



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Canadian Heritage

EVIDENCE

NUMBER 139

Wednesday, November 20, 2024

Chair: The Honourable Hedy Fry



Standing Committee on Canadian Heritage

Wednesday, November 20, 2024

• (1635)

[English]

The Vice-Chair (Mr. Kevin Waugh (Saskatoon—Grasswood, CPC)): Good afternoon, everyone.

I call this meeting to order.

Welcome, everyone, to meeting number 139 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 the participants of the following points as we get set. Before speaking, please wait until I recognize you by name. For members participating in person, raise your hand if you wish to speak. The clerk and I will do our best to maintain the speaking order, as always. All comments should be addressed through the chair. All witnesses have completed the requirement on the connection.

We did have a connection problem here this afternoon with the Arab Canadian Lawyers Association. We have omitted them. The sound was not good enough today for the meeting.

Our witnesses in front of us today are Stéphane Sérafin, assistant professor, the University of Ottawa, and, from MediaSmarts, Kathryn Hill, executive director, and Matthew Johnson, director of education.

What it means is that the Arab Canadian Lawyers Association will, in fact, be asked to come at a later date, probably in early December.

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

We'll get to the guests in a moment.

Mr. Champoux, you would like to bring up a topic here that needs to be brought up.

[Translation]

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

I apologize to the witnesses, but before we hear their testimony, I think we should take a few minutes to look at the committee's schedule.

I have concerns because, the way things are going, I think we won't have enough time to meet our commitments and do the things

we agreed on. I am especially concerned that we won't have enough time to complete the current study on freedom of expression since we have also received an order from the House regarding the “defunding” of the CBC.

So I would like us to take a few minutes to discuss that and decide on the topics for next week's meetings. I understand that we will be discussing the CBC/Radio-Canada with Ms. Tait and Ms. Bouchard next week. The following week, we will not have much time left and we will have to have a number of meetings on the two studies. I think we should discuss this now because it is difficult to contact the witnesses for our study. In addition, we had to turn away a witness today for technical reasons. That will all probably cause a bottleneck at some point.

I want to make sure we can set aside the necessary time in the schedule for the study on freedom of expression and that we can also deliver the report on the CBC/Radio-Canada on time, as instructed by the House.

The schedule for next week has already been decided in accordance with the availability of Ms. Tait and Ms. Bouchard, but for the following week, I think we could have two meetings of three hours each, on Monday and Wednesday. The clerk could clarify that. If so, we definitely have to devote at least one of those three-hour meetings, either on Monday or Wednesday, to the freedom of expression study. It is essential that we also make progress on that study, or else we will not be able to fulfill our commitment.

• (1640)

[English]

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

Going forward, committee, next Monday, from 11 a.m. to 1 p.m., we will have here the CEO of CBC, Catherine Tait, as expected, for the full two hours. Then, on Wednesday 27, as expected—and this is the only date she can come—we have the new incoming CEO of CBC, Marie-Philippe Bouchard. She will be here for the full two hours next week, so on Monday we will have Catherine Tait and on Wednesday we'll have Marie-Philippe Bouchard.

What Mr. Champoux has talked about is the week after, in December. The House, as you know, has requested that we bring forward the CBC. On Monday, December 2, we have three hours set aside here for the expert witnesses dealing with the CBC.

Then on Wednesday, December 4, we have a three-hour meeting scheduled. We would do a number of things. We can give the drafting instructions and recommendations very quickly and then go to the protection of freedom and expression.

We are going to need a short report on the CBC. There is wishful thinking that on December 4, we would spend about 15 minutes, prior to the freedom of expression discussion, to give drafting instructions and recommendations on that day.

Then, the following week, on Monday December 9, we need to do the consideration and adoption of the CBC report for it to go forward that week to the House of Commons, as was instructed earlier.

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I am not especially pleased by what I have just heard, Mr. Chair. I have shown a lot of good will this fall. We have repeatedly delayed the study to make room for all kinds of other things. We will get to the end of the parliamentary session without having had the time to complete the freedom of expression study, including the reports, despite the commitments and compromises made in that regard by each of the parties here. So that does not leave me in a very good mood for our future discussions together.

Last week, we discussed a possible schedule with the Conservatives, by adding a meeting on Monday afternoon, but nothing was decided. And yet it was a completely fair and suitable suggestion that would have easily allowed us to complete the two studies in the time remaining. No one has said anything about it though.

So not only is this surprising, but we are also uncertain about the content of the upcoming meetings.

I understand that the analysts' work is very important, and we want to give the analysts what they need to do their job properly. On the other hand, if the suggested schedule were accepted, we and the analysts would perhaps have enough time to do the work without time pressures and without jeopardizing our commitment to completing the freedom of expression study within the agreed upon timelines.

I will leave that with you, Mr. Chair, because there are witnesses with us and we want to start working on the study today. That said, we should perhaps also start discussing the suggestion made, namely, to add a meeting on Monday afternoon in addition to the one on Monday morning, which would allow us to move forward more quickly on both fronts.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): The other option too, Mr. Champoux, is that on Wednesday 11 we have extended hours.

Mr. Noormohamed.

[*Translation*]

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Mr. Chair, we agree with Mr. Champoux that the work has to be completed as soon as possible.

We have a question for the analysts though. Are three days enough time to write the report and have it translated, or is that too quick?

[*English*]

Mr. Marion Ménard (Analyst): It's a real challenge.

[*Translation*]

Mr. Taleeb Noormohamed: Okay. That's something we have to consider.

[*English*]

Mr. Marion Ménard: That will be a short report, between 500 and 750 words.

Mr. Taleeb Noormohamed: We don't want to shortchange the quality of the report unless we think that is sufficient. I guess, then, the question becomes how we manage the time such that they have the time to do it justice. A six-meeting study and a 500-word report doesn't seem like it's....

• (1645)

The Vice-Chair (Mr. Kevin Waugh): We'll just go to Mr. Kurek and then Mr. Champoux again, if you don't mind.

Mr. Kurek, go ahead, please.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thanks, Chair.

Certainly, we just need to ensure that we try to coordinate as many pieces together.... Today I would have been happy to have three hours and two witness blocks.

Just as a note to try to work together, and for the benefit of the analysts, I'd be happy to explore the deadlines for dissenting reports. If there were any feedback needed, we could have all of that stuff figured out beforehand to make sure that we can, in fact, work within the tight timelines. I think that having a short report to ensure that we have what is required by the House order—trusting the analysts to make sure they encompass what that looks like, and then just trying to coordinate those different things happening all at once—would certainly be possible, but I think that extended time is entirely reasonable.

It would sure be nice to have a little more notice than the notice going out at 7:51 the night before, in terms of demands on the clerk, analysts and staff. I think that if we can forecast some of those things a bit ahead of time—we have a great panel today, which I'm looking forward to getting to shortly—just to ensure that we get the high-calibre witnesses that I know both of these studies demand, it would be important to have a little more lead time and planning for that.

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

Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: I will finish quickly because I don't want to draw this out any longer than necessary.

What Mr. Noormohamed said earlier is entirely true. We have known that for weeks though, and the suggestion that was made would have allowed us to meet for several more hours, starting this week. We could have met for two additional hours on Monday since the resources were available.

It is unfortunate that we now have our backs to the wall and are left wondering how we can do our work quickly enough so the analysts can do their job properly. The fact remains that if we had acted on the suggestion made last week we could already be making progress on both fronts simultaneously this week. I think we missed out on that.

We might still be able to catch up though. There is still next Monday when we could meet in the afternoon, in addition to the three-hour meeting in the morning.

We have to give ourselves the opportunity to do our work properly, Mr. Chair. That's what I'm saying.

[English]

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

I talked to the clerk this week. She had real difficulty, for whatever the reason, getting all parties' people in front of us. Some were committed last Friday, and then, all of sudden, on Monday they dropped out. We had one drop out today for technical reasons. The clerk has tried.

Is it the wish that we have an additional three-hour meeting on Monday, then?

First of all, is it possible? I'll ask the clerk that. I'll shut the mic off, because you may not want to hear the answer.

The clerk is willing to see whether there are additional resources for Monday, which will be November 25. Is it the will of the committee that we not only have Catherine Tait here for two hours but have up to an additional three hours about freedom of expression on Monday, if there are resources and if the clerk can get enough witnesses to come back for this? I'm open to suggestions here.

How about the Liberals?

How about the NDP, Matthew? Welcome, Matthew.

Mr. Matthew Green (Hamilton Centre, NDP): Mr. Chair, I'm always reluctant to support assigning more work to my colleague, but I understand that she would be okay with that.

The Vice-Chair (Mr. Kevin Waugh): Good.

Mr. Noormohamed, we've come to a consensus on this side. How about over there? If the clerk can find resources and get, maybe, two to three additional hours for a committee meeting, are you in favour of that?

Mr. Taleeb Noormohamed: I would have no problem with that. I think we need to do the math on whether or not it gives us enough time for Mr. Champoux's study. We're fine with it—if it works, great—but let's just work backwards to make sure we have met the requirements for all of these pieces. In principle, we have no issue with the three-hour meeting on Monday.

The Vice-Chair (Mr. Kevin Waugh): On Monday we have Ms. Tait for two hours, from 11:00 to 1:00. If we can get extra resources, we could go up to three hours as long as we get enough people forward.... No.

Go ahead, Mr. Champoux.

• (1650)

[Translation]

Mr. Martin Champoux: Mr. Chair, if we want to do things properly, we need to hold two completely separate meetings. I have trouble imagining two hours with Ms. Tait, and then reconfiguring the room to welcome other witnesses for an hour for another study. I don't think that would work.

We should add a meeting in the afternoon, after oral questions. It could be for two or three hours, depending on what resources are available.

[English]

Mr. Taleeb Noormohamed: It would be two hours in the morning and two hours in the afternoon. That's fine.

The Vice-Chair (Mr. Kevin Waugh): It's two and two, then. Okay.

Is it fine that we ask Danielle to see if there are resources for an afternoon meeting that may take place from 4:30 to 6:30 or, if we can, even to 7:30?

Matthew.

Mr. Matthew Green: Can you provide clarity on who's going when in terms of...?

The Vice-Chair (Mr. Kevin Waugh): Yes.

On Monday 25, we will have Catherine Tait here from 11 to one. Then, in the afternoon, depending on resources after QP, we probably could go from 4:30 to 6:30 or 4:30 to 7:30, depending on freedom of expression, if in fact Danielle can get the resources and if we can get our lists in to her so that we can get people in front of us. That has been an issue.

Are we all good?

Some hon. members: Yes.

The Vice-Chair (Mr. Kevin Waugh): There we are.

Well, welcome, everyone. We have witnesses in front of us here today. Thank you for coming.

As an individual, we have Stéphane Sérafin, assistant professor, University of Ottawa. Welcome.

Then we have, from MediaSmarts, Kathryn Hill, the executive director, along with Matthew Johnson, director of education.

You will have five minutes for your opening remarks, after which we will open the floor to questions.

We will start first with Mr. Sérafin for five minutes. When you're done, we're going to go to MediaSmarts for five minutes, and then we'll open the floor for questions and answers, if you don't mind.

Mr. Sérafin, lead us off for five minutes, please.

Mr. Stéphane Sérafin (Assistant Professor, University of Ottawa, As an Individual): Thank you, Mr. Chair.

My name is Stéphane Sérafin. I am currently an assistant professor at the University of Ottawa's faculty of law common law section, but I'm speaking here in my own personal capacity, so my views are my own and not those of my employer.

When I was first asked to speak before this committee, I found the framing somewhat odd. I was asked to contribute to a discussion, as the invitation said, "regarding the protection of freedom of expression and the means the government should have at its disposal to ensure its exercise."

While there are always things the government can do to advance freedom of expression, most of what came to mind were instances in which government action had recently served to undermine it, sometimes significantly.

I could cite many examples, but I'll limit myself to areas within federal jurisdiction. Two come to mind here. The first relates to my own experience as a university professor, and it relates to government funding of research that increasingly prioritizes so-called equity, diversity and inclusion requirements over other concerns or to the exclusion of other concerns.

In the university context, federal funding agencies have, for some time now, created special funding categories for DEI-oriented projects, and they have increasingly, and perhaps more concerningly, mandated compliance or a commitment to DEI as a requirement of obtaining funding.

On the face of it, equity, diversity and inclusion sound neutral and incontestable, and everybody, more or less, agrees with equity in the sense of fairness. Everybody agrees more or less with the value of diversity and the value of inclusion, but beneath these labels are hidden ideological commitments to a particular understanding of what equity means, what it means to treat people fairly, what a particular understanding of diversity means and the particular types of diversity that are valued. So it goes with inclusion as well.

To the extent that these requirements are imposed in the context of funding, it's not straight up censorship, but it does incentivize research to take on particular orientations and provides a strong disincentive for research to adopt alternative orientations, including orientations that might challenge or somehow criticize the premises of the DEI commitments. That's the first area of concern.

The second is more directly pertinent to Canada's democratic culture. It relates to certain bills that are currently before Parliament, in particular, that would serve to regulate speech in a way that is not necessarily content neutral and, worse yet, may criminalize or impose sanctions on the expression of factually true statements to the extent that they are considered inconvenient for the advancement of certain political causes.

One of the two bills I have in mind here is Bill C-413, which is the private member's bill titled, tentatively, an act to amend the Criminal Code with respect to the promotion of hatred against indigenous people. Most people would oppose hate speech. There's a particular concerning aspect of this bill in that it aims to target, as hate speech, or at least it could be interpreted as such, any conduct or any public expression of views that condone, deny or downplay the effects of the Indian residential school system.

The concerning aspect here is that these words—"condones", "denies", "downplays" and "justifies"—are all value judgments. We are here touching on the core of political expression, the core of democratic life in this country. To the extent that we are publicly... Anybody who might inject publicly a bit of nuance in this sense, who might suppose to raise factually true statements, could find themselves criminalized.

The last one I want to raise is the online harms act, Bill C-63, and particularly the provisions that would add jurisdiction to the Human Rights Tribunal to prosecute hate speech complaints against individuals online. This is a civil complaints process that also raises significant chilling effects, in part because here, unlike in the other bill, it's not a criminal act and it's not a criminal sanction, so it could be prosecuted at the instigation of private actors as well.

• (1655)

Thank you. I look forward to your questions.

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

We move now to MediaSmarts. I think, Kathryn Hill, you're going to speak first, even though you have Mr. Johnson with you. Your opening comments are only five minutes, so please go forward with that.

Ms. Kathryn Hill (Executive Director, MediaSmarts): Thank you, Mr. Chair.

Good afternoon, members of the committee. Thank you for the invitation to speak to you today.

My name is Kathryn Hill, and I'm proud to serve as the executive director of MediaSmarts. I'm joined today by our director of education, Matthew Johnson. While I'll be making our remarks, Matthew, who's our resident expert, will join me in responding to questions.

MediaSmarts is Canada's centre for digital media literacy. We're a not-for-profit charitable organization, and our vision is for people in Canada to be empowered to engage with media confidently and critically. To achieve this goal, we advance digital media literacy through world-class research, education, public engagement and outreach. Digital media literacy is essential to an informed and engaged populace and electorate. Canada is especially in need of a co-ordinated approach that moves beyond an only access- and skills-based understanding of digital media literacy.

Each of the four competencies of digital media literacy—the ability to access, to use, to understand and to engage with media of all kinds—is essential to freedom of expression. In a digital environment, both our thoughts and our actions are influenced by the design of the tools we use, whether that's a recommendation algorithm that preferentially feeds us outrage-provoking content or a user interface that prompts us to react without thinking.

At MediaSmarts we believe, based on our own research and work done around the world, that these three things are true: People should be free to express their opinions online; however, there are circumstances when limits on online speech are warranted—for example, if it endangers or harms others—and we need to educate people on how to have respectful and responsible dialogue online. While most people would agree there are circumstances when limits on online speech are warranted, we believe, and research shows, that promoting digital media literacy education is a complementary approach that is less intrusive and more likely to foster freedom of expression.

It was taken for granted that networked media would be a boon for freedom of thought and expression and would democratize access to media creation and distribution. The past decade has shown that censorship can take less overt forms, for example when members of marginalized groups are kept silent in online spaces for fear of harassment, or when the tactic—just one of many—known as the “heckler's veto” is used, when points of view are drowned out by harassment and abuse and then amplified by the algorithms.

Another impact of digital media on free expression is polarization. While research suggests that Canadians are actually not deeply polarized, media, specifically digital media such as social networks, make us believe that we are. The result of this false polarization is that when we try to engage with someone online, we start by assuming they hold more extreme views than they probably do and are more hostile towards us than they actually are. This threatens freedom of expression, because, if we believe people on the other side of an issue hold extreme views, we are less likely to engage with them in reasonable discussion. That's why we not only educate young people on how to shape the social norms of their online communities, but also teach them how to spot arguments that are based in hate and how to tell these hateful arguments apart from real debates. We help them to learn how to question their own beliefs and assumptions.

Civic engagement is happening online, so it's more vital than ever to ensure that all Canadians have the skills, knowledge and understanding needed to be ethical digital citizens. It is not sufficient to teach these skills only to young people. The constantly changing nature of technology in the media ecosystem makes lifelong learning essential. Whether our primary concern is disinformation, hate

speech and harassment or polarization, a strong commitment to digital media literacy and education is necessary to ensure that freedom of expression is balanced with critical thinking and positive civic engagement. We need a media-literate populace that can identify cases when regulation and legislation are appropriate and understand why the legislation or regulation may be critical to protecting human rights.

While the Internet has not turned out to be the utopia for free thought and expression that was once promised, it has, nevertheless, become where our politics and lives happen. We cannot cede this space to those who promote hate and deliberately spread disinformation, nor do we want to see heavy-handed limits on freedom of thought and expression. By prioritizing digital media literacy, we can create a more informed, respectful and engaged society, ensuring that the Internet remains a space for free and meaningful expression for all Canadians.

• (1700)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Hill, for those comments.

The first round, as always, is six minutes.

We'll start with the Conservative party and Mr. Gourde.

[*Translation*]

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

Thank you to the witnesses for being here.

It is quite a broad study. When we talk about freedom of expression, we are also talking about the limits on it, and in that regard there can be as many differences as there are individuals.

Young children, for example, behave with more transparency and say what they think, without realizing that it may please or displease others. As we get older, we realize or learn that what we say does not always please others. So we set limits for ourselves for the sake of decency.

In terms of our study, I want to know if there is an ideal framework for limits on freedom of expression. There is nothing perfect in the world of course, but how could we come up with such a framework?

My question is for both witnesses.

[English]

Mr. Matthew Johnson (Director of Education, MediaSmarts): One of the reasons we promote digital media literacy as a response is that it is so difficult to determine what the appropriate limits of free expression are, and, as we noted in our remarks, most people feel that the number of cases in which expression should be regulated by law should be few.

What our research has found is that the more young people, and, we believe, people in general, are empowered to shape the social norms of their own spaces and to speak out both to express themselves but also in response to expression they feel is inappropriate for their spaces, the less we need to rely on law or regulation.

That being said, we also know that the youth in our study appreciate having that as a recourse. We know, for instance, that in cases of cyber-bullying, a vanishingly small number are likely to turn to law enforcement or, indeed, any kind of authority in the first incident, but with each attempt to resolve it failing, they're more and more likely to turn to authorities such as teachers and, with enough failed attempts, significantly likely to turn to police.

It is important to have that sanction available. It is important to the youth in our study that the law be available as a tool, but we also know that, in general, they don't want to turn to it unless there is no other option. We also know that they want to have more opportunities to speak out, both in their own right and in response to speech they consider inappropriate in their spaces.

• (1705)

[Translation]

Mr. Stéphane Sérafin: That is a particularly tough question because it is a kind of metadiscussion. In a legal challenge or legal dispute on any other subject, rights can be discussed without discussing the framework of the rights themselves. Here we are debating the right to debate, which in itself raises questions.

What is available? What can we question in the public space? That is the question.

The challenge now is that we are witnessing a rather subjective conceptualization of what constitutes a prejudice. We do hear the word "prejudice" a lot.

I don't have an answer as to what would be an ideal framework in absolute terms, but I think we have to resist the temptation to label every disagreement or every opinion we don't like as harmful. That idea has to be rejected. If nothing else, we have to discuss the guidelines or objective criteria we can use to strike a balance between one person's freedom of expression and another person's rights.

Promoting violence, for example, is something objective. I think everyone would agree that inciting people to commit acts of violence is a limit to freedom of expression. To my mind, that would be part of the ideal.

As to subjective criteria, such as reading certain things on social media that might make a person uncomfortable or displease them, I think we should resist the idea that this is a basis upon which freedom of expression should be limited.

Mr. Jacques Gourde: With the advent of artificial intelligence, we are seeing completely fabricated videos. You could see me on social media, for instance, saying things that I never actually said.

Is fake news starting to infringe on freedom of expression?

Mr. Stéphane Sérafin: If I can address that in 45 seconds, I would say it isn't necessarily freedom of expression that is at issue.

To regulate that, we have to ask some questions about freedom of expression. For example, if obviously fake news is used for parody or satire, we can discuss imposing limits on that. For someone who produces or uses that kind of content, it is not necessarily their right to freedom of expression that is at issue, in my opinion. There are other rights, individual ones, in play.

Mr. Jacques Gourde: I think my time is up so if the witnesses have anything further to add, please submit them in writing to the committee.

[English]

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

We go to the Liberals for six minutes. Mr. Noormohamed, go ahead, please.

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

Thank you to the witnesses for being with us.

Professor Sérafin, I am interested in your statement, and I'm curious whether you can walk me through.... I actually think what you're talking about provokes a series of interesting questions related, in particular, to the notion of freedom and the way in which we deal with expression.

You have seen the good and the bad of conversations on campus. I've read some of your work. Campuses have become very interesting places for debate and discussion over the last little while. Briefly, I would like your honest opinion about what we hear as polarizing natures of conversation. We have Jewish students who feel that they can't speak their mind. We have students who are supporting the Palestinian cause saying that they feel their freedoms are being stifled in expression. In all of this, we are grappling with communities that are hurting, angry and frustrated. At what point does this whole notion of freedom, particularly of expression, become something that we need to be looking at differently, or are those debates, discussions and confrontations healthy for our democracy?

• (1710)

Mr. Stéphane Sérafin: Part of this is going to depend on the sorts of values you bring to it. If we're committed to pluralism and democracy, which I think most people or everybody here probably should be, then there are very difficult conversations we have to have. In particular, the question of Jewish and Palestinian groups, or pro-Israel and pro-Palestine groups, on campus has been a very difficult issue for universities.

There are two approaches you could take to this. You could take a heavy-handed approach. You could also take an approach that....

One concern I would have, let's say, with the online harms bill, is that the groups most likely to weaponize this are actually both of those groups in particular, at least in the current context. The moment that provision comes into effect, if it comes into effect, I would anticipate a number of complaints filed on both sides, by Jewish and pro-Palestine groups. I would suggest that having this mechanism that requires the state to decide these disputes as an expression of hate on one side or the other, is not a healthy approach to resolving these issues. There need to be more means-based approaches to dealing with these issues. For example, on-campus protests should be permitted, but we should also recognize that there are limits to what on-campus protests can do.

Mr. Taleeb Noormohamed: This is what I was getting at. If you look at the notion of limits, then this goes to the question of.... You talked earlier about language that is.... Somebody gets to be the arbiter of that. How do we decide or who gets to decide what is the arbiter of reasonableness? Different colleges and universities have different accordions of what in their view is appropriate and what is not.

I actually tend to agree with you. I think that, on campus, it's really important for us to create environments in which people can have very thoughtful, healthy debates. If we take that away from young people and we don't create the environments in which they can have those conversations in a thoughtful, meaningful way, I think it can have profoundly negative impacts, not just on their learning but on society at large. I'd love your thoughts on how you think about limits in that context.

Mr. Stéphane Sérafin: The problem of who decides is a fundamental problem. All these terms, regardless of what you put in the statute, always have to be interpreted by someone.

What I would suggest is that, if you want to avoid needlessly polarizing these debates, using "hate speech", for example, as a concept to police what people can and cannot do is probably not the appropriate way of doing it. No one likes to have their political views labelled "hateful", especially when they're expressing views that are held by, in some cases, a plurality or a majority of Canadians. To have those views labelled "hateful" is something that leads to needless polarization. If you want to resolve these issues in a healthy way, then things like, for example, restricting who can use public spaces in a viewpoint-neutral way would be a preferable solution.

Mr. Taleeb Noormohamed: Let's talk, then, about workplaces. What would you say to people who are being told by their managers that what they say is going to be monitored by them, what they say is going to be checked on to make sure that the managers

are okay with it, and those managers are not going to let them say certain things or express their concerns or their advocacy for something in a certain way? What would you say to people in those workplaces?

Mr. Stéphane Sérafin: I mean, it depends on the workplace. Fundamentally, this is a question of what's relevant to the workplace. If it's essential to maintaining a collegial workplace that certain views not be discussed in the workplace, then there's a legitimate reason for the employer to do that. Now, it depends on what type of position is involved. As an academic, the expectations for me are different from those for someone who works a standard office job.

Mr. Taleeb Noormohamed: What about for elected officials?

Mr. Stéphane Sérafin: For elected officials, generally speaking, you should have fairly broad discretion in what you can say.

Mr. Taleeb Noormohamed: Would you say that a leader of a political party should say to their members of Parliament that they're going to monitor every word they say and they're going to punish them if they say something, and/or that they cannot advocate on behalf of their communities?

Would you say that's a reasonable thing for them to do, or do you think that stifles their freedom of expression?

• (1715)

Mr. Stéphane Sérafin: Well, that's a legitimate decision for a political leader to make, insofar as I'm not privy to the internal conversations. I'm assuming that they've decided, for all sorts of reasons, that they would prefer to have these conversations internally rather than airing them in the public sphere. It's a decision—a political decision.

Mr. Taleeb Noormohamed: Do you agree with it?

Mr. Stéphane Sérafin: I don't disagree with it. I don't think there's an issue with it in principle, so long as the members.... If the members feel like they are in conscience unable to tolerate this, then they can always just decide to leave caucus. Isn't that right?

The Vice-Chair (Mr. Kevin Waugh): I have to move on.

Voices: Oh, oh!

Mr. Taleeb Noormohamed: I was just getting to the good stuff.

The Vice-Chair (Mr. Kevin Waugh): I know you were.

Go ahead, Mr. Champoux, for six minutes.

[Translation]

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

For a few moments, I thought my colleague Mr. Noormohamed was referring to the Canada Revenue Agency when he asked if an employer could decide what their employees can or cannot say. It is in fact similar to the situation at the CRA, which people are talking about these days. CRA employees, whistle-blowers, reported cases of fraud and mismanagement.

Do you think it is appropriate for CRA executives to try to find those whistle-blowers to silence them? Are such practices defensible in that context?

Mr. Stéphane Sérafin: That is also a difficult question.

In that situation, employees have two contradictory duties. On the one hand, they have a duty to be loyal to the employer. On the other, you have to consider the type of job, which is in the public service. So there is a duty to the public, broadly speaking.

In theory, I do not have a strong opinion on that. I would have to think about it some more to really answer your question.

Mr. Martin Champoux: In that case, I encourage you to think about it some more and provide a written reply to the committee by email, if you wish. I would be very interested to hear your opinion on that.

I will now turn to Ms. Hill and Mr. Johnson, from MediaSmarts, a Canadian digital and media literacy centre.

I am delighted to meet you today. I have always said that education is essential to online safety, and I believe that is your focus, broadly speaking.

My question is a bit ironic: In your opinion, how many years behind are we in terms of digital literacy?

[English]

Ms. Kathryn Hill: I would be hesitant to say how many years behind we are. I can reflect that Canada as a country is behind other nations. We know this because most of the other industrialized nations in the world—the European Union and Australia, South America, the Middle East—have identified and developed digital media literacy education strategies for their countries, for their nations. Some have been in place for 20 or 30 years. Some have been put in place as recently as the past five years, and they have made amazing progress in those five years. The United Kingdom, for example, implemented its strategy five years ago. They've had spectacular results in terms of building the education levels and the resilience of their citizens. We are definitely behind.

[Translation]

Mr. Martin Champoux: In that case, let me rephrase my question.

I read recently that Finland has no problem with disinformation. Rather, I should say that it is not a target of Russian disinformation or interference, precisely because it has a digital literacy program starting with very young children.

If we start doing things properly now, how long would it take us to guard against those kinds of threats from a rogue state, which Russia could be in that regard? Is there still time?

[English]

Ms. Kathryn Hill: Absolutely, a hundred per cent. It's never too late to start.

Many of us look to Finland as an example. They have been doing this work for 30-some years, appropriately so because of where they're located and what was propaganda and became false news, fake news, misinformation and disinformation.

If we look to the United Kingdom, as I just said, they started five years ago and have made tremendous progress. They are starting now to be able to measure the actual levels of media literacy in their population.

It is possible. It doesn't need to take us 20 years. If we can dedicate the resources, we can do this.

• (1720)

[Translation]

Mr. Martin Champoux: Yes, we can start with children, but adults also have to be educated because I think many adults are still lagging quite far behind.

[English]

Ms. Kathryn Hill: One of the key features of Finland's success is that it's lifelong learning. We have learned that. We used to focus only on children and youth in the education system. That is no longer acceptable. It must be lifelong. They're starting before kindergarten, and they're going all the way through to senior citizens' homes, continually and consistently.

[Translation]

Mr. Martin Champoux: That's wonderful.

Mr. Sérafin, you referred earlier to diversity, equity and inclusion criteria. We are not opposed to doing the right thing. No one is opposed to apple pie. Everyone supports good values, such as diversity, equity and inclusion. Everyone agrees with the principle. What many people disagree with, including me, is so-called positive discrimination, since discrimination cannot be positive, in my opinion.

Even if it takes more time, is there a way to reach the diversity and inclusion objectives without necessarily imposing restrictions that penalize other groups that have thus far enjoyed clear advantages?

Mr. Stéphane Sérafin: I would say yes, but first we have to clarify what objectives we truly want to achieve.

One of the problems with these criteria is that people talk about diversity, equity and inclusion without defining them. There is certainly an idea underlying those statements. When I say there should be a commitment to diversity, equity and inclusion, that is because it certainly refers to something very specific, which, however, is never explicitly defined.

I would start by saying that we must first spell out the real objectives we want to attain. Then we can debate the various methods available to reach those objectives. Without clear objectives, it is more difficult.

For example, if we really want certain groups represented in order to have a perfect representation of Canadian society, if we think that's something that we really want in every sector of the economy, then we have to say so.

Mr. Martin Champoux: Would you agree that if—

[English]

Mr. Kevin Waugh: That's six minutes, Mr. Champoux, six minutes and 15 seconds, actually.

We'll go to the New Democratic Party.

Mr. Green, welcome to Heritage. You have six minutes, please.

Mr. Matthew Green: Thank you very much.

It's a pleasure to be here, and, of course, welcome to Kathryn and Matthew, who both attended the ethics committee and presented on disinformation and misinformation.

I'm going to put a series of questions to you in this round. I want you to know that you can speak with candour at this committee. Don't feel that as a non-profit you have to protect yourself. We really look for the vigour of your response.

I want to begin with your organization. You've been educating people on this for quite some time. In fact, if I recall, at ETHI, you gave us two recommendations. One was that parliamentarians become educated and have digital literacy. The second was that for 15 to 20 years you've been after this government and the government before to implement media literacy, as you've described in your opening remarks.

I'm reflecting on that and thinking about how much of a difference it would have made if we had started this work 20 years ago, given where we are in this moment, particularly as it relates to disinformation. I'm going to draw a comparison here, and I want you to follow along with me.

In the United States, there was a shock jock, Alex Jones, at Infowars. His whole outfit was about basically "flooding the zone", or, as Steve Bannon would call it, cognitive warfare on the truth, on the public discourse, for a far right agenda. In that far right agenda, he used his platform to disparage the victims of Sandy Hook. He called them "crisis actors" and was sued in a substantial lawsuit that ultimately bankrupted his entire operation.

In the defence of that, though, his lawyers came out and said that no reasonable person should have thought that what he was actually saying was the truth. In an age that is beyond objective truth and facts and journalism, how harmful is that kind of cognitive warfare on the public? It relates to flooding the zone with misinformation, and then, in a legal context, a very specific context, a context-specific setting, you just go ahead and have your lawyers say, "Oh, he didn't really mean it."

Mr. Matthew Johnson: We really can't speak to the legal context—that's outside of our area—but, obviously, we do believe that disinformation and conspiracy theories can do tremendous harm. Even if they don't do harm with the specific content, we know they do harm to the public discourse and, as a result, free expression, because they weaken our common sense of reality.

For instance, returning to the question of deepfakes that was raised earlier, we know that one of the biggest concerns about deepfakes is not necessarily that people will be fooled by them, but rather what's called the "liar's dividend": that the existence of deepfakes allows people to claim that they didn't say or do things that

they actually did, but also allows us as individuals to not believe something is true if we don't want to believe that it's true.

• (1725)

Mr. Matthew Green: That's an important point, because I would put to you that in politics there's a liar's dividend.

I'll give you another example. Again, in this age of disinformation, I think it's safe to say that.... Well, I would ask you. I don't want to put words in your mouth. Would you not agree that elected officials or government officials have a much higher duty of honesty, candour and truth? Would you agree with that statement?

Ms. Kathryn Hill: We agree that all people who hold public office, all public figures, are looked to as leaders, so it's important, yes.

Mr. Matthew Green: Would you not agree that statements made by government and political actors ought to maintain a high standard of truth, particularly when it comes to government policy?

Mr. Matthew Johnson: I think we can say from the research that's available that when people who are seen as leaders spread mis- or disinformation, it is more likely to be taken as true by people who see them as leaders or authorities.

Mr. Matthew Green: Without taking a far leap, I'm going to put to you another example. It's the example of clean drinking water.

The Liberal government promised that there would be clean drinking water, yet right now in court its lawyers are basically arguing that these utterances are just context-specific and not something that anybody should believe.

When federal lawyers have to stand up in court and say, "No, Liberal ministers can't be believed," does this not undermine and erode the fundamental principles of democracy and trust in our system?

Mr. Matthew Johnson: I'm not sure that we can really speak to that specific example.

Mr. Matthew Green: Could you speak to an example of where a liar's dividend—whether it's at campaign time or as part of a public-facing communications campaign—says one thing in public and then legally argues something completely different, and is in fact a form of disinformation and misinformation?

Ms. Kathryn Hill: It has not been identified by the research as a form of disinformation or misinformation, so it's not something that we've researched or studied.

Mr. Matthew Green: Would it fit in the liar's dividend?

Ms. Kathryn Hill: I think what needs to be paid attention to is the intention, the deliberate intention knowingly to deceive. Is that—

Mr. Matthew Green: Yes, as argued by the lawyers in court. I appreciate that.

I'll go on to another example, because we have many.

The Vice-Chair (Mr. Kevin Waugh): You have 30 seconds left.

Mr. Matthew Green: Well, that doesn't feel like enough runway.

Do you believe in the concept of hate speech?

Ms. Kathryn Hill: Yes.

Mr. Matthew Green: Do you believe in the concept of section 1 of the charter, which is a reasonable limit to freedom of expression?

Ms. Kathryn Hill: Yes.

Mr. Matthew Green: Would you agree that denial of the Holocaust is a form of hate speech?

Ms. Kathryn Hill: It's not an area that I would....

Mr. Matthew Green: Mr. Sérafin, do you believe that denial of the Holocaust is a form of hate speech?

Mr. Stéphane Sérafin: I'm not sure.

Mr. Matthew Green: Please expand on that.

The Vice-Chair (Mr. Kevin Waugh): Well, he can in the next round. We're already at six minutes and 15 seconds. Thank you.

We'll do the second round. We will do five minutes from the Conservatives, five from the Liberals, then two and a half each for the Bloc and the NDP. We're going to conclude the second round with five minutes Conservative and five Liberal, and then we'll call it a day, okay? This is the second round. Then, after that, we will be on our way.

Mr. Jivani, you have five minutes for the Conservative Party. Away you go.

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

I have some questions for you, Professor Sérafin.

Many Canadians express great concern over Justin Trudeau's censorship agenda, and Bill C-63 is a piece of legislation that is part of that agenda. You've written about that bill for the Macdonald-Laurier Institute. In particular, I'd like to ask you about one of your comments and have you just elaborate on it.

You wrote, in reference to Bill C-63:

...it is not inconceivable that remedies might be sought against other kinds of online content distributors in an effort to have them engage in proactive censorship or otherwise set general policy with little or no democratic oversight. This possibility is certainly heightened by the way in which the existing directed remedies for anti-discrimination have been used to date.

Could you elaborate on that point?

• (1730)

Mr. Stéphane Sérafin: Yes. The main example of this is.... I talked about the EDI stuff and higher education earlier. There's also the Canada research chairs program, which is subject currently to a rather strict quota system that I think was a subject of controversy a year or two ago.

Actually, that quota system is the result of a Canadian Human Rights Tribunal settlement. The Human Rights Tribunal settlement essentially consecrated an agreement between the government and the plaintiffs in that human rights complaint, which had as an effect to completely overturn the entire way in which the Canada research

chairs are awarded. Now there's a strict quota system in place because of that, so it's not inconceivable.

My suggestion was that there are some provisions in the wording of the proposed amendment to Bill C-63 that would suggest that orders against content distributors in and of themselves are off the table, but that's a question of interpretation. It's not inconceivable in that context that there would be a possibility of an order against someone who was found to be doing more than just distributing content, to proactively adopt certain measures to, for example, prevent marginalized voices—as they are conceived—from being censored, which would maybe mean censoring other voices instead.

Those are the kinds of things I had in mind when I was writing that.

Mr. Jamil Jivani: Do you empathize with Canadians who have concerns over the centralization of power and control in federal bureaucracies over what people can see, hear and say online?

Mr. Stéphane Sérafin: Yes.

I mean, ultimately, I think it's a question of what Parliament intended. Parliament can intend a broad delegation of authority to, say, the Human Rights Tribunal. It's perfectly legitimate. I'm not one of the people who would deny the legitimacy of administrative law writ large.

That said, there are trade-offs involved. If you're going to delegate to regulation-making bodies or administrative decision-makers, then you are, necessarily, undercutting the sort of representative nature of the legislative process. For example, going back to the Canada research chairs program, this is a decision that was made with no public consultation and turned out to be quite controversial.

The public wasn't even aware of this. In fact, I don't think most people know how this settlement came about at all. They're not even aware of the case. That's the issue with these kinds of measures.

Mr. Jamil Jivani: Yes. I'll put forward an example to you of where giving someone like Justin Trudeau so much power to decide what would be objectionable to say online could be problematic.

You may recall that in 2018 it went viral that a lady in Quebec had expressed concerns over immigration policies and Justin Trudeau called her a racist. You fast-forward now to 2024, and Justin Trudeau is now admitting that those policies were bad for our country. He has not called himself a racist for admitting that. It gives a very clear example of where the definition of these kinds of things can be easily politicized and why centralizing that kind of power and control in the hands of a federal government could be a problem.

What would you say to that?

Mr. Stéphane Sérafin: It's not just limited to government oversight. This is a broader issue with the way that these words—like “racist” and all the other epithets you can think of—are used in the social media context. It's completely arbitrary in a lot of cases. One day, it's okay to say something. The next day, it's not okay to say something.

I would suggest that it's not even just a function of centralization and government bureaucracies, although removing the public oversight creates additional risks, perhaps. Just the way that these things change for no apparent reason presents, I think, significant risks to, say, banning hate speech. What counts as hate speech can change from one day to the next.

Mr. Jamil Jivani: I think we're low on time, but I would say that I think your testimony and your writing affirm why so many Canadians are concerned about what we're seeing from Justin Trudeau and the Liberal government.

Certainly, with Bill C-63 you raise a lot of important considerations that need to be made and that speak to why Canadians are so unhappy with what's happening right now.

Thank you.

Mr. Kevin Waugh: Thank you.

We go to the Liberals for five minutes.

Go ahead, Mr. Coteau.

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

Thank you to our witnesses for being here today.

MediaSmarts, you're doing great work. This is much-needed work. I think the advancement of digital literacy and digital media literacy is so necessary today, and I appreciate the work you're doing.

I was the executive director of a national literacy organization called AlphaPlus. We did a lot of work on digital literacy with the essential skills. Back then, the main conversation was around how you give people the tools to really move within the digital world. Now, the complexity has grown so much that it's about not only moving within it, but finding out what actually is real in the maze that presents itself to you.

Ms. Hill, you spoke about the algorithm. On the algorithms that are out there today.... We actually did a lot of studying as a committee with the big tech companies, on algorithms and how they're used. They're hidden as code. Really, as a society, we still don't understand how they work, but we can figure out some things.

Does the algorithm itself create censorship? Is that an argument that's out there? It doesn't have to be your opinion, but is there a discussion happening about whether the algorithm itself creates censorship and limits our ability to express ourselves?

• (1735)

Mr. Matthew Johnson: We do have evidence that recommendation algorithms lead to self-censorship, because one of the things they do is to favour certain content and down-rank, or shadow ban, other content. This is not transparent to users, to people who are participating on these platforms, so in many cases, people will be particularly cautious to avoid using terms that they think might have them down-ranked.

Sometimes they will use so-called "algorithmspeak", which is a code word that people in the community know stands for a particular word that they expect will get them down-ranked. Of course, this

means that people who are not yet members of the community don't have access to that conversation.

We also know that even in creating content, particularly people who are commercial content creators, they feel a very strong pressure to create not necessarily the content that they want to express, but the content that will be favoured by the algorithm.

Mr. Michael Coteau: Do you have an example of that? Have there been big examples of where that algorithm has led to specific individuals being pushed down and to having their voices quieted online?

Mr. Matthew Johnson: We do know that there were cases in which the discussion of certain topics, such as sexual violence, is believed to be down-ranked and that algospeak was developed to be able to talk about it. Discussion of sexual orientation and gender identity is believed to be down-ranked on some apps. Again, I say "believed" because we don't know due to the lack of transparency.

In many cases, even the people who operate these platforms don't necessarily know, because these are not programmed algorithms; they're machine-learning algorithms that are trained on datasets. Therefore, they can very easily encode existing biases without their operators even necessarily being aware or intending for them to do so.

Mr. Michael Coteau: What age demographic do you work with? Is it right across the board, or do you focus a little more on young people?

Mr. Matthew Johnson: We focus a little more heavily on young people, partly because that's what we've always done. It's also because, of course, schools are a ready-made way of reaching or of getting our material to people. We also know that parents play a tremendously important role. Our research has shown that again and again. Increasingly, we are developing programs and resources for the entire population.

Mr. Michael Coteau: It's interesting. I remember even 10 or 12 years ago, the average screen time for a young person in Ontario was five hours, and that was considered really bad. Now it's 12 or 13 hours. There's a lot of information being downloaded into that child's brain, and it has a huge influence on their ability to navigate within society.

Suppressing expression is a big challenge within itself. What advice would you give a teacher or a parent when it comes to allowing a child's voice to fully develop so that they can express themselves in the most meaningful way without those external influences silencing their voice?

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

Mr. Matthew Johnson: I would say it's important for young people to be aware that the voice that seems like the majority in an online space or a media space often is not. We know that the loudest voices are often taken for the majority, but we also know that it takes a relatively small number of people speaking out to change what is seen as the majority or consensus view.

• (1740)

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

We will go to Mr. Champoux for two and a half minutes.

[*Translation*]

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

Mr. Sérafin, we know that the right to be offended does not exist. That also falls under freedom of expression. We have to remember that.

We are nonetheless in an era of hypersensitivity. Some people are very thin-skinned and react very strongly to comments that they consider offensive.

Do you think that the pressure created by this atmosphere of hypersensitivity could one day lead to legislative changes? Mr. Johnson talked about people starting to censor themselves because they know that certain comments might be offensive to certain people. We are walking on eggshells, in effect.

Can this kind of pressure become dangerous in a society? Can it lead to legislative changes that would in a way infringe on basic freedom of expression?

Mr. Stéphane Sérafin: The answer is yes.

Actually, that is probably my chief concern in this context. The atmosphere is one of hypersensitivity. The main problem is that people are redefining concepts. In the past, they might have felt offended by certain comments and said they didn't like them, essentially. Now they say those comments constitute prejudice. The concept of psychological prejudice or moral prejudice has gained traction, especially in private law, a field in which I do a lot of research. What was simply offensive or disturbing to some people in the past has suddenly become an attack on them in a sense. That becomes very dangerous territory indeed for freedom of expression.

Mr. Martin Champoux: We have also seen that kind of thing in the arts world. Many artists and creators have really held back or completely withdrawn some of their works in response to pressures from various groups.

Thank you very much. I think my speaking time is up.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): You actually have 20 seconds left.

Voices: Oh, oh!

[*Translation*]

Mr. Martin Champoux: In that case, I want to thank the witnesses for being here today.

Thank you very much. It has been very informative.

[*English*]

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

I'll give two and a half minutes to Matthew Green from the New Democratic Party.

Mr. Matthew Green: Thank you very much, Mr. Chair.

I'll take the bait.

Mr. Sérafin, let's not beat around the bush. Let's talk about the University of Ottawa. Let's talk about freedom of expression.

In your estimation, is the use of the N-word prejudice?

Mr. Stéphane Sérafin: I don't think it's appropriate to simply state it.

That said, the idea that any word... Forget the cultural taboo around this word. The fundamental, underlying problem here is the idea that a person can say that the mere utterance of a word, no matter the context, is somehow inappropriate, and hold a veto right over other persons saying that word.

Mr. Matthew Green: Have you, in your experience as an academic, had to use the word?

Mr. Stéphane Sérafin: I have not.

Mr. Matthew Green: Has it hampered you in any way?

Mr. Stéphane Sérafin: That's not the point.

Mr. Matthew Green: That's the question I'm asking you.

Mr. Stéphane Sérafin: Has it hampered me? No. However, I don't teach courses in which it would be relevant for me to use it.

The case you're probably thinking of—

Mr. Matthew Green: Do you believe the use of that word in some contexts could constitute hate speech?

Mr. Stéphane Sérafin: Well, if I use it to describe someone to their face, absolutely, it is.

Mr. Matthew Green: Are you a free speech absolutist?

Mr. Stéphane Sérafin: I'm not a free speech absolutist—absolutely not.

Mr. Matthew Green: Okay. Thank you. That's all there is for that.

Regarding the media landscape we have, we know mainstream media is the digital world now, as well. However, there seems to be the emergence, as I spoke about earlier, of Infowars, far right conspiracies and all of these other things taking hold right now.

In your estimation, how important is it to have a regulated media landscape that has accountability and journalistic standards?

Mr. Matthew Johnson: I don't think we can speak about government regulation.

We can say that journalistic standards are a key part of how we identify whether or not a source is—

Mr. Matthew Green: Who's going to regulate them, if not the government?

Mr. Matthew Johnson: Where the standards come from is not something we have an opinion on. It's something we educate people about. We educate people about what the markers are of a source that is sufficiently reliable to be worth your attention, because there is so much information coming to us all the time. Our initial task is always going to be separating—

Mr. Matthew Green: I'm going to reclaim my time, because I—

• (1745)

The Vice-Chair (Mr. Kevin Waugh): You have 15 seconds.

Mr. Matthew Green: On Monday, we heard from other experts who gave testimony on how important truth-seeking, trained journalists are to ensure our society is not being misled, yet we have partisans attacking the validity of mainstream media. How dangerous is that, in terms of the general public gauging what is and isn't true?

Ms. Kathryn Hill: To Matthew's point, what we think is critically important.... The luxury of just absorbing what we hear or see no longer exists for any of us. We need to have the verification skills to do that. It is unfortunate that this is our current situation, but this is the current situation, along with AI, deepfakes and everything else. We have to be vigilant, as consumers of information. However, it's also incredibly helpful to have standards.

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

We'll go to Mr. Kurek from the Conservatives for five minutes.

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

Thank you to our witnesses for what has been a very productive conversation today.

Professor Sérafin, we've talked about Bill C-63. One of the concerning aspects I read in that bill is.... Nobody disagrees with wanting to protect especially children from online harms, but the key is how you do it. In some of the language that is proposed, it changes from an objective measure of hate speech to a subjective one, including words that may discredit, humiliate, hurt or offend.

It's especially that last word that is I think so deeply problematic when I read this bill. I'll use the example that I shared the other day. Because I support the oil and gas sector—and there is, ironically, a bill before Parliament that would make it illegal to advertise for that—there have been Liberals in Parliament who have said that my views in support of the oil and gas sector, as a key part of the economy in the regions I represent, are somehow hateful.

With what I've described there, Professor Sérafin, I'm just wondering if you could expand a bit on the impact of changing from an objective measure of what would incite violence and harm, for example, versus a subjective measure, which could be as low as somebody being offended by what somebody says.

Mr. Stéphane Sérafin: A very simple way of putting this difference is that when you shift to a subjective standard, you're just formalizing the heckler's veto. That's what you're doing. You're giving anyone who claims offence and who claims offence and wants to

express that.... There are some people who won't want to do it, but anybody who wants to claim offence is going to be able to do that and effectively gain heckler's veto, because they, in theory at least, have a claim against the other person for hate speech. They can get damages and other sorts of remedies for that under the proposed amendments.

The concern is precisely this: Instead of having some kind of objective standard that weighs both the expressive rights of the one party and the rights of the other party, you're one-sided the conversation. You're saying it's the offence that matters and we don't have to take into account the expressive rights of the person entirely and also the values they embody, like democratic participation and everything else.

Mr. Damien Kurek: I appreciate that.

For the folks from MediaSmarts, thanks for being here.

I think this touches on part of what your organization does, which is educating people and helping them to make informed decisions and understand that freedom of expression can include differing opinions, including opinions that might be offensive.

When I read that portion of the bill, should something that offends someone be a measure that could result in banning from social media? Should the minister have the ability to create an administrative process that would ban somebody from being able to share an opinion? Would that be concerning versus teaching people how to effectively engage in civil society in the debates we should be able to have?

Ms. Kathryn Hill: I think my answer is going to disappoint, because we're not legislative experts, and we don't know the legislation well or have staff who can do that.

What I can share is that we will always support that education needs to be considered. What I would say and what is our concern is that education is missing from the bill, and it is, as you're describing, a critical part of the solution for how we're going to get to a better place. This is our goal. I know that it's a long-term solution, so it's not as exciting, perhaps, as some others, but it is an important and evidence-based one.

Mr. Damien Kurek: Teaching people to be able to argue is, I think, one of the beautiful things that Parliament is supposed to do.

Professor Sérafin, just in the last minute or so, on your experience as a professor facing some of those challenges—the DEI, while well intended, and some of the possible negative consequences of that—is there anything you'd like to add to that in the next 30 seconds or so? I know it's a big subject.

• (1750)

Mr. Stéphane Sérafin: The only thing I'd add to that in 30 seconds is that if you value universities as centres of intellectual life and as cultural contributors, then you would think that in a robust democratic society they would have viewpoint diversity reflected as well. EDI policies are part of the problem. They're not the only problem affecting universities, but they're definitely contributing to those problems right now in universities.

Mr. Damien Kurek: Have you faced some of those challenges yourself?

Mr. Stéphane Sérafin: I have, yes, and I can get into it, but I don't think I have enough time to do so.

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

Mr. Damien Kurek: Please feel free to submit more information, if you're so inclined.

The Vice-Chair (Mr. Kevin Waugh): Yes, you can submit information to the clerk. You're more than welcome to submit it to the clerk at any time. Make it quick, though, because our report will be done the second week in December.

Ms. Lattanzio, go ahead for five minutes.

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

Ms. Hill and Mr. Johnson, your organization has partnered with The Canadian Journalism Foundation to work on enhancing trust around quality journalism. Can you tell us more about why you believe that quality journalism needs support at this time? What are some of the challenges that quality journalism has experienced over the last few years?

Ms. Kathryn Hill: The Canadian Journalism Foundation has projects that we have been a part of or that we have worked with. We don't have expertise in the area of what the problems are or, to specifically answer your question, of what a remedy is. We do refer to, and reinforce heavily with everyone we work with, the importance of journalistic standards and of being able to know what makes a source verifiable. Professional journalism allows us that opportunity to determine what is a reliable source and, then, to put our trust in that source.

Ms. Patricia Lattanzio: Go ahead, Mr. Johnson.

Mr. Matthew Johnson: I would highlight, as well, that identifying that a source is reliable is not the end of critical thinking; it's the beginning of critical thinking, where the skills of verifying sources tell us which sources are worth reading closely. We're not advocating that people blindly trust everything they read in a legitimate news source, but rather that they sift out things that are not worth their attention so that they can apply their critical thinking to those reliable sources that deserve it.

Ms. Patricia Lattanzio: Have they made recommendations to you? Have they been specific? If they have, would you be able to share those recommendations or those findings with the committee?

Ms. Kathryn Hill: Has the CJF made recommendations? No, not at all. We have not had those conversations with them.

Ms. Patricia Lattanzio: Have you not had them yet, or...?

Ms. Kathryn Hill: It's not part of our mission, our vision or our work.

Ms. Patricia Lattanzio: Okay. I'll go back to some of the questions that were asked this afternoon, in terms of establishing that public trust. We've made comments around the table in terms of the role of politicians. Do politicians who mislead the public with regard to false notions—we've heard about people being forced to eat bugs or about the non-existence of a dental program that a million people have been able to access to date—enhance or hurt the trust of the public, in your opinion?

Ms. Kathryn Hill: As we've stated, I'm not familiar with these specific examples. However, what we do know, from our work with young people and from work in the field, is that it is really important for authority figures, figures in whom people have trust, to be as truthful as they possibly can and to share good, factual information. That helps to build trust in democracy and trust in institutions. We know that if people with influence deliberately share misinformation or disinformation, that has more impact than if it came from elsewhere.

Ms. Patricia Lattanzio: You spoke extensively in your opening remarks on the key of digital media literacy and on educating the youth. Can you explain exactly where this takes place? Are you invoking programs in schools? How are you ensuring that the youth are media-savvy or able to distinguish among what is true, what is factual and what the sources are? How are you helping to implement this for the youth?

• (1755)

Ms. Kathryn Hill: We've been doing this work for about 26 years. We were started by a group of concerned citizens. We're a completely independent charity. We seek funding from multiple sources.

We started to create resources for educators. We have a suite of resources, lesson plans, workshops, games, activities and tipsheets for parents and for educators. All are available on our website, free of charge, in English and in French. Everything is always bilingual and always free of charge. It's there for any educator in the country to use in the classroom.

We also provide resources with broad public awareness campaigns for adults. We've done work with new Canadians. We've done work in shelters. We've done all kinds of projects to help increase the digital and media literacy of our citizens.

Ms. Patricia Lattanzio: My last question is for you, Mr. Sérafin.

I'm going to give you the opportunity now to answer that question: What do you think of Mr. Poilievre's decision to muzzle his MPs, who are seeking to defend and advocate on behalf of their community for such programs as housing?

Mr. Stéphane Sérafin: My answer is this: I don't know what I think about Edmund Burke's views about parliamentary democracy. This is a debate that I think relates to the relationship between individual, elected parliamentarians and their constituencies.

Honestly, I don't have a strong opinion on this.

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

Voices: Oh, oh!

Mr. Damien Kurek: I can assure him that the Conservatives are free to support our leader, and—

Voices: Oh, oh!

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

Voices: Oh, oh!

The Vice-Chair (Mr. Kevin Waugh): Let's come back, here. Come back to the chair, please.

You're out of time. Yes, that was five minutes and 20 seconds. Thank you, Ms. Lattanzio.

Mr. Sérafin, I think you were asked at one point if you would submit a brief. If you want to submit a brief, you have until December 6. Then the analysts will work over the break. When we come back in January, we should have the makings of a report.

I want to thank you.

I also want to thank Ms. Hill and Mr. Johnson.

For the committee, on Monday from 11:00 to 1:00, we will have Catherine Tait.

For the continuation of the freedom of expression study, the clerk is trying to add from 3:30 to 5:30 or maybe 6:30, depending on resources. The problem we have is this: We don't have enough witnesses, so please get to Danielle as soon as you can with a list of witnesses. We're having some issues. Some have agreed, then

backed out for various reasons. If we're going to extend on Monday for two or three hours, she needs to get on this right away so we can have that extra time on this report.

Is the committee in agreement, then? Okay.

Yes, go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: I know other people have committee on Monday afternoon. When will we know from the clerk whether we have resources? That's so we can plan substitutes and whatever we need to plan.

The Vice-Chair (Mr. Kevin Waugh): She's hoping it's as soon as possible.

I saw the list of committees for Monday. You're right. It's fairly heavy.

It's as soon as she can get back to us. It's all about resources.

Mr. Taleeb Noormohamed: If we can't, we'll have to figure out an alternate plan.

The Vice-Chair (Mr. Kevin Waugh): Yes.

Mr. Coteau.

Mr. Michael Coteau: Today we had two hours for two witnesses. We usually have three witnesses for one hour. Let's maximize the time, please. Let's not draw it out. If we get only two or three people, let's not split it up and add more time for no reason. It should be three witnesses per hour and not extended past that, in order to be efficient.

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

Are there any other comments?

Are we in agreement to adjourn?

Some hon. members: Agreed.

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

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

SPEAKER'S PERMISSION

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

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

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

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

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

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

PERMISSION DU PRÉSIDENT

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

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

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

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

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