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• (1105)
[English]

The Vice-Chair (Mr. Kevin Waugh (Saskatoon—Grasswood, CPC)): I call the meeting to order. Good morning, everyone.

Welcome, everyone, to meeting number 138 of the House of Commons Standing Committee on Canadian Heritage.

Today's meeting is taking place in a hybrid format.

I would like to remind participants of the following points. Before speaking, please wait until I recognize you by name. For members participating in person—thank you, Ms. Dea—or by Zoom, please raise your hand if you wish to speak. The clerk and I will do our best, as always, to maintain the speaking order for you. This is a reminder that all comments should be directed through the chair, as always.

All witnesses have completed the required connection tests in advance of this meeting. I will say that Richard Moon is not with us in the first hour and a half. He had technical issues, so we have only three guests.

Our study is on the protection of freedom of expression, pursuant to Standing Order 108(2) and the motion adopted by the committee on Wednesday, September 18, 2024. The committee shall resume its study of the protection of freedom of expression.

I would like to welcome our witnesses today.

We have with us Shannon Dea, dean, faculty of arts, University of Regina.

We have Emily Laidlaw, associate professor and Canada research chair, cybersecurity law, University of Calgary. She is on video conference.

We also have Ga Grant from B.C., staff litigation counsel with the British Columbia Civil Liberties Association.

Once again, Mr. Moon is not with us. We have only three guests.

We have an extended meeting of three hours today. There's one hour more. My plan today would be, probably, to go until 12:20 to begin the three hours. Then we'll take a break and get set for the second group. That will give us time for a little lunch, maybe a 10- or 15-minute break. Then we'll go from 12:20 to about 12:35, after we get our sound checks for the second group. That's the game plan.

We also have question periods, so maybe we can get out of here by 1:50 to 1:55. We'll see how it goes.

Shannon Dea, dean of the faculty of arts, you have five minutes. Welcome to Canadian Heritage.

Go ahead.

Dr. Shannon Dea (Dean, Faculty of Arts, University of Regina, As an Individual): Thank you very much.

Good morning. I'm a philosopher and dean of arts at the University of Regina. I'm here today as a scholar of academic freedom and campus freedom of expression.

As a dean, I have the opportunity to observe and defend academic freedom in practice, but my remarks reflect my own scholarship and do not represent the University of Regina or the faculty of arts.

Academic freedom is distinct from freedom of expression, but they are deeply entwined. Academic freedom enables post-secondary scholarly personnel to pursue, without interference or reprisal, universities' academic mission to seek truth and advance understanding in the service of society.

Academic freedom includes two varieties of expressive freedom. These are freedom of intramural expression, which can include criticism of the university, and freedom of extramural expression, scholarly personnel's freedom to engage in speech in the public sphere. These expressive freedoms are unlimited so long as they are lawful.

By contrast, academic freedom occurs within systems of academic quality control exercised by scholarly personnel. For instance, scholarly referees and editors adjudicate publication decisions and collegial bodies determine curricula.

The first modern implementation of academic freedom was in the establishment in 1809 of the University of Berlin, the first modern research university. Its founder, Wilhelm von Humboldt, enshrined solitude and freedom as twin principles of the university. By “freedom”, he meant unconstrained curiosity-based research, teaching and learning by scholarly personnel, including students. By “solitude”, he meant isolation from outside interference, an early exemplar of what is today termed “institutional autonomy”.

The need to provide protections against external interference, and in particular political interference, was especially important, since German universities were essentially a branch of government. Thus, from 1848 to 1933, German constitutions enshrined academic freedom protections.

In some states, such as pre-1933 Germany and post-apartheid South Africa, academic freedom receives distinct constitutional protection. In others, it receives indirect constitutional protection via freedom of expression provisions.

The two examples of constitutionally protected academic freedom I just gave point to an important fact about academic freedom: It flourishes in democracies. It dies under authoritarian rule.

With Hitler's rise to power in 1933, academic freedom was abolished in Germany. Jewish professors were fired. Remaining professors were forced to teach Nazi race science. By contrast, when the Mandela government sought to rebuild an equitable and democratic South Africa, it enshrined academic freedom in the constitution.

Wherever authoritarianism is on the rise in our own time, we see corresponding attacks on academic freedom and universities' institutional autonomy. In recent years, we have seen government bans on teaching gender studies in Hungary and Poland and on teaching critical race theory in a number of U.S. states.

Provincial governments in Ontario, Quebec and Alberta have threatened universities' Humboldtian solitude by imposing on them free speech policies that, far from protecting expressive freedom, actually undercut institutional autonomy, as well as placing censorious limits on student protest, a time-worn form of campus expression that has long been, among other things, a mode whereby students develop their moral and intellectual autonomy.

In the U.S., in December 2023, the United States Congress's hearing on anti-Semitism marked a new chapter in state interference in academic freedom, campus expressive freedom and institutional autonomy. Representatives' interrogation of three college presidents regarding their universities' approach to solidarity statements, institutional neutrality and student protest was deeply chilling, not least because two of the presidents' replies were politically weaponized to force their resignations.

The most aggressive interrogator of the U.S. university presidents was Representative Elise Stefanik, recently tapped to be U.S. ambassador to the United Nations. Representative Stefanik claimed that the hearing resignations were just the beginning of the reckoning and that Republicans will carry out a long-overdue cleansing of higher education.

A week after the congressional hearing, five MPs wrote to Canadian university presidents to exert similar pressure on them. This would have been a wildly inappropriate state challenge to institutional autonomy if it had come from provincial governments. It was even more shocking and unprecedented coming from federal members of Parliament, given that education is under provincial and not federal jurisdiction. Some MPs continue to make public statements aimed at chilling expression about Israel and Palestine within educational institutions.

Canada's universities make crucial contributions to science, society, industry and the economy. Despite recent challenges, academic freedom is healthier in Canada than anywhere else in the world. It is crucial for Canadian lawmakers to reaffirm academic freedom and universities' institutional autonomy so that Canadian universities can continue to contribute to science, industry and society, while preserving the crucial protections of solitude and freedom for the universities of tomorrow, both in Canada and worldwide.

Thank you.

● (1110)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Dr. Dea. You still had another minute, but we'll have lots of questions around the table for you.

We move now to Emily Laidlaw, associate professor and Canada research chair in cybersecurity law, University of Calgary.

Ms. Laidlaw, you have five minutes, if you wish.

Dr. Emily Laidlaw (Associate Professor and Canada Research Chair in Cybersecurity Law, University of Calgary, As an Individual): Thank you.

When I teach freedom of expression to my law students, I start with the question of what freedom of expression means to them. Before looking at the law or philosophy, we should all start with the question of what expression means to us personally. It touches every aspect of our lives and democracy, and this meaningfulness is what informs our legal structure.

A commitment to freedom of expression asks a lot of us. It asks us to protect offensive, disturbing and shocking expression in the belief that society as a whole benefits, even if individuals are caught in the crosshairs. However, it is not an absolute right and it never has been.

Canadian courts have generally adopted a negative approach to freedom of expression, assuming that if government just stays out of the way, we'll be free. This, I suggest, is a false assumption. We do not enjoy equal freedom to express ourselves, and law can be an important vehicle to protect and promote freedom of expression.

This is especially important in the area of technology law, which is where I work, where laws targeting private companies are an important vehicle to ensure users' rights are protected.

When I got into this area almost 20 years ago, my focus was on how technology companies had become private arbiters of expression. No matter what we want to do online, we rely on a private company to make it happen. They decide who has access, what content stays up or comes down, the systems of dispute resolution, and how their sites are designed, using persuasive techniques to nudge behaviour, such as endless scrolling, rewards, notifications and “likes”, essentially hijacking our minds.

This means these companies have extraordinary power—more than most states. They are the deciders of global free expression norms, and there's minimal transparency about their practices and minimal legal mechanisms with which to hold these companies accountable. These companies are also soft targets for government pressure to remove certain content, called jawboning.

At its worst, it operates as a form of shadow regulation—government A pressures platform Y to remove certain content. More commonly, law enforcement, for example, investigates whether a post is criminal hate speech. They think it might be, but in the meantime, they think it probably violates the platform's own terms and conditions. Law enforcement notifies the platform of the post, and the platform independently assesses it against its own moderation processes. In this situation, is the state suppressing lawful expression? Generally, no, but it matters how this is done, and informal measures always risk being illegitimate in substance or appearance.

Now, I don't want to give the impression that the companies are bad actors—many are the source of innovation to the problems we face—but in the end, these are just companies. They're not good or bad, but they do have fiduciary responsibilities to act in their company's best interests, so there's only so much they can ever do to act in society's best interests, and some companies elect to do very little.

My message is this: When companies are this powerful and have this much impact on society, it is the government's job to create a legal framework around that.

There are two key steps that are crucial to promote and protect freedom of expression and address online harms. The first is to pass part 1 of Bill C-63 after, of course, careful study and amendments. It proposes a systemic approach to social media regulation.

What do I mean by a systemic approach? This approach is not concerned about specific content—whether this post or that is hate propaganda and whether a company leaves it up or takes it down. Rather, it targets the system that makes social media tick. What content moderation systems does the company have in place? Does it provide due process? Does the platform address the risks of the recommender system? Does the company have a plan to address in-authentic accounts and manipulation of its systems by bots and deepfakes?

The companies are required to be transparent about their practices, and a regulator can investigate companies for failing to have proper systems in place. In terms of freedom of expression, a systemic approach is the best in class to provide the most protection to freedom of expression while targeting the core problems social media have made so much worse.

The second step is to reform data privacy law and introduce AI legislation, such as some form of Bill C-27. These are data-driven businesses. The design of their interfaces, their practices concerning the collection, use and disclosure of user data, and their use of AI systems provide the keys to our minds and health and our agency to participate and express ourselves freely. Privacy has always been key to the enjoyment of freedom of expression, and therefore Bill C-27, or some version of it, is a key complement to Bill C-63.

Thank you.

• (1115)

The Vice-Chair (Mr. Kevin Waugh): Thank you very much, Ms. Laidlaw.

We move to our third and final witness. We have Ga Grant, the litigation staff counsel for the B.C. Civil Liberties Association.

You have five minutes. Go ahead.

Ms. Ga Grant (Litigation Staff Counsel, British Columbia Civil Liberties Association): Hello, and thank you for having us.

The BCCLA is Canada's oldest and largest civil liberties organization. While we have many concerns about the state of freedom of expression in Canada, I'll focus today on two urgent human rights aspects, because for civil liberties to be real for everyone, we must fight not only for the rights of the privileged but also for those who are most marginalized in our society.

While the charter guarantees everyone freedom of expression, including protest as democratic participation, this right is not applied equally. Evidence shows that certain communities are disproportionately surveilled and targeted by Canada, suppressing their freedom of expression.

First, the BCCLA has long raised concerns about Canada's targeting and criminalization of indigenous land and water protectors. We're one of 60 indigenous and civil society organizations calling for the dismantling of the RCMP's paramilitary unit called the critical response unit, the CRU, formerly the community-industry response group.

Amnesty International's 2023 report highlighted the ongoing human rights violations against Wet'suwet'en land defenders opposing the coastal gas pipeline. The CRU has used unlawful surveillance, disturbingly excessive force, harassment and dispossession, despite the Wet'suwet'en's legal right to oppose projects on unceded land without consent.

Similar violations occurred at the Fairy Creek blockade, where the arbitrary and illegal exclusion zones violated charter rights, including the freedom of expression of the media.

Disturbing recordings played in court revealed that CRU officers were referring to indigenous land defenders as “orcs” and “ogre” while mocking missing and murdered indigenous women. All of these actions contradict Canada's commitments to the United Nations Declaration on the Rights of Indigenous Peoples and have been condemned by a collection of UN special rapporteurs.

The CRU is currently subject to over 500 citizen complaints, serious lawsuits and an outstanding investigation by the chairperson of the Civilian Review and Complaints Commission for the RCMP. The CRU is now collaborating with local police to target Palestine solidarity demonstrations without any public transparency.

This brings me to the second pressing issue: the extreme chill and political expression that we are witnessing on free expression when it is in solidarity with Palestinian human rights or is critical of the State of Israel.

This year, the International Court of Justice ruled that Israel is likely committing genocide in Gaza, as well as committing ongoing apartheid and illegal occupation of Palestine. The UN Special Committee has now found Israel's warfare consistent with genocide, including the use of starvation as a weapon of war, yet Canada continues to support Israel and provide arms to it.

We have written numerous letters to police and Crown prosecutors regarding unconstitutional or disproportionate criminal charges and police response against protesters. For example, the CRU labelled Palestine solidarity protests as “pro-Hamas” and terrorist-supporting, an untrue smear that fuels anti-Palestinian racism. Such language has also been used by many politicians and police. Recently, the Department of Canadian Heritage published the “Canadian Handbook on the IHRA Working Definition of Antisemitism”, which advocates the implementation of policing across society. This deeply problematic and controversial definition of anti-Semitism goes beyond citing anti-Semitism proper—a goal we all share—to conflate political critique of Israel with Jewish people, promoting anti-Palestinian racism.

The BCCLA stands alongside many international and national human rights organizations and Jewish groups, such as Independent Jewish Voices Canada, the United Jewish People's Order and the Jewish Faculty Network. Such a conflation of Jewish people with the State of Israel is itself anti-Semitic and opposes Jewish freedom of expression. The IHRA definition and handbook has disturbing, censorious consequences and needs to be immediately revoked.

Dr. Ge's testimony before this committee is but one example of the regular calls we receive from people who are losing their jobs or are facing discipline, harassment or unjust police charges for exercising their charter rights. I, myself, personally have fear of

speaking publicly before the committee on this issue. As a person who is half Jewish and half Lebanese, I believe that human rights and the liberation of all people are never in opposition but are interconnected, because suppressing one group's rights leads to suppression of everyone's rights.

Controversial debate is essential and healthy for democracy. A true democracy is measured by how it handles dissent, particularly when that dissent challenges the government or entrenched political interests. We call on Canada to abolish the CRU, improve police accountability, respect the rights of indigenous people, stop political and policing efforts to suppress expression and solidarity with the people of Palestine, and revoke the IHRA definition of anti-Semitism so that we can have freedom of expression for all.

Thank you.

• (1120)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Grant. You're right on time.

The first round of questioning will be six minutes long, and we'll start with Mr. Gourde of the Conservative Party.

[*Translation*]

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Thank you, Mr. Chair.

I thank all the witnesses for being here.

This is a really important study for us and for Canadians. When we talk about freedom of expression, we're also talking about freedom of conscience.

My question is for the three witnesses, and they can answer it one after the other.

What can interfere with freedom of expression?

Can you give us examples, from the last five or ten years, of situations that might have harmed Canadians' freedom of expression and freedom of conscience?

Ms. Dea, you may answer first.

[*English*]

Dr. Shannon Dea: Thank you very much.

There has never been a time in human history when freedom of expression hasn't been under threat. That's precisely why we need to enshrine protections for it. If it were not threatened, it wouldn't require protections.

The particular threats change from one era to another and from one place to another. From my perspective, in the past five to 10 years, we've seen increased polarization and weaponization of... Again, polarized tropes, for instance, represent universities as hotbeds of radicalism and as harmful to society.

Also, there is increasing culture war combativeness on social media. We don't take into consideration the degree to which social media can exacerbate and further polarize debate. The debate we used to be able to have 20 years ago in the town square is now made worse and more polarized by harmful algorithms.

Maybe I'll stop there so others can respond as well.

• (1125)

[Translation]

Mr. Jacques Gourde: Ms. Laidlaw, would you like to answer my question?

[English]

Dr. Emily Laidlaw: Thank you very much.

I'll comment in the context of social media, which is where I do a lot of my work. I've done quite a bit of work on this recently.

Our freedom of thought and opinion is being essentially hacked by the algorithms and ads on social media. They structure the spaces in a particular way. The algorithms push certain information at you. It might be repetitive information. It's the idea that you end up down a rabbit hole. It undermines your own agency to freely develop your thoughts. We're seeing that to the extent that everyone ends up in their silos when it comes to the political information they're consuming.

In the context of children, I look at the wider gamut of these issues. We're seeing it pushing eating disorders and self-harm content at children, etc.

From a broader perspective, I thought it was interesting that you asked a question about what harm freedom of expression has caused. I want to bring us back to that legal threshold, because freedom of expression causes all kinds of harm.

We believe in the importance of freedom of expression. It's so key that we're willing to put up with that. Legally, there is a threshold in all kinds of circumstances where that harm is too great and the law intervenes. The law is used to defend reputations, but there is quite a high threshold in defamation law when it comes to finding that reputational harm is actually a legal issue, and where the law will intervene in some way to shut that down. We see this in criminal law, whether it's hate propaganda or fraud.

We're in a complex space now. This is always highly contextual. In social media, we have this massive volume. We can't deal with it at scale.

This will be my last comment: "From the river to the sea" has been a point of controversy. Meta's oversight board did an entire investigation of that and made a determination on whether it fell afoul of their terms and conditions of service, looking at it through international human rights. These issues are being decided in all kinds of corners.

I'll leave it there for now.

[Translation]

Mr. Jacques Gourde: Ms. Grant, would you like to continue?

[English]

Ms. Ga Grant: I apologize. I only figured out how to turn on the translation after your question.

Would you be able to repeat the question?

[Translation]

Mr. Jacques Gourde: In the past five or ten years, have you witnessed any events or situations that may have affected freedom of expression in Canada?

[English]

Ms. Ga Grant: I'm sorry. Is it what I experienced or witnessed?

I think we've witnessed very concerning state suppression of particular groups, which is the subject of my statement today. Canada disproportionately surveils and targets certain communities, suppressing their freedom of expression and charter rights. The two examples I gave is of people exercising indigenous rights—indigenous land and water protectors—and Palestine solidarity. We saw these being quite targeted in the past year. There are numerous examples of people being charged for expression that is not hateful—that does not meet the stringent standard we have in the case law.

We are seeing a chilling effect on speech. Chilling one group's rights has impacts more broadly on people's confidence to exercise their own rights, no matter what the speech is. When they see people being criminalized and they see what happens to other people exercising their rights, it impacts more broadly.

I apologize if I didn't quite understand the question.

• (1130)

[Translation]

Mr. Jacques Gourde: Thank you.

[English]

The Vice-Chair (Mr. Kevin Waugh): Mr. Gourde, thank you very much. That was six minutes.

We'll go to the Liberal Party.

Welcome, Mr. Noormohamed. You have six minutes.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses for being with us.

I wanted to talk a bit and hear from all of you about the topic of the consequences of freedom of expression, because we've heard a couple of comments to this effect. I want to focus specifically on when political leaders lie to cause people to believe something that is untrue or to the detriment of not necessarily the government or the opposition, but of Canadian society.

Recently we had an example of a member of Parliament from the Conservative Party using her freedom of expression to say the cost of living crisis had driven parents to traffic their own children. We then had the Leader of the Opposition make a very public statement that prayer had been banned from Remembrance Day services.

These were proven to be out-and-out lies. I'm using that word specifically because a lie is something that is not true, and both of those things were proven to not be true.

What are the consequences of those types of freedom of expression?

Mr. Damien Kurek (Battle River—Crowfoot, CPC): On a point of order, Chair, it's my understanding.... In fact, when I called the Prime Minister a liar in the House of Commons, I was kicked out because it was unparliamentary. The Prime Minister had lied. I called him out on that. I got kicked out.

I'd suggest that Mr. Noormohamed is treading on the grounds of unparliamentary language and should use his words more judiciously to ensure that he is.... This is not to get into debate, but it's conjecture and opinion, as opposed to the discussion we're having about freedom of expression.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I'll turn that question over to Professor Dea first, and then I'll go to Professor Laidlaw.

Dr. Shannon Dea: I'm not a lawyer, but my understanding is that freedom of expression does not have the quality control that academic freedom has, for instance. People get to lie. There may be parliamentary rules that I'm not aware of—you're more aware of those than I am—but freedom of expression does not come with quality control. That's the first thing.

It's important to note as well that when people say things that aren't true, they're not necessarily lying. Not to be too much of a philosopher, but we say lots of untrue things sincerely out of sincere error all the time. It's important to disambiguate between misinformation, which might be a sincere error, and disinformation, which is an intentional lie.

Obviously, though, the consequence of both misinformation and disinformation is a confused public who can reason badly about important matters of the day.

I will add—this may be, again, too philosophical a point—that people can also say true things that are selective and will mislead people. Utterances in general have consequences, whether they are true or false, or sincere or insincere.

Mr. Taleeb Noormohamed: Go ahead, Professor Laidlaw.

Dr. Emily Laidlaw: Thank you.

I appreciate Dr. Dea weighing in on the philosophical side, because I think it is a philosophical question, no matter what.

For the most part, we're allowed to say and express false things. There are only narrow circumstances, legally, where falsity is a problem, whether criminally or civilly. These are circumstances of fraud, criminally, or defamation, civilly. I guess that's criminal too.

You were talking about narrow circumstances in which an individual's reputation is harmed. That space between misinformation and disinformation is really difficult to deal with, because the Supreme Court has made it very clear that we protect false information because it might be the ideas of the future. This is because, as Dr. Dea said, we might believe it to be true, and part of that process of expressing ourselves is how we all figure out the truth.

The challenge we're facing is that there's no doubt that it causes harm and that social media amplifies that harm because it reaches greater audiences. Some of the work I am exploring and I talk about a lot with my students is how elected officials are both the targets of attacks and face extraordinary harassment, but they also have tremendous power. When they say something, especially now with social media, it reaches an audience that is unprecedented, so falsity takes on a characteristic that we did not see before and [*Inaudible—Editor*] doesn't help us solve it.

● (1135)

Mr. Taleeb Noormohamed: That's really what I was trying to get at. I mean, I think we all agree that people have the right within the constraints you've identified to say what they like, make up whatever they want to make up and mislead if they choose to mislead.

The question that I have is this: In a world where information or disinformation is flowing at this kind of rate and pace, how do we start to think about actual consequences of it? It drives people to do things or to act in ways that then can cross the line that perhaps were not intended. Isn't that right? I can't imagine that when people make statements, they intend for people to go out and do terrible things.

How should we as politicians think about how to manage the things that we say without regulating what we say? Nobody's trying to take people's freedom away. What obligation should we have to think about the consequences of our words and the actions that they might inspire in others? That is the question, really, that I want to get to.

Dr. Emily Laidlaw: What I will tell you is what I tell city councillors in Calgary. Separately, I am their ethics adviser. I take it from the idea of defamation, which is that you can have whatever opinion you want and you can express that freely; just say the factual basis of it so that anyone hearing it can be in a position to agree or disagree with you.

I mean, that's an ethical question, isn't it? We're asking any elected official to be faithful to facts, to set those out clearly and then express that opinion. I think that's the way forward. There's no oversight mechanism for it, but that's what the goal should be.

The Vice-Chair (Mr. Kevin Waugh): That's right on six minutes.

Thank you, Mr. Noormohamed.

We'll go now to the Bloc.

Mr. Champoux, go ahead for six minutes please.

[Translation]

Mr. Martin Champoux (Drummond, BQ): Thank you, Mr. Chair.

It's my turn to thank the witnesses for being here today. It's an important study, and I think it's a delicate and sensitive subject that's generating a lot of conversation and questions.

Ms. Dea, you spoke in your opening address about limits to freedom of expression in Quebec universities.

Could you tell me about some specific cases? I'd like you to better define what you were talking about earlier.

[English]

Dr. Shannon Dea: Are you asking about the limits that occur within academic freedom?

The important thing about academic freedom is that the limits are self-determined by appropriately placed scholars with the appropriate expertise themselves. For instance, I have a department of psychology that is accredited to offer degrees in clinical psychology. It is clinical psychologists across the country who determine what the accreditation standards are. They draw on their scholarship to do so, and then psychology departments across the country respect those accreditation standards in their curricula.

[Translation]

Mr. Martin Champoux: You talked specifically about cases in Quebec, in your speech. I wanted to know exactly what you were referring to. It's more general, if I understand correctly.

[English]

Dr. Shannon Dea: Okay. Your question is not about academic freedom per se, but a concern about institutional autonomy.

Yes, in Ontario, Quebec and Alberta, the provinces imposed on universities the requirement to have a particular kind of free speech policy for the university. It was Bill 32 in Quebec. It was non-legislative in Ontario and Alberta.

The limitations there really are limitations on university autonomy. Most universities already have freedom of expression policies.

Universities have stronger freedom of expression than perhaps any other institutions in the world, so this external imposition was unnecessary. It was an imposition for the sake of imposition, arguably, which unnecessarily curtailed the university's institutional autonomy.

[Translation]

Mr. Martin Champoux: I'm going to ask you a question about something that may not be in your area of expertise, but you brought up the subject earlier. You talked about freedom of expression, which has no limits as long as it's exercised within a legal framework. I hope I'm quoting you correctly.

You're absolutely right. Freedom of expression must be exercised within a legal framework, which is generally defined by the Criminal Code.

Do you think it's justified for the state to regulate social media platforms, which are increasingly the vehicle for sharing conversations, knowledge, and the rest, in society?

Do you think that social media platforms should be regulated by law, precisely to ensure that this freedom of expression is guaranteed within a legal framework, i.e., within the framework in which it should be exercised, which is not always the case?

Currently I think we can say it's the wild west in social media in general.

Do you agree that social media platforms need to be regulated, while obviously respecting the fundamental principles of freedom of expression?

• (1140)

[English]

Dr. Shannon Dea: I would rather refer that question to my colleague, who has appropriate expertise. I don't have expertise in the legal context for social media.

[Translation]

Mr. Martin Champoux: I imagine you'd like to refer to Ms. Laidlaw at this point.

Ms. Laidlaw, do you have a point of view on this question?

[English]

Dr. Emily Laidlaw: Yes, when it comes to the social media, I strongly recommend that social media be regulated.

However, let me be clear. There's content regulation whereby the state puts obligations on social media to act on specific content, like a individual post. That's much more complicated and tends to be more ineffective to deal with some of these problems.

That systemic approach I was talking about for Bill C-63 is crucial, and that is the approach being taken by other jurisdictions, like Europe, Australia and the U.K. There's now a global online harms network whereby they're basically trying to create coherence, because these are global companies.

The one thing I want to flag is that it's not necessarily going to address everything to do with something like falsity and some of the challenges we're facing when it comes to more of the misinformation and disinformation space. What is proposed in Canada addresses more the areas of hate speech, terrorist propaganda and incitement to violence. Europe has directly taken on misinformation and disinformation, like election information and discourse. That's really challenging to take on. The role of the government, in trying to improve the general health of the ecosystem in this murkier area, is much more risky and complicated.

I don't want to take up too much time, so I won't dive too deeply into that, but I want to flag that it wouldn't necessarily be solved.

[Translation]

Mr. Martin Champoux: Indeed, Ms. Laidlaw, my time is almost up, but I may have time for one last question. I'll be quick.

You spoke earlier about the damage caused by freedom of expression. It's true that some people are offended by certain comments.

In general, when freedom of expression is exercised within the legal framework, does the damage you were talking about essentially involve sensitivities, individuals' personal values, or is it broader than that?

We can come back to this later, because I don't have much time left. Can you try to give me a quick answer?

[English]

Dr. Emily Laidlaw: I would say it's larger than that. I mean, there are absolutely—

The Vice-Chair (Mr. Kevin Waugh): Give a quick answer, please.

Dr. Emily Laidlaw:—dimensions to this, which is that people have different sensitivity levels, and that's why we still protect offensive expression and shocking expression. However, there is the issue that there is a generally chilling effect, in particular on more marginalized groups, from even participating in spaces—

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Laidlaw. We have to move on.

[Translation]

Mr. Martin Champoux: Thank you, Ms. Laidlaw.

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Champoux.

We now welcome Mr. Desjarlais from the New Democratic Party for six minutes.

Away you go for six minutes. Thanks.

Mr. Blake Desjarlais (Edmonton Griesbach, NDP): Thank you very much, Mr. Chair. I want to thank my colleagues for undertaking what I believe to be a very important study.

Of course, democracy is only valued if people have a voice and are able to exercise that voice, if people are able to manifest that voice in a way that their counterparts or other Canadians could understand, and if they are able to have tough conversations that democratic societies must ensure they have in order to come to a moral and concrete resolve that makes us, hopefully, more united and able to challenge the credible issues facing Canadians. Part of that is ensuring that people have the ability to speak truth to power. As an indigenous member of Parliament from the Prairies, I particularly feel the importance of this issue.

Several witnesses today have made mention of the critical necessity to challenge some of the very real barriers facing a person's legitimate right to freedom of expression. This was mentioned by the B.C. civil liberties group, for example, which is a champion at the forefront of protecting Canadians' expression rights.

It was mentioned today that there are really two solid groups seeing an extraordinary level of surveillance. Indigenous people, and first nations in particular, are fighting corporate exploitation of their land, whether that's Wet'suwet'en or Fairy Creek. Palestinians are speaking up about their loved ones facing a genocide in Palestine. They need to find ways to express their very legitimate and very deep concerns about how our planet, our earth and our global society are being organized around complicity in that violence.

However, to the British Columbia Civil Liberties Association and Ga Grant, your testimony related to some of the real and severe issues being faced when it comes to the types of repression these organizations face, whether they are indigenous or whether they are part of the Palestinian movement. We're seeing police being utilized in very extreme ways. You had to deal with this. Your organization released an arrest handbook and pocketbook.

Can you talk a bit about why the B.C. civil liberties group needed, or felt they needed, to produce such a handbook?

• (1145)

Ms. Ga Grant: Thank you.

I wish there wasn't a need for us to have this publication. It is our most widely requested publication, because there is a real power imbalance between individuals and the police, especially when people are members of marginalized and over-policed communities. Those communities tend to be subject to extra and disproportionate surveillance by police and the state.

People need to know their rights. When they don't, it facilitates abuses of power by police. Unfortunately, police frequently do not respect charter rights. They may engage in excessive force or fail to follow court injunction orders or protocol, going beyond what is in their power. We see that happening disproportionately to people who are racialized, indigenous or from other marginalized communities.

In our new version of the arrest handbook, we include new sections for heavily policed communities. One of the biggest challenges in writing this handbook was this: It's a bit messed up to tell people, "These are your rights, but they very well might not be respected by the police. In fact, if you assert or stand up for your rights in this situation, it might make you more unsafe. It may expose you to more danger."

A major problem we have is that existing mechanisms for police oversight and accountability are not working. They do not provide justice for individuals and communities harmed by policing. To protect everyone's freedom of expression, Canada needs to improve police accountability mechanisms, making them more independent, robust and timely.

Mr. Blake Desjarlais: Thank you very much for that.

I have a follow-up, particularly to the last comment you made about the consequences of having your voice heard.

When you challenge power or credible authority, there's often a response that is extraordinary—one that, in fact, limits or suppresses one's right to freedom of expression. In particular, when it comes to students, we saw a severe issue following Israel's intense bombing campaign in Gaza, which left over 40,000 Palestinians killed by Israeli forces. Student-led encampments demanding that their universities divest from companies complicit in funding Israeli-led genocide began emerging right across the country. The B.C. Civil Liberties Association was forced to intervene at the B.C. Supreme Court to protect students whose expression rights were being repressed.

You were involved in that intervention. In your submission, you wrote:

The courts must take account of essential Charter protections for free expression and assembly when issuing injunctions. Students must be able to confidently rely on their Charter rights. Seeking and attaining the truth, as well as participation in social and political decision-making, are at the core of why we protect free expression. Private property is not a magical override for constitutional rights.

Can you please explain to us your experience in this case and how the courts treated the interplay between the expression of rights and property rights?

Ms. Ga Grant: If you said to the average Canadian, "What does it mean to exercise your charter right to freedom of expression, and when can it be restricted?", I think people would be shocked to know that we frequently see injunctions being used to restrict protest rights without even considering charter rights, because it's not necessary in that analysis. Because of that, it's become an easy way for corporations and other powerful institutions, including universities—which are funded by the state—to silence freedom of expression and remove protesters without even having charter rights considered.

That is why we intervened in the Vancouver Island University case, and in similar cases before that, arguing that the law needs to adapt to consider charter rights. These are our fundamental rights, and they are so important to our democracy. They're protected in the Constitution. We have principles in law saying that common law and the decisions judges make should align with the charter and its values, because these principles are so integral to our liberal democracy and—

• (1150)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Grant. Yes, we're over.

Thank you, Mr. Desjarlais.

We'll move now to the second round for five minutes.

Mr. Jivani, go ahead, please.

Mr. Jamil Jivani (Durham, CPC): Thank you, Mr. Chair.

Ms. Dea, I'd like to start with you.

You know, a lot of Canadians are concerned right now about some of the legislation the federal government has introduced. It's often described as censorious or seeking to organize and centralize more power with the federal bureaucracy in order to determine what Canadians can see and hear online, and consequently what they can say online. I'm thinking of legislation like Bill C-11 and Bill C-18, for example.

I'm curious to know whether you empathize with Canadians who have concerns over that centralization of power here in Ottawa, which can affect how Canadians express themselves across the country.

Dr. Shannon Dea: I think that human beings in general are always suspicious of government power—that's a trait we all share—and are inclined to worry about any interventions that might curb their individual freedoms.

I'm not an expert on the communications law that you referred to. Ms. Laidlaw would be a more appropriate expert on that.

It's important to note that while people often feel threatened by government interventions, wise government interventions that are aimed to protect people and to protect their freedoms. I'm not an expert on whether these laws do that or not, but I can certainly sympathize with people's worries.

Mr. Jamil Jivani: You mentioned in your opening statement some concerns over what you described as authoritarian decisions by governments. I think that a lot of Canadians view what the current Liberal government is doing with this legislation as an authoritarian streak, an attempt to control what Canadians can see and hear online and consequently what they can say.

My question to you would be: Is it legitimate, in your view, for Canadians to have concerns over governments trying to exercise power and control over their expression?

Dr. Shannon Dea: It really depends on the details of the power and control.

I'll take, for example, the federal government's current fight with Facebook and X. Every day I hear Canadians complaining about their inability to access news through social media. On the other hand, the reason for that legislation is to try to get profits into the hands of independent Canadian journalism outlets so they can continue to do the job of journalism rather than have those profits entirely reaped by non-Canadian multi-billionaires.

Mr. Jamil Jivani: If a student on your campus said, "I really wish I could see news on Instagram, but I can't because of decisions Justin Trudeau has made", would you say, "Trust the government"?

Dr. Shannon Dea: I would say go to the library, because we have every Canadian news outlet in the library, online and in hard copy. Go directly to the news sources and seek your information from Canadian journalism, not from American social media.

Mr. Jamil Jivani: I see. You would say that in attempting to organize activists, people who are concerned about issues in their country who rely on social media as a way to get information and also as a way to communicate their concerns should just go to the library and accept what Justin Trudeau has done?

Dr. Shannon Dea: That's clearly not what I said.

Social media turns out to be very useful for organizing protests and so forth, and it continues to be useful for that. You can't share a newspaper article, but mostly protests aren't organized around the sharing of newspaper articles. You create events and you create discussion boards and so forth. The limitations are pretty—

Mr. Jamil Jivani: You seem to be articulating that this government here in Ottawa, in accumulating power and control, has these very nice motives. Is there an extent to which it would be fair to acknowledge that Canadians are right to be skeptical of that, and that when they open up Instagram and cannot access the news, they should be concerned about bureaucrats in Ottawa who really want to determine what they're able to see and not see?

Dr. Shannon Dea: I think Canadians are right to be skeptical of political activities in general. That skeptical attitude and the desire to seek good information in order to deliberate and make good decisions make us better citizens. No matter who's in government, we ought to approach the actions of government with caution.

Mr. Jamil Jivani: Would you say, then, that attempts by a government to control and censor what people can say deserve critical thinking and response and do deserve serious questions? As a person who said in your opening statement that you're concerned about authoritarian exercises of power, would you say that maybe Canadians do have a point when they say this is a censorious streak that deserves serious attention?

• (1155)

Dr. Shannon Dea: All legislation deserves critical thinking and attention by citizens. I don't agree that trying to support the profits of independent Canadian journalistic outlets is censorious.

Mr. Jamil Jivani: So censorship is always raising funds for a purpose—

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Jivani. Thank you, Dr. Dea.

We'll move now to the Liberals for five minutes.

Go ahead, Ms. Lattanzio, please.

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

My first question is addressed to Professor Dea.

You touched briefly on this in your opening statement, but can you tell us a little bit more about the impacts of the far-right discourses and how they've marginalized students and communities on university campuses?

Dr. Shannon Dea: I would commend to you the research of Jeffrey Sachs, who's a political scientist at Acadia University. For years now, Dr. Sachs has been researching censorious reprisal and discipline against academic staff in North America.

Over the course of his research, he has found that in fact very few academic staff have been terminated because of their expression or their views, but overwhelmingly those who have been terminated have been on the left. It's very interesting, because there is a campaign by groups in the U.S. to characterize the left as censorious and as threatening the expression and scholarship of conservative scholars, but that's not borne out by the evidence when you look at the longitudinal analysis that Dr. Sachs has provided.

Ms. Patricia Lattanzio: In your opinion, do the political support and propping up in similar speeches, such as what we saw from Mr. Poilievre and many members of his caucus with regard to the "freedom convoy" and other far-right groups, have a similar impact on freedom of speech and freedom of expression for marginalized communities?

Dr. Shannon Dea: I think people are more influenced, honestly, by social media and their neighbours' opinions than they are by political speech. There's a risk that when people in positions of power engage in polarizing speech that makes its way onto social media, it can further polarize and disinform the public, but I think it's by an indirect route.

Ms. Patricia Lattanzio: Okay.

Professor Laidlaw, as you know, the Conservatives have unfortunately been stalling the debate on Bill C-63, the online harms act, in the House with their ongoing filibuster. Why is this harmful to freedom of speech?

Dr. Emily Laidlaw: That's a great question.

Bill C-63 deserves debate and it deserves attention. No matter what we've heard today in our discussions, technology law and technology are at the centre of all of these discussions about freedom of expression, and this is the first step. Canada, again, is decades behind other jurisdictions in addressing this particular issue, so that debate needs to happen, and we want to hear from all voices on it.

I'm quite eager to see this bill get to committee, and I would encourage every elected official in the room now to encourage it to go to committee as well in order to have that important study and debate.

Ms. Patricia Lattanzio: You mentioned other countries having adopted the same kind of mechanism. You mentioned Australia and other countries.

In Bill C-63, what are the similarities that you find in the proposed legislation and in legislation in other countries that have adopted the same law?

Dr. Emily Laidlaw: The key similarity is a focus on risk management by social media companies, which, again, is a second-generation, best-in-class approach to addressing online harms and protecting freedom of expression. That's the approach in the EU and it's the approach in the U.K., Australia and Ireland. Other countries are following suit as well.

There are only a few types of content that require content removal and would have the greatest impact on freedom of expression, and I think we can all get around those: child sexual abuse materials and non-consensual disclosure of intimate images.

It's quite carefully thought out legislation. Again, I would make some amendments to it, but the structure is there.

• (1200)

Ms. Patricia Lattanzio: What types of amendments would you make?

Dr. Emily Laidlaw: I would make one key amendment, which is that as part of risk management, a private company should look not just at harms but at the ways it protects and promotes freedom of expression and privacy in particular. As part of the transparency obligations of that company, it should set out what it does so that it can say, "This is how I balance things out when I'm thinking through issues such as hate and incitement to violence."

Ms. Patricia Lattanzio: Thank you.

Ms. Grant, in your opinion, what is the importance of having a free and independent press and ensuring freedom of speech and freedom of expression? How do misinformation and disinformation play a role in diminishing or affecting people's ability to express themselves freely?

Ms. Ga Grant: Media expression is so important for our democracy, because the right to freedom of expression also includes the right to receive information. We need that information in order to hold the government accountable and to participate in democracy, so it facilitates that—

The Vice-Chair (Mr. Kevin Waugh): Thank you very much. We're over the time.

We're moving now to Mr. Champoux for two and a half minutes. Go ahead.

[*Translation*]

Mr. Martin Champoux: Thank you.

Ms. Grant, I'll continue with you.

Earlier, you talked about the infringement of freedom of expression in the context of demonstrations, particularly in the context of pro-Palestinian demonstrations.

Do you think it's possible that certain pro-Palestinian demonstrations were infiltrated by pro-Hamas elements and that slogans calling for the destruction of Israel were chanted not only by these elements, but by the demonstrators as a whole?

Could this have justified a slightly more forceful intervention at this point?

[*English*]

Ms. Ga Grant: The BCCLA supports the rights of protesters as long as it's not hate speech. Hate speech is criminal.

Calling for the freedom of any people is calling for freedom. Sure, there can be different interpretations, but in our perspective, if people said, "Free indigenous people in Canada," it doesn't mean they're going to kill the rest of us.

[*Translation*]

Mr. Martin Champoux: Given that, at many demonstrations, we've clearly heard extremely hateful and extremely violent slogans, I think we do indeed have to balance things in that regard.

I have a quick question for you again, Ms. Grant. Do you think that the security of other groups in society who are affected by conflicts in the world today should take precedence?

Let's talk directly about the conflict between Israel and Hamas. Do you think the safety of other groups involved should take precedence over the right of demonstrators to assemble? I'll give you the example of what happened at Concordia University, where Jewish students were really assailed. Some were literally pushed around by people who were probably still in the energy and state of mind of the previous day's demonstrations.

Do you think people's safety should take precedence over freedom of expression in such a case?

[*English*]

Ms. Ga Grant: I'm not sure of the specific example you're referring to, but overall, the Palestine solidarity protests have been overwhelmingly peaceful in Canada. There have been very few examples of actual conflicts—

Mr. Martin Champoux: Madame Grant—

Ms. Ga Grant: —and there is a proportionate police response that can happen to ensure people's safety. No one is disagreeing with that.

[*Translation*]

Mr. Martin Champoux: Ms. Grant, I was talking to you about very specific events, and I think that, if you follow current events and follow them so passionately, these are events that can't be foreign to you. Nevertheless, I thank you for the answer you tried to give me.

I've finished, Mr. Chair.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Champoux.

We'll move to Mr. Desjarlais for two and a half minutes. Fire away.

Mr. Blake Desjarlais: Thank you very much, Mr. Chair.

I again want to thank my colleagues for undertaking this important work.

Thank you to the witnesses for supplying what I believe to be very good expert testimony that will definitely surely assist our analysts in the production of a very good report.

I want to focus and spend time now on a situation that arises from my experience, my direct lived experience in a community.

In Edmonton Griesbach, I represent a great many concerned citizens who both exercise their freedom of expression rights and are also attempting to balance that with a very important need to bring in more people to a larger discussion. Any democratic society would hope to see that: to see an idea flourish to become a popular opinion and then, hopefully, see that become good, moral and sound policy.

What I've heard from my constituents, and what I think I hear right across the country, is that activists are feeling very nervous. They're feeling like they're walking on eggshells. We have Palestinian families that are crying out "injustice", and they need to be seen. It's only Canadian to look to our neighbours and to support them in any way and in every best way that we can.

Allies, progressive Jewish people across our country, right now are asking for nuance and for the ability for us to be able to hold two things at once: the very needed and important pursuit of justice for all people while also ensuring that we balance our democratic mission and our right to freedom of expression.

I have heard from my constituents who were student activists engaged in the encampment at the University of Alberta and who got beaten. They showed me the scars, the bruises and the wounds they had endured for just simply speaking truth to power. Whether it was Palestinian families or organizations like the cultural Palestinian association of Canada, which is headquartered in Edmonton, they're seeing reports of people being targeted in their regular workplaces, being left and being terminated for simply speaking truth to power.

Now, Ga Grant, you probably heard the testimony given by Dr. Ge. You mentioned Dr. Ge. He mentioned that he faced attacks. He believes that those attacks were a direct influence on other people deciding to not speak up. Do you think that's the nature of why the

police are cracking down on so much of this and that it may be the motivator behind anti-Palestinian racism?

• (1205)

Ms. Ga Grant: I do, because policing reflects the systemic inequalities we have in our society and maintains those systems of oppression.

Globally mis-characterizing Palestine solidarity as terrorism or as hate is part of the trend we are seeing. It's known and documented as anti-Palestinian racism and as "the Palestine exception" to freedom of expression.

When policing in Canada is responding disproportionately—because no one's saying that policing can't respond proportionately—

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Grant. I have to move on. We're over.

We have two five-minute rounds left, and then we're going to take a break.

The five-minute rounds will go to the Conservatives and the Liberals.

We'll go to Mr. Kurek for five minutes, please.

Mr. Damien Kurek: Thank you very much, Chair.

I appreciate the testimony offered here today.

Certainly I find it fascinating that the Liberals would try to make an issue of the fact that for, I don't know, five weeks now, they've refused to release documents, which is delaying government business from taking place in the House of Commons. Wouldn't it be simple if they would just offer a basic level of accountability?

Ms. Laidlaw, I have a question that I hope you can shed some light on. When it comes to where government is and the power the government wields, especially in terms of regulation, you mentioned in your opening statement about—I forget exactly—shadows in regard to algorithms and the lack of transparency that exists. Certainly I hear often a lack of trust from Canadians when it comes to algorithms and when it comes to government's involvement in that.

Do you share concerns that whether it's Bill C-11 or Bill C-18, there seems to be a consolidation of the ability for government to get involved in what Canadians see online? If so, could you outline a little bit what those concerns are with regard to Bill C-11 and Bill C-18 and anything else the government is proposing that would send a chill about Canadians' guaranteed rights to freedom of expression and freedom of speech?

Dr. Emily Laidlaw: Thank you for the question.

The answer is somewhat complicated, which is that one of the reasons we have the charter right to freedom of expression is to protect us also from government overreach. I think the complicating factor is that how we enjoy freedom of expression—the right to seek, receive and impart information—is happening more and more through different sources and through private parties.

We've always had laws in those spaces, both to protect freedom of expression and to protect us from harm. In the area of technology law, Canada is woefully behind other jurisdictions on all fronts. In my opinion, we do need laws, because for the issues of technology accountability, algorithmic regulation and protection of users, we do require laws, but the type of law matters. For there to be some nervousness about what government is doing and how they do it, absolutely, we should be nervous about that.

I was not supportive of Bill C-11 and the social media rules, but I am when it comes to Bill C-63. I think it depends on the law.

• (1210)

Mr. Damien Kurek: If I could interrupt, as time is short, one of the things about Bill C-63 that I find really concerning is we have in Canada right now a very objective measure of what hate speech is. I've heard from constituents who look at what the government has proposed and say that it now becomes very objective, that "offence" becomes one of the new metrics by which whether something is or is not hate speech can be measured.

When it comes to the subjective nature of what somebody feels is offensive, I'll use an example. I support the Canadian oil and gas sector. There are Liberals who have called that opinion something that is offensive and filled with hate. While I struggle to grasp that, we may share differences in opinions on that matter.

Do you find the subjective nature by which the Liberals are proposing amendments to hate speech legislation of concern, in that it could be weaponized against specific groups in this country if there's no longer that objective measure and it becomes subjective, based on somebody's opinions or, quite frankly, their feelings?

Dr. Emily Laidlaw: Yes, and I think that it's always been hard when it comes to hate speech, because the tendency is for people to look at other values and say, "Oh, well, I approve of freedom of expression when it comes to what I think."

I will say this: I think there are some significant problems with parts 2 and 3 in Bill C-63 that do need to be addressed. The definition of hate, though, does draw from Supreme Court jurisprudence. I'd encourage everyone to read the paragraphs, because the paragraphs are actually more thorough and do set out quite a high threshold.

Could there still be problems in interpretation and application? Absolutely, because it's so contextual, but it is drawing from case law, so it is drawing from a legal framework.

Mr. Damien Kurek: Thank you very much.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move now to the Liberals.

Ms. Dhillon, you have five minutes, please.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses for being here.

Ms. Dea, first of all, it looks like our Conservative colleagues now have a problem with libraries. Before you were cut off, you were talking about how important it is to get independent news

from Canadian sources and how you can go to a library to do that. Can you please finish your thoughts on Canadians being able to get news that is more Canadian-centric from a library, to use their own brains, and to use their own analytical skills, I think, to know what's what?

Dr. Shannon Dea: My concern isn't about Canadian-centric news; it's about news researched by journalists who are trained to seek truth.

Citizen journalism, even when well intentioned, can be a source of misinformation. When it is ill intentioned, it can be a source of disinformation. We need trained journalists in the journalism sector, both in Canada and internationally, in order to get the truths to citizens.

Journalism doesn't happen for free. The sector needs to be able to profit enough that it can hire those trained journalists and run their operations. Over the years, the sharing of journalistic content by third party providers without any compensation to the journalism sources themselves has crippled the journalism sector and made it very, very difficult for that truth seeking to occur. There needs to be some kind of compensation for the experts who are actually out there sourcing the news and helping us to be well-informed citizens.

Ms. Anju Dhillon: Thank you so much for clarifying that about trained journalists. These are huge topics, with all the changes that are happening on social media. WhatsApp is now being used as a news source. A lot of our news is being affected by foreign interference. This is just a whole other ball game.

Can you please—just quickly, because I have another question—do a *survol*? Thank you so much.

Dr. Shannon Dea: Thank you.

Dr. Brian McQuinn, a colleague at my university, specifically researches the use of social media for political polarization that leads to violence and conflict. It is very real. Social media is increasingly becoming a mechanism for violence and conflict.

• (1215)

Ms. Anju Dhillon: Thank you so much.

We have our Conservative colleagues talking about so-called government censorship and blaming everything on Justin Trudeau. This is a huge part of the problem for him now, being attacked the way he is.

Regarding the so-called censorship they're talking about, I have a quote for you. Maybe you can tell me what kind of freedom of expression this is. Is this freedom of expression? It's very vulgar, but I'm sure you'll understand: "You could start by effing off to whatever shithole your parents came from, back to the streets your mom and dad sucked D on to make money to come to this great country and give birth to a POS [bad woman part] like you."

These are messages that I and my colleagues are getting. What do you think of this freedom of expression?

Dr. Shannon Dea: I would defer to Ms. Laidlaw. Intuitively, to me, that sounds like it borders on hate speech, but I'm not a legal expert. That's only my opinion.

Ms. Anju Dhillon: Do you think such words and such attacks are permissible? Do you not think the whole purpose of our online harms legislation is to protect people who are vulnerable?

Dr. Shannon Dea: If such expression is lawful, then it is legally permissible, but that doesn't make it morally permissible. That's a separate matter. What you have just described is immoral. Whether it's illegal or not is a question for lawyers.

Ms. Anju Dhillon: Thank you so much.

I think my time is up.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

I want to thank Dr. Dea, Ms. Laidlaw and Ms. Grant, our witnesses in the first round, .

We will now take a break before we come back and hear from three witnesses. One will be over Zoom. The game plan is to come back at about 12:25 and go until about 1:50 so that we can get to the House in time.

We'll suspend and come back in about 10 minutes' time.

• (1215) _____ (Pause) _____

• (1235)

The Vice-Chair (Mr. Kevin Waugh): Welcome back, everyone.

We're going to resume with our second hour.

I'd like to welcome our new witnesses.

We have Michael Geist, Canada research chair in Internet and e-commerce law, faculty of law, University of Ottawa. Online is Kathleen Mahoney, professor of law.

With us in person, from the Canadian Media Guild, is Annick Forest, president.

Welcome. I think most of you have been here before. You have five minutes for opening comments. After that, we'll have questions and answers.

First up is Mr. Geist.

Welcome again. You have five minutes.

Dr. Michael Geist (Canada Research Chair in Internet and E-Commerce Law, Faculty of Law, University of Ottawa, As an Individual): Thank you, Chair.

Good afternoon. My name is Michael Geist. I'm a law professor at the University of Ottawa, where I hold the Canada research chair in Internet and e-commerce law. I appear in a personal capacity, representing only my own views.

I'd like to start by emphasizing that freedom of expression is rightly and widely recognized as foundational to robust, accountable and inclusive democracy.

That said, there's always a balance to be struck. I'm sure we would all agree that there are limits where expression is viewed as so harmful that it should be restricted or rendered unlawful. Obvious examples include child pornography, defamation and terrorism-related offences.

The difficulty generally doesn't lie with these kinds of cases. I'd like to focus on two cases that are much tougher: digital policy and the challenge of when expression chills other expression.

First I'll address digital policy.

Bill C-11, Bill C-18, Bill C-63 and Bill S-210 all intersect with expression, either directly or indirectly. The direct examples are Bill C-63 and Bill S-210. These bills, by design, have expression implications.

Bill C-63 identifies seven harms that are defined as a kind of content, but each is a form of expression. This expression can cause harm—revenge porn, inciting terror or bullying, for example. While I have some enforcement concerns, I think the bill identifies real harms and at least in part seeks to establish a balance in addressing them.

More problematic are Criminal Code and Canadian Human Rights Act provisions that are overbroad and that may weaponize the human rights system and have a chilling effect. Bill S-210 is even more direct in limiting expression, as it literally provides for the Federal Court to order the blocking of lawful content and envisions Canadian Internet providers as doing the blocking. This is a dangerous bill that should go back to the drawing board.

I think Bill C-11 and Bill C-18 both have indirect effects on expression.

In the case of Bill C-11, supporters were far too dismissive of the implications of regulating user content, with some going so far as to deny it was in the bill, only to later issue a policy direction that confirmed its presence.

Bill C-18 not only led to the blocking of news links but also failed to recognize that linking to content is itself expression. The net effect has been to cause harm to news-related expression in Canada. We need to do better when it comes to digital policy, as we haven't always taken the protection of expression sufficiently seriously in the digital policy debate.

Second, there is expression that chills other expression. This can occur when expression includes harassment or strikes fear in some communities, invariably leading to a chill in their ability to express themselves.

My own community, the Jewish community, is a case in point. The rise in anti-Semitism, in a manner not seen in Canada in generations, has sparked safety fears and chilled expression. No group has faced and been the target of more hate crimes than the Jewish community. On campuses, this manifests itself in students and faculty concealing their identity by hiding their religion and political beliefs, or fearing to speak out in class. I'm wearing a "bring the hostages home" pin today—a form of expression. Many would be reluctant to do so on our streets and campuses.

Encampments, graffiti, vandalism, doxing, online threats, the abandonment of institutional neutrality and the exclusion of those who believe in Zionism from classes or parts of campus have become too commonplace and have had a corrosive effect on those targeted, undermining their expression rights. Universities, workplaces and other communities have long recognized the harm of expression chilling other expression. That's why we have codes designed to ensure not just physical safety but also freedom from abusive or demeaning conduct that constitutes harassment and may limit the expression of others.

In a committee focused on protecting freedom of expression, there are many things that can be done: ensuring we have clearly defined policies, such as the IHRA definition of "anti-Semitism"; active enforcement of campus policies and codes; principled implementation of institutional neutrality; and leadership in speaking out against conduct that creates fear and chills speech.

In our broader communities, time and place restrictions—such as those included in the court ruling involving the encampment at the University of Toronto—preserve both the rights of those who want to protest and those for whom the encampment created real harms and chilled their expression. Similarly, bubble-zone legislation to safeguard schools, community centres and places of worship strikes a much-needed balance.

This past year has served as a wake-up call for many.

- (1240)

Taking action against hate enhances expression rather than detracts from it, and we must all do our part in this fight.

Thank you for your attention. I look forward to your questions.

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Geist.

We'll move now to Ms. Mahoney, emeritus professor of law, for five minutes, please.

Ms. Kathleen Mahoney (Emeritus Professor of Law, As an Individual): Thank you very much, Mr. Chair.

I'm very pleased and honoured to be here. It's been quite some time since I've had the opportunity to speak on this topic, so I welcome it.

What I've provided you with is a rather dated paper, but I did that quite deliberately. I think what's important here is that first principles must guide the discussion and guide the thinking on these topics. My presentation is going to go back to first principles, and I'm going to talk about them in that context.

Hate discrimination has evolved, as we know, into a global phenomenon, amplified by technological advancements that disseminate

hate speech across borders instantaneously. Once limited to local acts, hate now targets individuals and groups worldwide, undermining personal security, equality and even national peace. This necessitates a nuanced approach to balancing rights such as free speech and equality—a word I haven't heard mentioned in the last hour or so—under both domestic and international law.

Gender-based violence, abuse and harassment have been very pronounced in the technological developments I've mentioned. The key concepts and frameworks I'm going to talk about here are in terms of definition and process, harmful impact and international legal obligations.

It's very important to understand that hate discrimination follows a progression, starting with the identification of a group and moving to discrimination on the basis of immutable traits and societal dehumanization. It manifests itself in speech, in acts and in systemic violence, ranging from exclusionary practices right up to genocidal assaults. Far from mere expression, it is a harmful act in itself.

This is critical to any discussion of expression. Expression can become, and often is, an act as well as an expression. Historical examples like the Holocaust, the Rwandan genocide and other atrocities highlight the role of hate speech in inciting ultimate violence. Modern statistics underscore its prevalence. Rising hate crimes globally are enabled now by digital platforms that bypass traditional jurisdictional limits.

Treaties like the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights require states like Canada to prohibit hate speech that incites violence or discrimination, so balancing competing rights of free expression and protection from harm is central to all frameworks.

In the Canadian context, we have taken a dual legal approach, because Canada employs both criminal and civil laws to address hate discrimination. Criminal provisions target the most egregious acts, such as incitement to genocide, while civil remedies focus on preventing and rectifying discrimination. The Supreme Court of Canada has affirmed that hate speech regulation is compatible with constitutional rights, emphasizing that equality and security are as crucial as freedom of expression.

Challenges in the digital age are the rapid spread of hate online and Canada's inclusion of Internet hate provisions, which demonstrates a commitment to adapting our laws for emerging platforms. Broader implications are that hate discrimination is not just a societal issue, but, as has been said in the earlier session today, a threat to democracy and national security. My paper argues for a balanced, principled approach to maximize freedoms while curbing the corrosive effects of hate.

Just to remind you of the seminal legal decisions, I'm going to quickly describe them.

The Keegstra case was in 1990, 34 years ago. The context was a high school teacher promoting anti-Semitic views in his classroom and requiring students to list and learn his hate ideas. The court upheld the Criminal Code provision prohibiting the willful promotion of hatred against identifiable groups when Mr. Keegstra challenged it.

I personally have been involved in all of the leading hate speech cases, and this is why I have to emphasize them. The significance of the Keegstra case was that the majority ruled that hate speech regulation does align with section 1 of the charter.

• (1245)

While it limits freedom of expression, this limitation is wholly justified to protect individuals and groups from the harmful effects of hate speech, which, in that case, was identified as being on their equality rights, which are also protected by the charter.

The court voted that hate speech—

Mr. Kevin Waugh: Thank you, Ms. Mahoney. We're over five minutes for you.

We'll move on to the Canadian Media Guild. The president is with us.

Annick Forest, go ahead, please.

[*Translation*]

Ms. Annick Forest (President, Canadian Media Guild): Thank you for giving the Canadian Media Guild the opportunity to express its views on the means the Canadian government should have at its disposal to ensure freedom of expression in this country.

Remember that freedom of the press and other media of communication was enshrined in the Canadian Charter of Rights and Freedoms because it is essential to guarantee Canadians' fundamental right to freedom to conceive and express ideas, to meet with others to discuss them and to disseminate them.

Canadians' freedom of expression therefore depends on the freedom of their press. Let's talk about freedom of the press. Press freedom exists when the media ecosystem includes multiple, diversified independent media, which receive and transmit information and ideas of all kinds, regardless of the medium, and thus contribute to nourishing and shaping public opinion, an essential element of democratic debate.

For freedom of the press, and therefore freedom of expression, to exist in Canada, we need a healthy media ecosystem. For this me-

dia ecosystem to be healthy, the Canadian government must have certain means at its disposal.

The government must have the means to ensure a solid foundation for our media ecosystem. This solid foundation begins with a sustainable funding model for its public broadcaster, stable long-term funding that adjusts to the economic realities of the day, a funding model that ensures the public broadcaster has a sufficient budget to fulfill the mandate given to it by Canadians.

The public broadcaster should have sustainable funding, because its core mandate is to support Canadians in exercising their fundamental rights: their freedom of thought, belief and expression, their freedom to conceive and express ideas, and their freedom to gather with others to discuss and disseminate them.

The public broadcaster should have long-term funding, because Canadians' freedom of expression, ensured by freedom of the press, should in no way be influenced by the political vagaries of Parliament Hill.

Stable, long-term funding for the public broadcaster is one more way for the Canadian government to demonstrate that CBC/Radio-Canada is indeed a public broadcaster, not a state broadcaster. A budget commensurate with the public broadcaster's mandate is essential if all Canadians are to have equitable access to freedom of expression as provided by the media.

The democratic discourse of Canadians is not complete when it does not include the concerns of farmers in Saskatchewan, hunters in Iqaluit, outfitters in the Yukon and fishers in Yarmouth, Steveston, Cocagne or Cap-aux-Meules.

To avoid an imbalance in Canadian democratic discourse, journalists must be present in as many communities as possible across the country. In this way, the government can act to give a voice to Canadians whose message runs counter to the popular discourse, to Canadians who belong to minority groups, and to Canadians who live far from areas of influence.

On this note, the Canadian Media Guild believes that, to guarantee freedom of expression for indigenous peoples, the federal government should also provide for the continued existence of a media designed and managed by members of these communities.

One media outlet is not enough to ensure freedom of expression in this country. The more media there are, the more Canadians will be able to express themselves. The Canadian government must therefore take steps to prevent ownership of the country's private media from being concentrated in the hands of a few or held by players outside our borders.

Freedom of the press also means protecting journalists. The government must equip itself with the means to better protect journalists in the performance of their duties.

[English]

Not only has it become more common for media workers to be verbally or physically abused by bystanders while in the field; some are also now being personally attacked by influential figures when they try to hold them to account. When influential members of society model these unacceptable behaviours, it opens the door for others to follow. The consequence can be a form of self-censorship on the part of some journalists, and this is another, though less obvious, limitation of freedom of the press.

[Translation]

To foster democratic discourse, journalists hold those in power to account. When the system fails to self-critique, those who witness situations that undermine Canada's democracy should be able to disclose this state of affairs without fear of reprisal. The Canadian government must strengthen the protection of whistle-blowers to better protect them.

• (1250)

[English]

Those who do not wish to be held accountable for their acts are the first to target journalists. Impunity comes with the absence of witnesses.

In December 2019, the Canadian government co-sponsored the most recent UN General Assembly resolution on the safety of journalists. The Canadian Media Guild believes that the protection of freedom of expression for media workers is best served if Canada follows through with what is proposed in this resolution.

In conclusion—

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Forest. That's five minutes. We'll move on.

The opening round is always six minutes. We'll start with the Conservative Party and Mr. Jivani, please.

Mr. Jamil Jivani: Thank you, Mr. Chair.

Mr. Geist, thanks for being with us today. I'd like to ask you some questions about digital policy and in particular about some of the legislation that many Canadians have called Justin Trudeau's censorship agenda. Some of it is the legislation you referred to, like Bill C-11 and Bill C-18, for example.

Bill C-11 gets misrepresented very often by Liberals here in Ottawa as an attempt to push back on big businesses, big corporations, social media companies and American influence, but you wisely pointed out that in a policy directive, they did make clear that included in Bill C-11 is a measure regulating user-generated content.

I'd like you to elaborate on why that's significant and why Canadians should be concerned about that being included in a Liberal policy directive.

• (1255)

Dr. Michael Geist: Well, it's déjà vu all over again, as I had a chance to appear before the committee on that bill.

The core of the bill does involve the notion of trying to bring large streaming services into the Canadian broadcasting framework, and we're seeing how some of that plays out before the CRTC now with, I think, some real concerns, frankly, about consumers ultimately paying the price on some of the increased costs.

With respect to the inclusion of user-generated content, the policy directive actually directs the CRTC not to regulate users. The CRTC has followed that directive, but throughout the process, there were continual denials that this even existed in the legislation, when I think it was readily apparent to just about everybody that it did.

The concern there was that some of the powers that were vested in the regulator could have an impact on the expression rights of those creators. I'll note that the policy direction says not to do this, but the legislation at least opened the door to things like elevating, through algorithms, certain content over other content. Canadian digital creators made the case that they were finding success online and were deeply concerned that having a regulator step in and have an impact on how their stuff would appear on some of these large platforms could have an impact on their livelihood and what Canadians are able to see.

Mr. Jamil Jivani: What is the significance, in your view, of the fact that the legislation opened the door, to use your phrasing, for the federal government to regulate user-generated content?

Also, do you think that the concerns raised during the process about the possibility of that regulation of user-generated content were appropriately weighed in the process of putting this legislation forward?

Dr. Michael Geist: I should note that the legislation actually initially did not include user content. It was during clause-by-clause consideration of an earlier iteration of the bill that the bill was changed to remove an exception that had previously excluded it.

I think the concerns were real. In fact, once the bill left this committee, left the House and went to the Senate, the Senate conducted extensive hearings on that same bill and actually proposed an amendment to try to directly address that issue. I thought it was unfortunate that government or the House ultimately rejected that proposed amendment, sent it through as they did and now have been forced, essentially—if they really do want to exclude user content—to put this in a policy direction.

For the moment, the policy direction rules, but a policy direction, of course, doesn't have the same kind of power that the legislation does. I think that's why many had raised this issue. Sometimes we're told there was really nothing to be concerned about, yet the reality was that it was quite clearly there. There were easy fixes, quite frankly, that I think would have maintained the policy objectives that the government and other groups had, while at the same time ensuring that there were better safeguards about including user content within the scope of the law.

Mr. Jamil Jivani: When Canadians see this pattern of legislation that's been put forward by the current government, I think a lot of the time they're being gaslit by the Liberal government to not be concerned and to sort of downplay legitimate concerns about concentration of power in the hands of bureaucracies to control what Canadians can see and hear online and consequently what they can say online.

When you see those attempts to sort of say to Canadians, "Don't worry about it. Don't even raise a red flag. Trust the government", how do you respond to that phenomenon we're observing here in Ottawa?

Dr. Michael Geist: I suppose at the end of the day my concern here—and I mentioned it in my opening—was that I don't think we've taken the expression-related issues seriously enough as part of the digital policy.

I should be clear that this isn't just about Bill C-11 and Bill C-18. The opposition parties, unlike the government, have been supporting Bill S-210, which raises real concerns about expression rights as well.

I'm not sure that anybody comes here with fully clean hands about addressing some of those kinds of issues. I wish that all parties would take some of these issues more seriously.

To your point about gaslighting, when there are voices—sometimes voices that aren't the typical people who appear before a committee—raising these kinds of concerns, those concerns are taken more seriously. I think there was a sense among many that this simply wasn't the case through the process in Bill C-11.

Mr. Jamil Jivani: Would you say there is an appropriate amount of concern as you observe this legislation, any one of the four bills that you mentioned? As you see that legislation, do you see an appropriate amount of concern over state overreach? Do you think that's something that needs to be emphasized more?

• (1300)

Dr. Michael Geist: I think we always need to be cognizant of what it means to have government intervene in this way. I think we are, as you heard in your earlier panel, increasingly appreciating the concern of overreach from platforms as well, and that's part of what we're trying to grapple with here.

Sometimes, as we venture into some of these newer spaces and these newer kinds of regulation, you often get new voices coming forward as well, and at times there has been a bit of reticence to include some of those kinds of perspectives as part of the discussion or perhaps even as part of the policy development.

Mr. Jamil Jivani: Could you be more specific in terms of the perspectives—

The Vice-Chair (Mr. Kevin Waugh): He can, but in another round.

Mr. Jamil Jivani: Okay.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Next is Mr. Coteau for the Liberal Party. Michael, go ahead for six minutes.

Mr. Michael Coteau (Don Valley East, Lib.): Thank you very much, Mr. Chair.

Thank you to all of our participants today.

Our guest from the Canadian Media Guild said, "In conclusion", and then didn't have the ability to finish.

Do you want to take 30 seconds to conclude?

Ms. Annick Forest: Thank you for the opportunity to do that, and I will do so.

In conclusion, to ensure freedom of the press, Canadian media workers must not fear for their physical, mental or financial safety.

Mr. Michael Coteau: That's perfect. That was 10 seconds. I appreciate it.

Ms. Mahoney, your presentation used a term that sums up a lot of the challenges we have with freedom of expression as a whole, and it's that there has to be a balance between equality and safety and the freedom of expression. If I heard you correctly, I believe that's what you said.

We have to admit that this is not a one-sided issue. There are concerns about finding that balance between safety, equity and equality and not taking away someone's ability to express themselves. It is a very sophisticated, very challenging discussion that one has to embark on in order to find a balance.

On the weekend, I saw on social media that in Columbus, Ohio, there was a march of neo-Nazis with flags, and they were using all of these words. I was thinking that yes, they're expressing themselves, but to what extent, and what are the safety issues and how are people feeling?

Could you talk a little bit about the challenge of that balance, just as a society as a whole?

Ms. Kathleen Mahoney: The question is a very good one. Thank you for it. I think this is really an important area to keep in mind.

The courts were very clear that Canada has a unique way of protecting rights. We have freedom of expression, but it's not a paramount freedom. It has to be read with the others, and this is what makes Canada special.

We have section 27, which says we protect multiculturalism. That's an interpretive device. We have section 15, which has four equality guarantees: equality for and under the law, equal benefit and equal protection of the law, and we can't see freedom of expression in isolation.

That even comes up in Bill C-63, for example. There's a portion of that bill that talks about freedom of expression and says that we have to be very careful not to make unreasonable restraints on freedom of expression. It seems to me that this provision should also say we have to be very careful about protecting the equality of the people who are targeted by these hateful or very harmful expressions.

In order to maintain what the Supreme Court of Canada has taught us in a series of freedom of expression cases—that equality is as important as freedom of expression—freedom of expression cannot dominate the other rights. Otherwise, that's when you get these problems of children and women and other marginalized groups, such as indigenous peoples, suffering from their lack of access to the megaphone. They don't have the billions that are invested in media. They don't have the political sway that others do in order to express themselves. That's what's very important, it seems to me.

In my opinion, Bill C-63, although there are some laudable provisions in it, doesn't go far enough.

Mr. Michael Coteau: I'm going to ask you a question that may sound a bit naive from my side. What does it mean when someone says they should have the ability to express themselves?

Ms. Kathleen Mahoney: Sure, people should have it, and that's why we have section 2(b) in the charter. Of course, it's a pillar of democracy. They must be able to express themselves.

However, they have to take into account the effects of their speech on others who have equal rights and who perhaps cannot express themselves, for any variety of reasons. That's what makes a good democracy. That's the point that's missing in a lot of these arguments that are totally focused on expression and don't take into account the people who are targeted by very political, negative, hateful expression that wants to diminish those people's right to participate in democracy.

That's the democratic, underlying—

• (1305)

Mr. Michael Coteau: It's interesting that you say that, because one of the biggest challenges today in democracy is that we have become so polarized. Everyone is on the opposite end of the debate, and we need to find ways to look at it from both perspectives.

It's really important as a foundational approach to this discussion that in order to have a good democracy and to ensure the ability of people to express themselves, you have to keep in mind concepts like equality, public safety and the public good. These are also important factors, I believe, in preserving a good democracy.

I keep hearing folks out there who say that Canada has gone in a bad direction, that people's rights are being taken away and that their freedom.... We hear this on social media all the time, but everywhere I look, Canada always fits into the top 10% of countries

in the world where people have the best rights when it comes to expression.

Would you agree with that?

Ms. Kathleen Mahoney: I tend to agree with that, yes. I think Canada has set itself apart, being not a democracy of the loudest but a democracy that tries to take into account the views of the wide population and tries to have engagement with portions of the population who don't have the access to the megaphone, so to speak, of mass media or of social media and—

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Mahoney. We're going to move on. We're past our six minutes.

Next we have Mr. Champoux for the Bloc for six minutes, please.

[*Translation*]

Mr. Martin Champoux: Thank you, Mr. Chair.

Once again, thank you to the witnesses for being with us today.

Professor Geist, I felt a little challenged earlier when you talked about Bill C-63. I think we'd really enjoy discussing this bill, which contains some good things, but also some atrocious elements. You talked about going back to the drawing board. I was a bit surprised. I would have expected you to say that we should rip it to shreds.

That said, from the first reading of this bill, something struck me. One section allows people to be denounced on the mere suspicion that they might intend to make hateful comments or commit hateful acts. These people would be held accountable under the law.

What do you think of the path that led to the creation of such a section in a bill? How do you think this will pass the test?

[*English*]

Dr. Michael Geist: Thanks for that. I want to preface that by making it clear that when I said legislation needs to go back to the drawing board, I was actually referring to Bill S-210, which is the age verification bill that includes the blocking I referred to and a number of other issues.

Bill C-63 needs to go to committee. In some ways, it's really two bills in one. There is the element that is the larger part, about online harms, which deals specifically with the responsibility of the Internet platforms. There is a lot that can be worked with there. I have some concerns about the enforcement mechanisms that have been established, but I think there's a lot in it.

What you are referring to, though—and I apologize and I'll be quick—is the Criminal Code provisions and in particular an attempt to create what is essentially the equivalent of a peace bond for speech in this context.

We use these kinds of things in other contexts. If we're concerned about domestic violence and it's imminent, we might get an order to ensure that it doesn't happen or to try to prevent it from taking place. This would similarly be an attempt to prevent certain kinds of potential hate from taking place. As I mentioned off the top, the Jewish community has seen an unprecedented number of shootings and targeting at synagogues and at schools. If we knew they were coming, a bond might be able to try to stop some of those kinds of activities from taking place.

I think, though—and Professor Laidlaw mentioned this before—that both the Criminal Code and the Human Rights Act provisions in the legislation run the risk of overreach. Frankly, the bill should be split. We should be focusing on the Internet stuff and leave this other stuff for a separate study.

• (1310)

[*Translation*]

Mr. Martin Champoux: We agree on that.

Thank you, Mr. Geist.

I'm sure I'll have another question for you about Bill C-63, but I want to address Ms. Forest as well.

Ms. Forest, we're talking about journalism and the current climate in the world of information, in the world of traditional journalism, let's say. There was a time when the profession of journalist came with many rules, commitments, criteria of rigour and principles that framed the profession. We can see that journalism is changing enormously. There's a lot of commentary and militant journalism. What's more, the youngest journalists currently graduating from schools are much more committed and want to do more committed journalism too. So they're turning to platforms that are a little more in line with their values and commitment criteria.

Is this a risk for the journalism profession?

Are we capable of protecting traditional journalism?

You were talking earlier about CBC/Radio-Canada, which plays an essential role in this kind of news coverage.

Tell me what you think of the current trend among new journalists entering the market.

Ms. Annick Forest: It doesn't matter what kind of journalism, I think that, in all of this, the essential thing is transparency. You have to declare your allegiances. If a journalist wants to openly advocate one thing or another, as long as it's on the table and known, that's fine. However, to be a journalist and to be a real one, you also have to be responsible. You have to answer for what you do and be able to demonstrate that the content you produce and publish is true, that it's factual.

Mr. Martin Champoux: At that point, when someone openly states a position, is that still journalism, or do we fall squarely into commentary or opinion?

What do you think about that?

It's this trend that confuses people a bit. People say that journalism is also a person's opinion. In my opinion, that's not really the case. Journalism should be objective and neutral.

What do you think about that?

Ms. Annick Forest: This brings me back to transparency. Journalism is still journalism if you give everyone a microphone and everyone can give their opinion. If you give an opinion, it remains an opinion. It's as simple as that.

When I worked in newsrooms, if a reporter came into a newsroom with a story that only presented one side of the situation, I'd tell him I was sorry, but we had to write that it was an opinion. We put that in the opinion box. It's an editorial. We explain that, and there's transparency. If a journalist wants to take stock, to explain the facts, he has to give the microphone to everyone. That's part of the journalist's role.

Mr. Martin Champoux: You're surely aware that the Fédération professionnelle des journalistes du Québec, the FPJQ, had its convention last week. At this convention, one workshop really caught my attention. It dealt with lawsuits against investigative journalists. Generally speaking, these lawsuits are filed with the aim of discouraging them from investigating further.

Is this a new phenomenon? Is it cause for concern?

Ms. Annick Forest: No, I don't think it's a new phenomenon. I've been working in the field for 30 years, and there have always been lawsuits when people weren't happy with the work we were doing.

The job of investigative journalists is to take stock, expose facts and hold people to account. When people aren't happy, they sometimes try to find ways of muzzling us. This is not a new phenomenon, but it's important to do this work as an investigative journalist.

I'll go back to the idea that it's expensive and takes time for a public broadcaster to be able to do this kind of journalism. I have colleagues who do this kind of journalism. They spend months preparing a story that's going to come out and making sure it's done with rigour and depth.

Mr. Martin Champoux: Thank you very much, Ms. Forest.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Madame Forest. I'm going to move on.

Thank you, Mr. Champoux.

We'll move to the New Democratic Party with Mr. Desjarlais for six minutes, please.

Mr. Blake Desjarlais: Thank you very much, Mr. Chair.

Thank you to the witnesses for being present with us today on this important study.

As you're aware, part of the importance of this discussion today that is related to the right to freedom of expression is largely related to the democratic project of Canada. Safeguarding our democratic traditions and our democratic processes for the next generation is I think paramount to many Canadians. It's partly why I'm at this table, and my interest is to discuss how we can ensure there's a broad depth of democratic tradition.

Particularly because I come from a younger generation, I'm concerned about this intersection between social media and our traditional media and this idea that anyone and everyone everywhere can have their own media source. If you don't like the media, you can invent your own. You can create media. You can have your own folks come to that media, and maybe you can even get a billionaire to platform you in such a way that you can have more voice.

In other words, some people have a larger ability to express themselves than others do. In particular, I find a contrast between those who have money and those who do not have money. Those who have private interests are often using that private wealth to manufacture a large perception and to create a large level of influence on Canadians, even if their facts aren't true.

This is particularly challenging for our courts. We have lawyers who are present in this committee today. You're going to be seeing the advent of that in the courts and in the challenges that are already present there. You're seeing that in our media space. It's having a real effect on our young people. It's having an effect on our seniors. It's having an effect on all Canadians.

A senior came to me yesterday when I was back home and said, "I'm scared. Every time I turn on Facebook, I see these wild, very far-right-wing ads targeting me." She has never been someone to speak about violence or someone who is very polarizing. As a matter of fact, she's quite a good person. How is it that someone like her could be targeted by something so malicious as this, which is telling her that her fellow Canadians are out to get her? This kind of division, often brought on by corporate interests, is finding a home and is finding ways to delegitimize or attack traditional media.

Ms. Forest, my questions will be focused on you. This is a rising concern for journalists and a rising concern right now in particular when it comes to our democratic tradition. Are you at all worried or concerned that the democratic principles of western countries are at stake when we so easily create a political environment where media and its truths are not held to a higher standard?

• (1315)

Ms. Annick Forest: This goes back to the idea of what is journalism and where your information is coming from.

Media literacy is something that the government needs to start focusing on. Young people in schools need to learn where to find their information sources and how to check them to make sure these information sources are correct. When I hear that a teacher has told my son that he should get his facts on Wikipedia, I have a problem, because Wikipedia can be changed on a daily basis by whoever goes in there and puts in information. It will be corrected in due time, but not necessarily when my kid goes there.

Mr. Blake Desjarlais: The damage is done.

Ms. Annick Forest: The damage is done.

Knowing what the sources of information are and what makes a good source of information, fact-checking, knowing.... Traditional media were known for giving you the facts.

Mr. Blake Desjarlais: Yes. Traditional media are known for giving the facts.

You've just mentioned something that's of critical importance to me, which is this idea of where this information is coming from, of the source. There's one company in particular in Canada that owns 80% of the newspapers in our country.

That's 80%. Can you name the company, just by knowing that fact?

Ms. Annick Forest: It's probably something to do with Postmedia.

Mr. Blake Desjarlais: It's Postmedia, exactly. Congratulations. I'd hope that my colleagues could also confirm this fact without their wonderful devices.

Ms. Annick Forest: Do I get a free coffee?

Mr. Blake Desjarlais: You get an award for sure for giving us a fact today that we can use.

Facts and the source of facts are critical to this. Eighty per cent of our newspapers in Canada are owned by Postmedia. That's an extreme level of ownership.

Where is Postmedia headquartered?

[*Translation*]

Ms. Annick Forest: It's in the United States.

[*English*]

Mr. Blake Desjarlais: Can you say that one more time?

Ms. Annick Forest: It's in the United States of America.

Mr. Blake Desjarlais: Thank you very much. It's in the United States of America.

Why would a company have so much interest in a country like Canada, so much so that they would invest to a point where they can nearly monopolize the entire newspaper industry at a level of 80%? What kinds of interests would those companies have in Canada?

Ms. Annick Forest: You would have to ask those particular companies.

Mr. Blake Desjarlais: Would profit maybe be one of them? Probably it would. I'd imagine profit is likely one of those things. Truth, perhaps, may not be one. Truth isn't necessarily profitable. That's the difficulty with this.

Why is it so important to have public broadcasting? Why does Canada have a tradition of public broadcasting? I'm from the Prairies. We're home to something fantastic, Access television, where you can watch polka without any ads. Your grandparents get to watch it all day long, and they love it. I love it. Why is it that public broadcasting is so important, not only for watching polka in small communities, but also for truth-telling?

Ms. Annick Forest: It's for truth-telling and for bringing the microphone to everyone in Canada.

Here's the point: Private broadcasters can't make money in the small communities. They can't go all over Canada. If they open something in Nunavut or in Yellowknife, they're not going to make any money. However, the public broadcaster can bring the microphone to those small communities.

I come from New Brunswick and I've been in different small communities all over Canada. In order for all those small communities to have access to those microphones—and another witness spoke to this—we need to make sure that everybody has a voice, an equal presence. That means feet on the ground by the public broadcaster, *diffuseur public*, all over the country, in as many communities as possible.

● (1320)

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move on to the five-minute round, and we have Mr. Kurek for the Conservative Party.

Mr. Damien Kurek: Thank you very much, Mr. Chair.

We heard one of the witnesses suggest earlier that if Canadians couldn't view their news online, they should simply go to the library. It certainly sounded a bit like a “let them eat cake” moment when it comes to Canadians' ability to access content. In this world, whether it's on the devices we carry or on the computers we use, there's been a democratization of information that I think has been quite extraordinary, probably, in the history of the world, although I think you can look back at different points in time and see other innovations.

Certainly I hear all the time from constituents who are incredibly concerned about government overreach and about its wanting to control certain aspects of what that looks like, whether it's direct or whether it's indirect.

Mr. Geist, in terms of Bill C-11 and Bill C-18, one has had a massive impact on Canadians' ability to see news content. I've heard many companies suggest that they just want to be able to share their content on those platforms and be able to continue to get their content in front of the eyes of Canadians. Then you have Bill C-11, which is kind of like this backdoor censorship idea, a mechanism for control within the bureaucracy.

I'm wondering if you could comment specifically on those two pieces of legislation and on the chilling effect that they have on freedom of speech and on freedom of expression across this country.

Dr. Michael Geist: I talked a little earlier about Bill C-11, so let me focus for a moment on Bill C-18.

It was predicted about Bill C-18—and it was predictable, quite frankly—that if the legislation was introduced as is, it would cause a number of potential concerns. There was a likelihood that we would see blocking of news links, which is what has happened. It was likely that it would undermine trust, because if there is more and more government regulation and government funding, this does run the risk of diminishing trust.

Now, with all due respect to my co-panellists here, there's the notion that we can solve all of this simply by giving more money to the CBC or by suggesting, with all due respect, that since Post-media owns 80% of newspapers, somehow it's the problem, yet at the same time you note that now everybody has the ability to speak out. There are a lot of different sources. If we only think about individual media properties as somehow having a monopoly on the news, then we're missing what is actually taking place right now, which is that there is a wide range of different sources.

One of the real harms that occurred with respect to Bill C-18 was that it oftentimes excluded some of the more innovative players in the marketplace and, with a broad brush, had the effect of excluding all of those players from major platforms like Instagram and Facebook.

Mr. Damien Kurek: Then going to the library certainly isn't a solution.

When it comes to Bill C-11, to the added bureaucracy and the CRTC, I know you've written quite extensively about that and about how that level of control certainly is problematic in terms of Canadians being able to see that content. There's this close connection between Bill C-11 and Bill C-18, and I know that quite often the government doesn't like to see that connection made.

I'm wondering if you could comment on the Bill C-11 side and on Canadians' being limited in terms of what they can see, while not being able to post content.

Dr. Michael Geist: To be fair, Bill C-11 hasn't stopped anybody from seeing anything online. The concern was on the algorithmic side, as to whether or not, from a user content perspective, some content would be prioritized or deprioritized.

The CRTC, just last week, launched a new consultation that will focus on the meaning of Canadian content. We will see what it does with respect to discoverability. It may prioritize some content over other content, and we may see that play out on some of these larger services.

It isn't in the game of blocking particular content, though. There's nothing in Bill C-11 that would move towards blocking particular content.

● (1325)

Mr. Damien Kurek: Just in conclusion, have Bill C-11 and Bill C-18 had a chilling effect on innovation in Canada's mediascape?

Dr. Michael Geist: I certainly think that the answer to that would be yes, at least from an investment perspective. In the case of Bill C-11, the way that the CRTC has begun to implement that law, with basic mandatory contributions, has increased prices for consumers, and we've seen some players who may look at the Canadian market and feel that the regulatory costs are too high.

On Bill C-18, I think it's even more significant, though, because if you lose one of your major distributors of your content or if there are no more links to your content through some of these larger platforms, it sends a signal that this is not a marketplace to invest in. We've seen that with some of the larger independent players. Village Media, for example, stopped entering into new Canadian markets for a period of time out of concern. The message that it sends to others who might want to enter into the marketplace by providing new, innovative news services is that this is a market where some of the regulations may inhibit the ability to have success in the marketplace.

Mr. Kevin Waugh: Thank you.

We move to Ms. Gainey and the Liberal Party for five minutes.

Ms. Anna Gainey (Notre-Dame-de-Grâce—Westmount, Lib.): Thank you.

Mr. Geist, if we could go back for a second to some of your opening remarks, I'm kind of curious regarding hate speech and, by extension, the conversation around bubble legislation. This is something that I hear quite a lot about in my community, and some of the things you spoke about touch on it.

There is obviously some tension there with civil liberties that is part of that discussion, and I think my colleague and maybe one of the witnesses also discussed the balance between expression and equality and safety.

I wonder if you could expand a little on that piece of your opening remarks in terms of this discussion, and the role of the federal government specifically, in protecting freedom of expression and freedom of protest in a balance with safety and equality.

Dr. Michael Geist: Thank you for raising that. At the end of this—we're scheduled to end around two o'clock—and over the course of the weekend, there were plans to launch a protest at what for a long time was my kids' school, Sir Robert Borden, here in Ottawa. That was called off. They're instead going to apparently protest an MPP, but the notion of potentially protesting while kids are in school, as young as 12 years old, raises significant concerns.

We've seen it at community centres. We have seen it in cities on a number of issues, not just with respect to anti-Semitism, which has, as I note, been by far the largest target in terms of hate crime in Canada over the last couple of years, especially since October 7. I know that Mississauga is also considering this, and they're considering it not out of that issue but out of other community members where we have seen tensions and some of this protest.

I think that this, alongside the decision that we saw coming out of the encampments at the University of Toronto, seeks to have a balance in the same way the professor mentioned earlier. We have to find a way to allow people to protest, but when that endangers others, when it creates genuine fear that limits their own expression rights and even limits their own safety, it is, I think, inappropriate.

We heard earlier that there is often a need to strike a balance. How do we ensure that people enjoy those protest rights but that at the same time others feel safe in their communities, in their places of worship and in their schools? Bubble zone legislation allows for those protests to continue but ensures the safety of many others.

That's been sorely lacking in many communities for the last number of months across the country.

Ms. Anna Gainey: There's certainly a sense of insecurity and lack of safety in particular around those places of worship and schools, as you mentioned, which has been very troubling to see over the last year.

If we could go back a second to the conversation around censorship, which has come up a few times here, I'm wondering if you could perhaps clarify. In the spirit of the freedom of expression, I think that part of how we get to these tense situations is a misunderstanding, a misalignment, or a lack of truth or common understanding of what things mean and what is true. I think we have that behind some of the misunderstandings around some of the protests, the content and the hate speech or the language that's being used there.

If we're free to say what we want and create these environments where people just don't understand each other and don't have the same starting point, how do we clarify that, in my view, the online news act is not censorship and that we shouldn't be fuelling the notion that this is what it is? How do we clarify that maybe that doesn't contribute to the real conversations that we should be having about how to legislate, how to improve people's safety, how to protect kids online and how to keep people safe?

How do we find common ground to have these conversations if we can't agree on what things like censorship are?

• (1330)

Dr. Michael Geist: Well, it's a significant challenge, quite clearly.

I've tended not to use the word "censorship" when it comes to this legislation, even though I do think some of the bills that we've been talking about do raise real concerns.

In terms of a common understanding, and I think you heard it earlier, there is a difference between misinformation and disinformation.

On the misinformation side, I think there is a lot of misinformation, but a lot of that does go part and parcel with freedom of expression. It isn't an intent to deceive; it's merely that some people aren't accurate or are misinformed.

That is distinct from disinformation, through which someone has at times the intent to misinform and potentially create some real harm through that disinformation.

On that front, whether or not we need the government to step in, it's more likely in some instances—because I think there are risks and there are charter limitations on what government can do—that there is a role for some of the large platforms to play. We've seen over the last week or two this mass move toward Bluesky for a lot of former Twitter or X users. I think part of that reflects the fact a lot of people are frustrated with an environment where everything goes and there is this misinformation and disinformation. They're looking for a place that they feel is a bit more trustworthy.

In some ways, the market actually addresses at least some of those issues, as long as there are some of those alternatives available.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll move to Mr. Champoux for two and a half minutes.

[*Translation*]

Mr. Martin Champoux: Thank you, Mr. Chair.

Mr. Geist, as I said earlier, I have another question for you.

Following a demonstration during which the preacher Adil Charkaoui uttered words of extreme violence—he called for hatred and the elimination of Canada, the United States, but also Israel—my party, the Bloc Québécois, tabled a bill.

It proposed amending the Criminal Code to remove what is known as the “religious exception”. This exception, I remind you, allows a person who speaks or expresses himself under the guise of his religious convictions to utter remarks that go beyond what might be deemed reasonable.

Do you think this bill violates freedom of expression, and more specifically freedom of religion, depending on how you interpret it in the Charter of Rights and Freedoms or the Criminal Code?

[*English*]

Dr. Michael Geist: Thanks for that.

I think the answer is yes, it would, but that doesn't necessarily mean it's a non-starter.

As we've heard, there is a balancing act to be had when it comes to all of the rights. In a sense, that's built into our charter. We heard earlier that this is a hallmark of the Canadian approach, which is that these rights aren't absolute and there is a need to balance.

Balancing freedom of religion, freedom of expression, freedom of assembly and association and some of those other rights is always going to be a challenge. When people use some of these rights to engage in conduct that quite clearly is not just harmful in terms of what's being said, but has real-world impact in terms of the safety of kids going to school or people going to their synagogues, there is a need to act.

We've seen some of that. We saw that, for example, with Samidoun fairly recently, which also had some of its people involved in some of these kinds of protests.

After more than a year of these experiences and this massive increase in targeting communities, in my case particularly the Jewish community, there is a need to act.

[*Translation*]

Mr. Martin Champoux: Do you think that this section of the Criminal Code, this exception, had its place in a context where there were fewer discrepancies of this nature?

Doesn't the fact that there are somewhat more of them today, precisely because people feel freer to express this kind of opinion, force our hand?

• (1335)

[*English*]

Dr. Michael Geist: I don't know the history of the inclusion of that particular provision, but I suspect it was based on a vision of a robust protection for freedom of religion and a recognition that there were potential risks of a chill in that ability to practice if we were seen to criminalize certain kinds of speech.

However, at the same time, if that is used as a safeguard or as a mechanism to engage in hateful conduct, then surely we have to consider how to address that kind of conduct so that religion doesn't provide a sort of a blank to allow people to say anything, especially when it creates some of these kinds of harms.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Desjarlais, you have two and a half minutes.

Mr. Blake Desjarlais: Thank you very much, Mr. Chair.

I'll now turn to Madam Mahoney, who is just joining us online.

Thank you so much for all your work. I know that you've been familiar with a great scope of work over your time. In particular, you were appointed as the chief negotiator for the Assembly of First Nations to negotiate the Indian Residential Schools Settlement Agreement. Is that correct?

Ms. Kathleen Mahoney: That's correct.

Mr. Blake Desjarlais: However, there seems to be—at least in my short-lived experience—a very severe level of inaction by the federal government in relation to indigenous claims, particularly claims that are largely sought through the court. There are options that the government has, of course. It can negotiate these claims, these instances of great historic injustice, and also contemporary injustice, as we're seeing in the case of the child and family services litigation case. One may only look to this year's budget, which had the Liberals celebrating—literally celebrating—\$58 billion that they were court-ordered to spend on first nations because of settlements like the one you fought for. It created a situation in which nations were forced to try their luck in the court because the federal government is so fundamentally committed to addressing these issues in the court. It doesn't have a perspective that involves indigenous peoples having these claims heard in any fashion other than in a court or by way of a court order or by way of reducing liability. This is what's been clear to indigenous people, particularly first nations, as they pursue their rights in court.

My question is this: Why do you think the government prefers forcing indigenous people to the courts by way of litigation rather than just respecting their rights at the onset and creating a framework that would allow for these very serious claims to be heard properly? What does your experience in the court tell you in relation to this very severe injustice?

Ms. Kathleen Mahoney: Well, that's a very good question, and it's very difficult to answer. Frankly, sometimes it seems that the government doesn't know what to do, so it would rather have the courts tell it what to do and then massage that decision into what it thinks it should do. In some respects, I suppose that the government wants input from the judicial sector.

However, many, many times the court has said very clearly to Canada that negotiation is the best way to resolve land claims and other legitimate claims. There's some resistance to that, or there's just an unwillingness to budge on important matters that need to be resolved, and they end up in the courts.

It's an unfortunate situation—you're absolutely correct—but it's often the bureaucracy that blocks progress, I must say. You can hear the politicians say one thing, and often the bureaucracy does another, which is a very frustrating situation.

The Vice-Chair (Mr. Kevin Waugh): We're going to move on to the final round, which will be the Conservatives and the Liberals for five minutes each.

We'll start with Mr. Gourde for five minutes.

[*Translation*]

Mr. Jacques Gourde: Thank you, Mr. Chair.

Ms. Forest, you said you had 30 years' experience in journalism.

Have you noticed an evolution in freedom of expression? We have the impression that, some thirty years ago, we could say things in the media that we can no longer say today.

Is this an attack on freedom of expression, or is it a matter of respect on the part of society as a whole?

Ms. Annick Forest: I think the media discourse follows the popular discourse of Canadians overall.

I think that, today, people have more access to a variety of media and views because of the plurality of sources of information. When I was young, starting out, there were three television networks and a handful of newspapers. People felt that they could trust those news sources. Today, we have a growing number of sources, but people aren't sure they can trust them.

I think it's important to help Canadians understand what a real source of information is, a reliable source. In many cases, Canadians learn the hard way, once they realize later on that they trusted information that was completely false. That is very important for them.

People have to know which sources of information to rely on.

● (1340)

Mr. Jacques Gourde: You talked about ecosystems. We have a public ecosystem and a private ecosystem. We can almost say we have a digital ecosystem too, and it is not at all regulated. In the public and private sectors alike, news anchors and others can see to it that people are careful about what they say, without necessarily controlling what they say. That is not the case in the digital ecosystem, though.

I fully trust journalists who do professional work, but if they are given a certain direction, could they be prevented from saying what they want to say or what they think? Could they be told that they would do well not to venture into certain territory if they want to keep their 10 minutes on the air? Might reporters get that kind of direction?

Ms. Annick Forest: The advantage of working for a public broadcaster, as I did, is that people have independence, unlike what happens in the private sector. There's a good chance that your contract will be terminated if you don't do what the boss tells you in the private sector. That is how the private sector works. Everyone knows. That is not at all the case when you work for a public broadcaster. You can say what you want to say and report on the news that needs to be covered. No one interferes in your editorial independence.

For the last 10 years of my career, I worked on the digital side, and it was the same there. The only difference between digital, radio and television is that digital is forever. Of course, TV and radio news coverage has to be accurate and reliable, but that is 10 times more important in the digital world because digital is forever. The information can be read over and over again.

Furthermore, if anything that was reported is found not to be true, there is a responsibility to correct that information. You know that a news organization is reliable when it corrects its own errors. Everyone makes mistakes. It happens everywhere. No one is perfect, but when mistakes are made, they are corrected. That is how you know a media organization is responsible, reasonable and reliable.

Mr. Jacques Gourde: In the public sector, when a reporter is told they made a mistake, the reason might be that some people didn't necessarily like what the reporter had to say.

Ms. Annick Forest: No.

Mr. Jacques Gourde: Is there no reporter who left CBC/Radio-Canada for the private sector who is happier now?

Ms. Annick Forest: I can't answer that question, because I would have to put it to all our members. I can tell you, though, that no one exerts influence on the reporters. The only thing producers in the public sector need to make sure of is that what is said is true and that the coverage is balanced, meaning that everyone is given a voice. The coverage can't focus on only one viewpoint. All viewpoints have to be reflected, on top of which, the coverage has to reflect the facts and the sources have to be verified.

Mr. Jacques Gourde: If CBC has poor ratings right now—
[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you, Mr. Gourde. We're over five minutes. Thank you very much.

We have the final round.

Stick around. We have a budget item that we'll deal with after we release our guests. We sent it out to you last Friday. It will only take 10 seconds, but I'll remind you to check your emails from last Friday.

Mr. Blake Desjarlais: [Inaudible—Editor]

The Vice-Chair (Mr. Kevin Waugh): Yes, you wouldn't have got that.

Mr. Noormohamed, you have the final five minutes.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair, and thank you to our witnesses for being here.

Professor Geist, let me start with you.

You talked about Bill S-210 and the concerns around it. I share your concerns. I think it is a deeply flawed piece of legislation with some good intentions. I think that is clear. I think that the execution of it, if it is rolled out in the way the bill proposes, could actually be quite problematic.

Very briefly, could you summarize your concern around the enforcement, particularly as it relates to the private sector being in a position to hold data and in particular to determine age verification? What are some of your concerns around that?

• (1345)

Dr. Michael Geist: There are several major concerns with Bill S-210. I mentioned some in the opening with respect to mandated blocking of content and getting Internet providers to block that as well. I think that raises serious issues. For the use of age verification technologies, we've seen privacy commissioners around the world raise real concerns about this issue. I must admit that I find it both problematic and deeply puzzling that we would rush ahead with a piece of legislation when our own Privacy Commissioner is still studying the implications of using age verification technologies.

What we know is that the technology right now either requires the provision of highly sensitive personal information—uploading government-issued identification documents to services outside the country, by and large, which raises issues around identity theft—or is based on technology that tries to guesstimate your age, which simply doesn't work in legislation that is designed to distinguish between someone who is 17 and 18. Just go into any high school or first-year university class and try to determine who's 17, who's 18 and who's 19. If we can't do it as individuals, are we really going to trust some sort of algorithm to make that determination?

Mr. Taleeb Noormohamed: On that point, just very quickly, to speak to those who may support this bill, there are those who have supported this bill and think it's a very good piece of legislation. Many of our Conservative colleagues have said they support it, but at the same time they also decry the idea of digital ID.

How do you reconcile those two thoughts? If you're against digital ID but you support digital identification and age verification by the private sector, what would you say to them to kind of clear up that misunderstanding?

Dr. Michael Geist: It's drawing a line between saying the government is going to issue an ID and I'm going to provide my actual ID to some third party that I may have even less trust in as part of this system. I think the risks from a security and privacy perspective are very real.

Especially if we're having a discussion around freedom of expression and the overbroad use of site blocking, this would apply not just to pornography sites. This would apply to search sites and to streaming sites. It's hard to reconcile saying there's deep concern about acts of censorship and freedom of expression when we're considering legislation that would actually, in an overbroad way, require some sort of pre-approval to be able to conduct a Google search or watch some streaming services on something like Crave or Netflix.

Mr. Taleeb Noormohamed: Would your advice to members of the Conservative Party and others who support this legislation be that they should not?

Dr. Michael Geist: My understanding is that it's been all the opposition parties that at least previously voted for it. I think it's a mistake and that it needs to go back to the drawing board.

Mr. Taleeb Noormohamed: Thank you.

I want to take a bit of a different line of questioning now with the two minutes I have left.

My colleague Mr. Desjarlais started asking questions about foreign ownership of the media and some of the challenges and concerns there.

When Postmedia was taken over by a U.S. hedge fund, it was told to be more “reliably conservative”.

Madame Forest, what do you think the concerns are in terms of freedom of expression of journalists when they are told that the editorial direction of a publication has to be a certain way?

Ms. Annick Forest: If they're told that the direction has to be a certain way,

[*Translation*]

they can't really do their jobs.

With some transparency, it is pretty clear that this or that newspaper leans a certain way. That's the private sector. When people read a particular paper, they know the kind of information it contains.

What matters to us, as media workers, is having multiple sources. That means media organizations cannot be concentrated in the hands of a single group. That is the problem.

If measures are in place to prevent media ownership from being concentrated in the hands of a single group, the information will come from all sides. There will be multiple sources, and Canadians will be more likely to have a balanced view.

[*English*]

Mr. Taleeb Noormohamed: Professor Geist, building on what Madame Forest just said, you talked earlier about other voices that need to be amplified. Are you concerned at all that foreign ownership and foreign direction of Canadian journalism or media and where it should go have the same chilling impact when there isn't an ability for a counterbalance, for other voices to emerge within the ecosystem?

• (1350)

Dr. Michael Geist: I think there's reason for concern about foreign interference, I must admit, especially in some of the regulated sectors.

I've never totally understood some of the objections to foreign ownership. On broadcasters, for example, it doesn't really matter who owns them; what matters are the rules that are associated with it.

In an Internet environment, I recognize clearly that when you have large foreign players, there's more risk. Candidly, that fact

means we would want to bring some of those players in, which makes the recent TikTok decision a bit puzzling. I don't understand why we would kick out a company when that makes it more difficult to enforce measures against it when we have some of those kinds of issues.

We need to seek to ensure that there is a role for regulation of these large players. Part of it is ensuring that they do operate here and that we have appropriate rules in place.

The Vice-Chair (Mr. Kevin Waugh): Thank you Mr. Geist and Ms. Forest, and Ms. Mahoney for the last hour.

For committee business, there is a budget for the study of the protection of freedom of expression. The amount is \$36,700. It was circulated to all committee members last Friday.

Is it the pleasure of the committee to adopt this budget?

Some hon. members: Agreed.

Mr. Blake Desjarlais: To clarify, Chair, is the spending just on this exact study?

The Vice-Chair (Mr. Kevin Waugh): That's right.

Mr. Blake Desjarlais: I understand. It seems high, but we're in it, so we might as well....

Mr. Damien Kurek: It's four meetings.

The Vice-Chair (Mr. Kevin Waugh): Yes, it's four meetings.

A voice: Well, for flights....

The Chair: It's six meetings, actually.

We're going to go with that.

Is the committee in agreement, today, to adjourn this meeting?

Some hon. members: Agreed.

The Chair: Good. Thanks. The meeting is adjourned.

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