiative moves forward with everyone's consent, pursuant to the Privacy Act.

I would like to hear from you on this. You have 30 seconds each.

• (1155)

Ms. Sandra Wesley: I'll start.

We thought it was very strange that this committee, which is supposed to be talking about privacy and ethics, was looking at this. This stems from the New York Times article and a very ideological campaign that has nothing to do with it. So all kinds of issues are being mixed in together. If the committee were really interested in this topic, we would have liked to see the study talk about how to protect the privacy of sex workers and others who use the Internet for sexual purposes. That would probably make for a very different and much more interesting discussion.

I would also like to talk about another topic. As the mother of a teenage girl, this is an issue I think about from many angles. I think any parent instinctively sees things as huge and difficult for their child and thinks about the world today and how to protect the child from a million things. It's easy to blame pornography, the sex industry, or the pimp in the bushes who wants to kidnap the child. In fact, it's much more complex than that.

I think we need to start by recognizing that our youth, especially girls who are taken away from that reality by the things we say, are beings who engage in sexual behaviours, who make mistakes or who make bad decisions. We need to get out of this victim-aggressor dichotomy and dig a little deeper. This is a conversation that our

movement has been trying to have for a very long time and is at the heart of our discussions. The space for that conversation is not—

Ms. Marie-Hélène Gaudreau: Do you feel heard despite the fact that we had to focus on the consent aspect? It's not for lack of interest.

Ms. Sandra Wesley: There is one thing to remember: the reason we are here today, the origin of this whole debate, is the desire of some people to eradicate the whole pornography industry, sex education, the rights of gay people, and the rights of trans people. It is the efforts of these people that have caused this committee to take up this issue. Until the history of extreme hate against us is recognized, it will be difficult to move forward.

That is why we find ourselves in this situation. We have to respond and react to the hatred towards us instead of bringing our concerns and contributing to the debate as experts. We are always defending ourselves, which is why it is difficult.

As long as the debates start from this point of view and the criminal justice system has the goal of eradicating us, it is difficult to talk about safety. This premise of wanting to eradicate sex work and pornography implies that it is not worth trying to make it safer. It is not worth trying to do anything to improve working conditions or to stop certain forms of exploitation or non-consensual activities. Yet we must choose.

Ms. Marie-Hélène Gaudreau: I understand.

[*English*]

The Chair: Thank you.

We'll now turn to Mr. Angus for the next round of questions.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you for coming to our committee today, Ms. Clamen.

I want to follow up on a comment I thought I heard you say. I'm not sure. Did you say that you thought the existing laws we have should just be applied?

Ms. Jennifer Clamen: I was speaking specifically about the way that the laws around underage sexual activity—

Mr. Charlie Angus: Exactly.

Ms. Jennifer Clamen: But I just want to specify that I am no expert in the laws around Internet technology. I was speaking specifically about the way we view youth sexuality. It's problematic. I also mentioned that as well.

Mr. Charlie Angus: Yes, okay.

I'm interested because we were very clear when we started this study that we do not have the mandate of the status of women or justice committees, where this discussion about sex work I think is very germane. Our focus was whether or not the laws protecting privacy, images and non-consensual images are used.

I've been asking continually, don't we have laws? But the Liberal government is talking about creating a new regulator. It seems to me to be a kind of a bizarre addition; either we have laws that protect on child pornography and if it's breaching the law it gets taken down.... It seems to be fairly straightforward, but what do you think of this idea of a regulator of online content?

• (1200)

Ms. Jennifer Clamen: I'll go back to what I was saying originally. The problem with the conversation and in this committee as well is the conflation of youth and adults, so I don't know that it makes sense.

I think Sandra put it extremely well just now. Rather than pretending that you're having the same conversation moving forward, I think you need to start from the beginning and really unmix all of the conversations you're having at the same time. You're asking me about regulation of the Internet in this moment, but I've also been watching the testimonies and I've heard at the same time the way that people say they've got a home and now they have to think about their children in certain ways—

Mr. Charlie Angus: Do you think that a new regulator will change that?

Ms. Jennifer Clamen: New regulations aren't necessary, no.

We don't think that any special regulations around the sex industry should be....

However, I would also like to say, in fairness, that you might have started with the mandate around privacy, and that's one that we were really interested in, but the first person that you invited to this committee—I was told by the clerk—to frame the discussion was somebody from Rape Relief who told you that sex work is exploitation. That's how the conversation started.

Mr. Charlie Angus: Okay. Thank you for that.

I just need to really clarify this because we have a very simple mandate, which is the issue of whether or not images are being used without consent. That was what we started with, and that was where we were at. We have received many briefs, and many briefs from across the political spectrum, as is people's right. Whether or not somebody doesn't like Madonna is not really something I'm interested in. I'm interested in whether the laws that we have are sufficient for people who are non-consensual.

This study did come from The New York Times article. I don't think it helps to say that it's fabricated news or that it's some kind of right-wing agenda. It was a very powerful question. Why would someone who was a child whose images were being exploited...? Why would those be put on Pornhub and you couldn't take them down? That was a straightforward question. We thought those answers would be pretty straightforward to get.

I spoke with a Pornhub executive who said to me that he was very flummoxed by the refusal of Pornhub to deal with these. Apparently, he said, it's a very small percentage of their whole business model. They have a very profitable business model. I have absolutely no interest in the pornography industry, whether it's added to.... It's not my issue. My issue is this: Why was Serena Fleites'

video up there and she couldn't get it down? She was not a youth working in the sex industry; she was a child, period.

We have laws that should affect that. The issue of sex workers' rights and working in a safe space is all, I think, perfectly legitimate and fair to discuss, but what I'm looking at in terms of the ethics committee is whether or not we have protections for those for whom it wasn't consensual.

When the RCMP told a survivor that they had no mandate to deal with taking down her sexual assault video because the terms and conditions of Pornhub protected them, I found that to be ridiculous because the consent that was given was by her sexual assaulter, not by her. You guys might think that these are stories that are conflating and upsetting and attempting to turn peoples' minds.... To me, this is what I heard from witnesses. I think if a survivor called the RCMP and said, "Listen. This was non-consensual".... Nobody believes survivors. They go to the police all the time. Sex workers, they don't believe.

I want to know that the laws that exist in this land for something like that.... They have to be pretty straightforward. Pornhub is an immensely powerful company. They have all the tools in the world. When these issues are raised—and they are raised about Pornhub because it is a Canadian company.... We can deal with them. We can't deal with all the others, and it's not our mandate to deal with all of the others. However, when it's an issue of someone who says, "This was an assault on me, and it's up there on the site," it should be fairly straightforward to have that taken down without impinging on any of the rights of sex workers. I think that's a pretty straightforward thing to do.

• (1205)

The Vice-Chair (Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.)): Order, please.

The chair has asked me to take over the chair.

Mr. Angus, we'll give the witness a chance to give a very short answer.

Mr. Charlie Angus: I was actually going to ask Ms. Lukings because she looks into this stuff on the dark net.

The Vice-Chair (Mrs. Brenda Shanahan): Very good. Thank you.

Mr. Charlie Angus: I haven't heard her voice much, so I just want to hear it because she's....

Do we need to go to the dark net if we have laws to just protect people who should be on the legal online platforms, to just say, “No, that’s a problem. Take it down. The rest of the stuff is fine”?”

Ms. Melissa Lukings: A shout-out to Charlie Angus: Hey, I had dark hair when we met ages ago. What’s up?

Mr. Charlie Angus: Where was that?

Ms. Melissa Lukings: Newfoundland.

Mr. Charlie Angus: Oh, yeah, I had dark hair too.

Ms. Melissa Lukings: I was expecting Jack Harris to be here. He isn’t here.

Mr. Charlie Angus: He’s smarter than me. That’s why I called you out, yes.

Ms. Melissa Lukings: To answer your question, we were talking about what is actually required for companies. Looking beyond the issues of conflation and getting to what the actual issue is here, we have a company that is making money by hosting content. We already know that in business, under PIPEDA, you have a liability to protect personal information, and we already know that technology exists that allows us...I think it’s called fingerprint or Microsoft DNA or something like that.

We also have automation technology, which is very available right now, that is able to scan images that are submitted and count the number of faces. It can also identify different faces. Think of when you open your phone and it looks at you and it’s like, “Oh, you showered and you look like a troll today, Melissa. We’re not opening for you.” Then I look normal and it opens. Each of these faces in a video would be identified as a different individual.

I see no reason why the new digital charter implementation act and the new rules under PIPEDA...rather than regulating, we put a larger onus on the content host, because it’s going to have more fines anyway. If we put a larger onus on the host to ensure there is consent and fine those who don’t follow those rules, I don’t see why we couldn’t have Pornhub and other websites hosting content on the surface web. People are going on the dark—

Mr. Charlie Angus: I am running out of time here, and I’m probably over—

The Chair: Mr. Angus, you are out of time completely.

Mr. Charlie Angus: We have the new charter. We are going to be dealing with this at committee. I do a lot better when someone does my homework for me.

Can you send me some of that language about how we could actually embed it into the new charter?

Ms. Melissa Lukings: Absolutely. I did a 76-page research paper on it this semester and got an A-.

Mr. Charlie Angus: Awesome. Well, you are going to get an A+ at our committee.

Ms. Melissa Lukings: I can’t cite things. It’s hard.

Mr. Charlie Angus: That’s okay.

Ms. Melissa Lukings: But I will absolutely send that within the next 24 hours. I can outline a full solution, with graphs and images and everything.

Mr. Charlie Angus: Good. Thank you.

The Chair: We’ll turn to Mr. Carrie now for the second round of questions.

Mr. Carrie.

Mr. Colin Carrie (Oshawa, CPC): Thank you very much, Mr. Chair.

I want to thank the witnesses for being here today.

Perhaps I can follow up on what Charlie was saying. We talk about the scope of the study and that we don’t want to conflate.... We’re looking at the protection of privacy and reputation on online platforms. That’s what the study is about.

Ms. Lukings, you mentioned the challenge with the dark web. We’ve been talking about sex work. I think that’s incredibly important and maybe that should be an entirely different study, but what I’d like to get at is the sharing of private images. I want to talk about non-consensual images on online platforms.

I am wondering if you have been following the committee. Did you see the testimony from some of the victims earlier on in this study?

Ms. Melissa Lukings: Yes. I’ve heard a lot of testimony from victims. I worked for a sexual assault centre for a while as well, so I’m right there with you.

Mr. Colin Carrie: I heard Ms. Wesley say that it’s about protecting privacy.

You mentioned the dark web, which is extremely dangerous, and you mentioned some ideas that you had. I think everybody here realizes that government has a role in protecting victims, but maybe the debate would be on what that role is.

I am wondering if you could expand a little on what you were saying about having a larger onus on hosts and what that would look like, from your viewpoint.

Ms. Melissa Lukings: The current rules under PIPEDA assign a fine to companies that violate the provisions that are related to privacy. All businesses have to follow these rules and have a specific format for how they collect, use, handle, disclose, access and allow people to access their own information as held by a company and as used by a company.

When we do the digital charter implementation act, it wouldn't be far-fetched at all to increase the fine for online platforms without banning them entirely or making it impossible for them to operate. It's a harm reduction idea. It's a safer idea than forcing people onto the dark web, where we literally have our hands tied. We can't intervene or help at all. It's recognizing that with the digital charter implementation act, we have the opportunity to look to the future and say, all right, as much as we might like to say that it is not okay to do this to people, by banning things and by prohibiting them, we're forcing them underground. How did Prohibition work out?

We have this opportunity now to actually talk about it. What do we expect from social media? What do we expect from other platforms without putting the criminalization...? For me, this isn't about criminalization. It's about the rules for companies. Without criminalizing the actual people who are in the content, we can put the onus on the company to do user verification.

Think about the same types of things your bank might use. You have a PIN. Some online platforms will require you to submit your driver's licence. If someone who is a user uploads content that has not been made consensually, that can be flagged and be sent immediately to the moderator. I actually also own a website and run a website, so I know how this works. That can be flagged and sent to the website owner. They can then go and look up the user. You have their driver's licence. You can track them. It's perfect. It works really well—way better than the dark web.

By increasing the amount of controls and security that the company has to do, without regulating the actual people who are involved but putting the onus on the company, it reduces the criminalization of sex workers. It helps us to locate and assist people who are being exploited or who are having images uploaded non-consensually. It gives them more power, because when you flag the video, it immediately comes down.

We can do that. We have the technology to do all these things. We can do it automatically. Automation is a real thing.

• (1210)

Mr. Colin Carrie: As one of my colleagues said, as technology improves, we're trying to keep up to it.

Ms. Melissa Lukings: Exactly.

Mr. Colin Carrie: It's almost impossible. I've done a lot of work on human trafficking. I think everybody is in agreement there. When you have a young person plead with this committee about a way in which we could work with regulators so that images could be taken down, anything you could send to the committee that would enlighten us would be greatly appreciated.

Talking about sex work is a whole other study.

Ms. Melissa Lukings: Yes.

Mr. Colin Carrie: We really want to focus on the sharing of private and non-consensual images on online platforms.

Thank you very much for your testimony.

The Chair: Thank you, Mr. Carrie. You're out of time.

Madam Shanahan, you have five minutes.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you very much, Chair.

I want to thank our witnesses for appearing before us today on such short notice. The presentations and the points that all of the witnesses have been making have shown us that this is a very complex subject and very nuanced; that there are other perspectives; and that we need to hear from more balanced witnesses. I move:

That in furtherance of the study of the protection of privacy and reputation on platforms such as Pornhub that the committee hear from further witnesses at its next scheduled meeting for a minimum of two hours.

Ms. Melissa Lukings: What kinds of witnesses?

The Chair: Madam Shanahan has moved a motion.

In terms of intent, did you want to move into a debate, Madam Shanahan, with regard to that motion?

Mrs. Brenda Shanahan: Yes, Chair.

Mr. Charlie Angus: A point of order.

Mrs. Brenda Shanahan: I can present that motion in writing—

The Chair: I'm recognizing the point of order from Mr. Angus.

Mr. Charlie Angus: We brought witnesses to testify and Madam Shanahan says thanks for coming: Now we're going to cut you off so that we can talk about witnesses who we don't know and who may come.

I think it's incredibly rude to the witnesses we have. I think Madam Shanahan shouldn't be interrupting their opportunity to speak to our committee by throwing this wrench at us.

• (1215)

The Chair: Madam Shanahan, I just want to provide some additional clarification. If, in fact, we move to a debate with regard to the motion, that would limit the ability for our witnesses to complete their rounds of questions.

Is that your intent, Madam Shanahan? I just want clarification on that.

Mrs. Brenda Shanahan: I am moving the motion now for debate now.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): I have a point of order, Mr. Chair.

The member opposite, Ms. Shanahan, has moved a motion in the middle of committee testimony. Normally with a table drop, something needs to be dropped on the table, so before we continue the debate, I'd ask if you could suspend so that paper copies can be circulated in the room and digital copies can be circulated online in both official languages.

The Chair: That was my next move. I do believe that that's been the usual activity of the committee when there are surprise motions, so we will suspend our committee.

I do apologize—

Mr. Charlie Angus: Sorry to the witnesses. I've never seen this. This is crazy.

The Chair: I do apologize to the witnesses. I'm going to suspend the meeting.

Ms. Melissa Lukings: Wait. Do we not...?

Ms. Jennifer Clamen: This is actually not crazy for us—

Ms. Melissa Lukings: Wait, wait, wait...

Ms. Jennifer Clamen: —because this usually happens.

The Chair: Order. Order.

Mr. Charlie Angus: Shutting you down when you're speaking.

The Chair: Mr. Angus, order.

I will now suspend the meeting so that the motion can be distributed to the members.

If Madam Shanahan can get that over to the clerk so that the clerk can have it circulated to members in both official languages....

It may take some time now, unless Madam Shanahan does have it in both official languages.

I do apologize to our witnesses and to committee members—

Ms. Melissa Lukings: Well, when do we come back?

The Chair: —but we will have to do this now.

The meeting is suspended.

• (1215) _____ (Pause) _____

• (1255)

The Chair: Colleagues, I'm going to call this meeting back to order.

Colleagues, I will inform you on the record that we are still waiting for translation and as committee members know, the decision of the committee has been that we don't debate motions until they've been distributed in both official languages. We don't know what the reason is for the delay in translation, but we have several people on the speaking order. I'm hopeful that we may come to a solution.

I just want to verify again that Madam Shanahan, who's the mover of the motion, is unwilling to adjourn the debate on the motion.

Is that correct, Ms. Shanahan?

Mrs. Brenda Shanahan: Chair, if there's unanimous consent to take up this motion on Friday, then we can hear from the witnesses now. We need unanimous consent from all members that we take up the motion on Friday.

The Chair: The only thing we can do at this point to move forward is to allow for the debate on this motion to be adjourned. I believe that it would be a debatable motion. If not, it would be on Friday or a different date.

Mr. Charlie Angus: It would be a debate to adjourn.

The Chair: If one of our colleagues were to move an adjournment on this debate, there would have to be unanimous consent for the debate to be adjourned.

Mr. Michael Barrett: Chair—

Mr. Charlie Angus: I move [*Technical difficulty—Editor*].

Mr. Greg Fergus: What would that mean, Mr. Warkentin?

The Chair: The adjournment would mean that there would no longer be a debate with regard to Ms. Shanahan's motion until such time as it was moved at a later date.

Mr. Michael Barrett: Chair—

The Chair: I'm getting a lot of “Chair” here. I do have a speaking order.

We'll move to Mr. Barrett first.

Mr. Michael Barrett: Thanks, Chair. That's why I was looking for your attention.

We had quite a bit of time left in the scheduled meeting. As Mr. Angus has pointed out, we have two minutes left until the scheduled end of the meeting. It's budget day, and members were expected to be in other locations.

I have not been a parliamentarian for as long as some others around this table have, but I have been to a lot of committee meetings and certainly it's the first time that I've seen witness testimony cut short with a table-drop motion looking for more witness testimony. The motion was provided in such a fashion that it can only be viewed as having been a dilatory tactic to avoid the other business that the committee had been dealing with on Friday past.

Chair, with apologies for the waste of time to the witnesses who have appeared today, and in recognition that this motion that's been put forward has been used to waste the time of committee, I move that the committee do now be adjourned.

• (1300)

The Chair: That is a non-debatable motion, so I'll ask the clerk to assist me with a roll call with regard to that motion.

The Clerk of the Committee (Ms. Miriam Burke): Mr. Dong.

Mr. Han Dong (Don Valley North, Lib.): No.

The Clerk: Mr. Fergus.

Mr. Greg Fergus: No.

The Clerk: Ms. Lattanzio.

Ms. Patricia Lattanzio: No.

The Clerk: Madam Shanahan.

Mrs. Brenda Shanahan: No.

The Clerk: Mr. Sorbara.

Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.): Absolutely not. No.

The Clerk: Mr. Barrett.

Mr. Michael Barrett: After having our time wasted, yes.

The Clerk: Dr. Carrie.

Mr. Colin Carrie: Yes.

[*Translation*]

The Clerk: Mr. Gourde.

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Yes.

The Clerk: Mr. Fortin.

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Out of respect for the witnesses who are here, for the parliamentary process, and most importantly, for democracy, I will vote yes.

[English]

The Chair: Mr. Angus.

Mr. Charlie Angus: Yes. We had 40 minutes during which the witnesses could have talked. The Liberals blocked it. They filibustered. We have to shut this down and we have to get this house in order. This is really embarrassing—

Mr. Han Dong: That's debate.

Point of order, Mr. Chair.

Mr. Charlie Angus: I'm voting yes.

Mr. Han Dong: The honourable member knows the agenda said that—

Mr. Charlie Angus: You can't shut me down.

The Chair: Colleagues, order.

Mr. Dong, we're in the middle of a vote.

Mr. Charlie Angus: We're in the middle of a vote, Mr. Dong. Come on.

Mr. Han Dong: That's right, exactly. Why did you debate?

The Chair: Order, order.

Madam Clerk, what was the result of the vote?

The Clerk: For, five; against, five.

The Chair: That's a tie vote.

It is customary for clerks to allow for debate to continue. This is a challenging position, because members actually have to leave the room for other responsibilities. For that reason, I'll vote to adjourn simply because I don't know how I can continue without committee members being able to remain in place.

I'll vote to adjourn.

(Motion agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>