



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Canadian Heritage

EVIDENCE

**NUMBER 145**

Wednesday, December 4, 2024

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Chair: The Honourable Hedy Fry





## Standing Committee on Canadian Heritage

Wednesday, December 4, 2024

• (1640)

[*Translation*]

**The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)):** I call this meeting to order.

Welcome to meeting No. 145 of the House of Commons Standing Committee on Canadian Heritage.

[*English*]

I think almost everybody knows the drill, but I'm supposed to do it anyway.

In front of you, there's a little decal on the table. That's where you will put your device so that it doesn't interfere with interpretation and sound. Also, there's a little square block of words that you need to read, which tells you how to do things so that you don't interfere with sound transmission.

Today, the meeting is in a hybrid format.

I want to remind participants of the following things. You're not allowed to take photographs of the screen or of the room. You can get those afterwards on the public podcast. I will also note that, before you speak, as the chair, I have to recognize you. If you answer a question or if you ask a question, it has to go through the chair. For members participating via Zoom, please note that you have a little “raise hand” icon on your computer. Please click on it if you wish to speak. Again, you need to know that all comments will be made through the chair.

I have one last thing to say. I will shout out “30 seconds” when you have 30 seconds left in your time. I will literally shout it so that you can hear me, because you may be reading something and may not see me if put my hand up.

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

We have witnesses here to speak to that issue. I would like to welcome the witnesses.

Before I do that, apparently we have one witness who has just come on. I will suspend so we can onboard her. Thank you very much.

• (1640)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1640)

**The Chair:** I resume the meeting.

First, I want to make a comment. There's food in the area there, and I wanted to suggest to everyone that the food is meant to be for members of Parliament only. I'm mentioning it because in the last meeting, one of our members, who had a special dietary requirement, couldn't get it when he came to get food because somebody who is not an MP had eaten it. I would ask anyone in the room who is not an MP to please.... You may have coffee, and you may have juice, but please do not eat the food that is meant for the MPs. Thank you very much.

I will introduce the witnesses.

We have Bruce Pardy, professor of law, Queen's University.

Dania Majid, with the Arab Canadian Lawyers Association, is on the virtual screen.

From Canadian Journalists for Free Expression, we have Carol Off, co-president; and Michelle Shephard, co-president.

From the Canadian Women's Foundation, we have Mitzie Hunter.

[*Translation*]

We also have Jean-François Gaudreault-DesBiens, researcher, as well as Solange Lefebvre, co-chair, and Maryse Potvin, co-chair, all from the Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression.

[*English*]

Finally, in the room, we have with us Qmunity: BC's Queer, Trans, and Two-Spirit Resource Centre, represented by Didi Dufresne, director of legal services. Welcome, Didi.

We're going to start now, and every group will have five minutes to make a presentation—only five minutes. If there are more than one of you representing your group, then you have to pick who's going to do the five minutes, or you can share it, but you're still only going to get five minutes. I'll give you a shout when you have 30 seconds to finish. Do not panic if you don't finish your presentation. There is a question and answer segment in which you can elaborate on points you may want to make.

We will begin with Canadian Journalists for Free Expression, starting with Carol Off and Michelle Shephard. They have to leave at 5:30, so I will begin with them for five minutes.

Who is speaking on behalf of the Canadian Journalists for Free Expression, Ms. Off or Ms. Shephard?

• (1645)

**Ms. Michelle Shephard (Co-President, Canadian Journalists for Free Expression):** We'll both be speaking.

**The Chair:** Can you unmute yourself, please?

**Ms. Michelle Shephard:** I actually am unmuted.

**The Chair:** You'll be sharing five minutes. You'll have two and a half minutes each. I'll give you a shout-out when you have 30 seconds to go.

Thank you. Please begin.

**Ms. Michelle Shephard:** Thank you very much, Madam Chair.

Good afternoon. Thank you for this invitation to address the hearing on this critical issue.

My name is Michelle Shephard. I'm here, as you heard, with Carol Off, my co-president. We're here to represent Canadian Journalists for Free Expression. We're also both long-time journalists in Canada. I spent 21 year with the Toronto Star before leaving to work independently in 2018. I continue to work in the media with various outlets and to produce documentaries. Carol, as I'm sure many of you know, was with CBC for over four decades. Most recently, she was at the helm of *As It Happens*. She's just back from a book tour for her best-selling book *At a Loss for Words*.

I know there are a few Canadian journalism organizations, so—

**The Chair:** Excuse me.

Is everybody able to hear?

**Voices:** No.

**The Chair:** I cannot hear her at all.

Just hold, please. I'll start you again.

Can we get a sound check, please, guys? I could not hear her at all.

Monsieur Champoux, I know you have super extraordinary hearing, but—

[*Translation*]

**Mr. Martin Champoux (Drummond, BQ):** Madam Chair, I know my superpower is an excellent ear, but sometimes I'm only human.

I can hear what Ms. Shephard is saying in my earpiece. I think the problem is in the room, not with Ms. Shephard.

[*English*]

**The Chair:** All right.

I'll ask you to begin again. We will try to turn up the sound from this end.

Thank you.

**Ms. Michelle Shephard:** Okay. Thank you. Please interrupt me if you can't hear.

Thank you again for inviting us here, Madam Chair and everyone in the hearing.

My name is Michelle Shephard. I'm here with my co-president, Carol Off, to represent Canadian Journalists for Free Expression. We are also both long-time journalists in Canada. I spent 21 years at the Toronto Star before leaving in 2018 to work independently. I continue to work with media organizations and to produce documentaries. Carol Off, as I'm sure a lot of you know, was with CBC for 40 years, most recently at the helm of *As It Happens*. She has just returned from a book tour for her best-selling book *At a Loss for Words*.

I know there are a few Canadian journalism organizations, so just to be clear, CJFE is the oldest in Canada. We've been in existence for more than 40 years. We're an independent charity. At present, we're completely run by volunteers, which includes both of us and our board of directors.

What we hope to provide here is a perspective from the front lines of journalism. I can't overstate just how dire it feels. Simply put, journalists are continually asked to do more with less.

Carol will talk about the news deserts we have in Canada, but I can speak from personal experience about the decline in newsgathering internationally. The beat I enjoyed for so many years with the Star, bringing stories of significance to Canadians from such places as Guantanamo Bay and throughout Africa and the Middle East, just doesn't exist in the same way today. CBC is now often the sole media outlet reporting from abroad.

Trust in the media is at an all-time low, as we know. We can all criticize the media. As journalists, we do this often. But this loss of trust in legitimate news reporting is not entirely because of the media's failing. It has been engineered. Independent media has been targeted by those who benefit from breaking the public's faith in facts and the truth. That's not just south of the border. It's here in Canada too.

I'll be honest; we're both journalists who have reported from conflicts and wars abroad, but we actually had to think long and hard before appearing here today. We passionately believe in a free press, and that it benefits all of us in society, but this issue has become so toxic and partisan that it has become difficult to discuss responsibly. That's a problem.

One last concern I have, which I know you share on the committee, is how news is disseminated and the prevalence of disinformation. The Media Ecosystem Observatory found in a study that in the year since Meta banned news on its platforms, it's estimated that there has been a reduction of 11 million news views per day across Instagram and Facebook. That same study found that only 22% of Canadians even realize that legitimate Canadian news has been banned on those platforms. This same group is among the people who say they're still getting their news from Facebook and Instagram.

I'd like Carol to now continue.

• (1650)

**Ms. Carol Off (Co-President, Canadian Journalists for Free Expression):** I just want to add that we often call this the post-truth era, and this is of great concern to Canadian Journalists for Free Expression. We have to be able to trust the facts, and we have to agree on what the facts are. If we don't agree on what the facts are, we can't agree on what is true. If we can't agree on what is true, then we are in a serious state as a civil society.

The political philosopher Hannah Arendt said something really important in one of her last interviews:

The moment we no longer have a free press, anything can happen. What makes it possible for [that to happen is if you] are not informed.... If everybody always lies to you, the consequence is not that you believe the lies, but rather that nobody believes anything any longer.... And a people that no longer can believe anything cannot make up its mind.... And with such a people you can then do what you please.

Our emphasis here today at CJFE is to tell you about one narrow aspect of journalism, and that's news gathering as distinct from opinions or commentary. It's a very costly element of journalism. We have news deserts across Canada, people no longer getting access to basic news about their communities. It costs money to send reporters to city hall, to press conferences, to the sites of accidents or crimes. The fact gathering has to be tested with other information, and we need to find reliable witnesses. People need to be able to get this news, and they need to be able to trust it.

The breakdown in trust and in the reliance on reported facts makes it difficult or even impossible to confront crises such as climate change or pandemics, to provide desperately needed information during natural disasters, forest fires, floods and hurricanes, and to report on elections, government hearings like this one and day-to-day events. This cannot be done with media turned over to market forces. Silicon Valley does not care about the city council meeting in Kelowna or the road closures in Huntsville this weekend. That's the job of reporters.

That's the part of journalism we want to draw your attention to here today, because Canadian news gathering is an endangered species.

**The Chair:** Thank you very much.

The next witness is Mitzie Hunter from the Canadian Women's Foundation.

You have five minutes, please, Ms. Hunter.

**Ms. Mitzie Hunter (President and Chief Executive Officer, Canadian Women's Foundation):** Thank you, Madam Chair.

Thank you for the opportunity to address the committee today on this very important issue of freedom of expression, which is something that all Canadians hold as part of their individual rights.

My name is Mitzie Hunter. I am president and CEO of the Canadian Women's Foundation. I thank you for the opportunity and the invitation to appear before this committee. I join you today from Toronto, on the traditional territories of the Mississaugas of the Credit, the Anishinabe, the Chippewa, the Haudenosaunee, the Wendat and the many other nations that have stewarded this land.

The Canadian Women's Foundation has been a national leader in advancing gender justice and equality for over 30 years. As a public foundation supported by donations, we've contributed more than \$262 million to support over 3,300 life-transforming programs across Canada addressing gender-based violence. It's key and fundamental to the work that we have been doing for decades. The opportunity to talk about freedom of expression now, but also as we project into the future, is vital.

While the Canadian Charter of Rights and Freedoms protects freedom of expression, it has long been recognized that this is not an unlimited right. The Canadian Women's Foundation has become increasingly engaged in work to prevent digital harm, because we know that it is often gendered. Hateful and harmful speech in public spaces, media or online often targets women, trans people and non-binary people.

Online hate not only silences people online but discourages dialogue on gender-based violence more broadly. Impacts can be devastating. Survivors face psychological, physical and economic harm. The resulting lack of safety leads many to self-censor or to leave digital spaces, making it a threat to their freedom of speech, democratic engagement and, I would also add, economic opportunities. With research suggesting that one in five women experiences online harassment and that there is a much higher risk for people from marginalized communities, this must be addressed.

Our challenging digital harms initiative is examining online harassment against women and gender-diverse people. Preliminary research results confirm disproportionate impacts of digital harm on women and gender-diverse people with intersecting identities. They reveal that 71% of women and gender-diverse people in Canada think of social media as a public space, similar to the definition of "public place" in section 319 of the Criminal Code. Indigenous, racialized, trans and non-binary communities and people with disabilities experience more negative effects from online violence than do people who are not from those communities.

People most often name the police, lawmakers, policy-makers and the government as those with the most responsibility to stop online violence against women, girls and gender-diverse people. Yet, among those who experience online violence, 55% say that police were ineffective, 53% say that government services were ineffective, and 61% say that lawyers were effective. Canadians expect violence on social media to be handled like violence in other public spaces, and their expectations of police and law enforcement are clearly not being met.

I want to draw attention to Bill C-63, the online harms bill, because it signals that online harms are finally being taken seriously. We recognize legitimate fears of curtailed online freedoms, risk for marginalized communities as police targets, and censoring of diverse voices online. Community consultation with indigenous, Black, racialized and 2SLGBTQIA+ communities is needed, as is disaggregated data that highlights intersectional experiences, because not all groups experience things the same. Bill C-63 also seeks to address the lack of a consistent definition of hate speech, which currently complicates efforts to craft effective policies to address online harm.

• (1655)

**The Chair:** You have 30 seconds.

**Ms. Mitzie Hunter:** I also just want to say that as legislators, policy-makers and tech industry leaders work on solutions, consulting with those most affected will be fundamental to fostering inclusive digital spaces while protecting rights for all.

Thank you so much.

**The Chair:** Thank you very much.

I now go to the Arab Canadian Lawyers Association. We have Dania Majid for five minutes, please.

**Mrs. Dania Majid (President, Arab Canadian Lawyers Association):** Good afternoon. My name is Dania Majid, and I'm here representing the Arab Canadian Lawyers Association.

In 2022, we released a landmark report, "Anti-Palestinian Racism: Naming, Framing and Manifestations", after extensive consultations. Anti-Palestinian racism is a distinct form of racism that silences, excludes, erases, defames or dehumanizes Palestinians or their narratives. It primarily exists to uphold Israel's occupation, apartheid and now plausible genocide against Palestinians by silencing critics of Israel's treatment of Palestinians, in contravention to international laws. This has resulted in a Palestine exception to freedom of expression, a right that isn't extended equally to expression on Palestine, resulting in widespread repression.

In her authoritative August 2024 report, Irene Khan, UN special rapporteur on freedom of expression and opinion, stated, "The conflict in Gaza has unleashed a global crisis of freedom of expression. Rarely has a conflict challenged freedom of opinion and expression so broadly and so far beyond its borders." She identified three "challenges to freedom of opinion and expression": "first, attacks on journalists and media, endangering access to information about [Gaza]; second, the suppression of Palestinian voices and views in a discriminatory and disproportionate manner, undermining academic and artistic freedom [and expression more broadly]; and third, the blurring of the boundaries between protected and prohibited speech."

Anti-Palestinian racism and repression have intensified in Canada over the past 14 months. The threats to livelihoods, reputations and future prospects are used to silence workers' expression on Palestine, even outside the workplace. There have been numerous public reports of health workers, journalists, artists, lawyers and educators who have been doxed, suspended or terminated for calling for an end to the genocide in their social media posts, participating in protests, signing open letters or simply wearing a Pales-

tinian pin or keffiyeh. The most common excuse given was that the person's expression was deemed anti-Semitic or supporting terrorism. However, where allegations are subject to an investigation or tested by the courts, the expression is found to be neither. Nonetheless, the damage is done.

Also concerning is the unprecedented criminalization of Palestinian speech and protest. The past year has seen approximately a hundred arrests of Palestinian protesters in Toronto alone. Some happened months after the protest. Other arrests were late-night tactical police raids for protesters charged with mischief. Students and protesters have also been subjected to unprovoked brutality on campuses and public streets. Most charges end up being withdrawn. However, those charged have lost employment, are traumatized and suffer reputational damage.

Free expression is a fundamental right enshrined internationally and domestically. It guarantees the right to freely express opinions of all kinds, tolerant or offensive, without interference. It protects the key elements of a thriving democracy, including media freedom, political discourse and criticism of governments and states, academic freedom, human rights advocacy and artistic expression. International law and Canadian courts clearly set out that any restriction of this right must be construed narrowly, equally and precisely and not impact the right itself. We should be highly cautious of permitting any further interference.

Canada has already legislated that advocating for genocide or the promotion or incitement of hatred against an identifiable group is a form of prohibited speech. Courts have set the bar very high on this exception and are clear that it does not include expression that is merely disagreeable, objectionable or even racist. Yet governments, police forces, academic administrations, media, cultural spaces and other institutional actors are systemically distorting free expression principles to label Palestinian expression as hate, to justify punitive measures against our protected speech.

• (1700)

**The Chair:** You have 30 seconds.

**Mrs. Dania Majid:** We are also concerned that the newly released IHRA handbook will further erode free expression on Palestine by defining criticism of Israel, which is not prohibited expression, as anti-Semitic, infringing on the free expression rights of Jewish, Palestinian and allied communities.

We call on this committee to recognize anti-Palestinian racism and commit to addressing the discriminatory Palestine exception on expression and the unprecedented repression that advocates for a free Palestine are facing.

Thank you.

**The Chair:** Thank you very much.

I would now like to go to Qmunity: BC's Queer, Trans, and Two-Spirit Resource Centre.

Ms. Dufresne.

**Didi Dufresne (Director, Legal Services, QMUNITY: BC's Queer, Trans, and Two-Spirit Resource Centre):** Thank you, Madam Chair.

Good afternoon, esteemed members of the committee.

My name is Didi Dufresne. My pronouns are they, he and she. I am a lawyer and director of legal services for Qmunity, which is a 2SLGBTQIA+ resource centre located in B.C., in Vancouver, on the unceded territory of the Musqueam, Squamish and Tsleil-Waututh people.

We provide crucial support, connection and leadership for queer, trans and two-spirit communities. These communities, like all Canadians, value and cherish the fundamental right to freedom of expression, yet our history and lived experiences compel us to acknowledge the complex conundrum that exists when that right is wielded to harm and silence others. Freedom of expression is a cornerstone of democracy. It's enshrined in our charter. Censoring expression serves no one, and our community understands this intimately.

We've seen precedent-setting cases from Little Sisters and Neufeld, where victories affirmed the importance of protecting the voices of marginalized groups. However, our experience also teaches us that freedom of expression must not come at the expense of safety, dignity and the existence of others. Words unchecked can and do cause harm.

In the past two years, hateful rhetoric targeting queer, trans and two-spirit people has surged across Canada. This isn't a hypothetical problem. We've witnessed this harm directly. We know from studies, such as that from the Canadian Medical Association Journal, that queer and trans youth are two to five times more likely to attempt suicide—especially trans youth.

At Qmunity, we see the consequences of this harmful rhetoric in our mental health services. We have a counselling program where, in the past year alone, we've lost two of our youth who were waiting to get into the program. That's two youth that we know of, whose parents have reached out to us. It's not a hypothetical risk. Their stories, along with many others, highlight the urgent need for action.

We fund this program solely through private donations. There are 40 people currently on the wait-list. Our wait-list to receive counselling is about nine months. Every month, more people and youth are at risk.

Additionally, I'd like to address that the freedom of expression must include the right to gender expression for all. Regulating people's ability to live authentically—whether this is through debates over bathrooms or restricting gender-affirming care and pronoun usage—doesn't reduce the number of queer and trans people. It forces people back into the closet, stifling their humanity and erod-

ing their mental health. These policies that limit self-expression harm individuals and set regressive precedents for our nation. They contradict the values of inclusion and equity that Canada should stand for.

It wasn't long ago that the queer community had to stand before society to convince people that being gay wasn't a choice. That notion seems silly to us now, yet history is repeating itself. Trans people are real. We're not up for debate.

Let us reflect, as a country, on this opportunity that we have to live, work and exist on these indigenous lands, where we can learn from elders about the history of two-spirit and gender-diverse people, who have lived here since time immemorial.

In many spaces, we once said, "It gets better." Sadly, today we must confront the reality that, in fact, it gets worse. The rise in hate speech, attacks on gender expression and discriminatory policies are taking a devastating toll on the mental health of especially our youth and seniors. These challenges underscore the urgent need for greater supports, like expanded counselling and social support programs.

Finally, as we engage in this critical dialogue, let us remember that fostering an inclusive Canada requires more than words. It demands investment in programs, public art, education and community outreach to celebrate and counter these harmful narratives. Freedom of expression is not just a legal right; it's a shared responsibility. Let us ensure it's exercised with compassion, care and a commitment to building a Canada where all voices can thrive without fear.

Thank you.

• (1705)

**The Chair:** Thank you very much.

I now go to Mr. Bruce Pardy, professor of law, Queens University, who's here as an individual.

Professor Pardy, you have five minutes.

**Mr. Bruce Pardy (Professor of Law, Queen's University, As an Individual):** Thank you, Madam Chair.

Your committee is studying how the government should protect free speech. This seems to me to be quite a strange question for you to be studying, because the answer seems obvious and because, for years, the federal government has been doing the opposite. Free speech is a right we hold against government. Free speech means the right to be free from government limits on speech. If governments did nothing, we would have free speech. Governments protect free speech by getting out of the way.

Therefore, if you want to protect free speech, stop limiting speech. Defeat Bill C-63, the online harms act. Repeal Bill C-18, the Online News Act. Repeal Bill C-11, the Online Streaming Act. Repeal the gender amendments to the Canadian Human Rights Act from the old Bill C-16, and so on. If you want to protect free speech, stop limiting speech. As Winston Churchill put it, there is nothing government can give to you that it hasn't taken from you in the first place.

• (1710)

**The Chair:** May I point out that this study is not on freedom of speech? The study is on freedom of expression. I just want to remind you of that, Professor Pardy.

**Mr. Bruce Pardy:** Thank you, Madam Chair. Free speech and freedom of expression are essentially the same thing in the law. I am using free speech to mean freedom of expression.

We have freedom of expression because we are free people. Speech is free not only if it is beneficial, in the public good, serves democracy or helps discover truth in a marketplace of ideas. You also have a right to express your thoughts, whatever they are, for the sole reason that your thoughts are yours. If you are free, you are allowed to hate other people, and you are allowed to say you do. If you are free, you are allowed to vilify, detest, discredit, disrespect, discriminate, speak falsehoods and spread lies.

Now, of course, free speech is not absolute. What are the limits that we can impose upon speech and still call it free? Well, other people are free, too. That means you can't coerce them. You can't threaten them with imminent violence or counsel a crime. You can't defame. You can't harass. You can't defraud. You can't release private information you don't own. These limits make sense, because they protect the liberty of other people—the same liberty that provides you with the right to free speech in the first place. However, that's about as far as it goes, if you want to claim to have free speech.

Therefore, by all means, Madam Chair, protect free speech. Do it by getting the government out of the business of supervising speech.

Thank you.

**The Chair:** Thank you very much, Professor.

We will now go to Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression.

There are three of you under this rubric. I would like you to choose who is going to speak for five minutes, or how you will divide your five minutes. As a group, you have five minutes only.

Can somebody put up their hand and tell me they're first?

[Translation]

**Mr. Martin Champoux:** Mrs. Lefebvre, you're on mute.

[English]

**The Chair:** We don't hear her.

Is there someone else who is going to speak?

[Translation]

**Mr. Martin Champoux:** Mrs. Lefebvre, if your computer sound is on, check to see if there is a button on your headset.

• (1715)

**Mrs. Solange Lefebvre (Co-Chair, Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression):** Can you hear me now?

**Mr. Martin Champoux:** Yes, we can.

**Mrs. Solange Lefebvre:** Madam Chair and members of the committee, thank you for inviting us to testify before the committee. Mrs. Potvin, Mr. Gaudreault-DesBiens and I will all speak briefly.

We represent the Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression, or COLIBEX, which is funded by the Fonds de recherche du Québec.

With me are Professor Maryse Potvin, co-chair and head of the area that focuses on academic freedom, and Jean-François Gaudreault-DesBiens, co-researcher and legal expert. I am a co-chair and head of the area that focuses on religion.

We will briefly outline a few recommendations, which are described in detail in the brief that will be submitted after the meeting. I'm going to introduce the first part, which deals with religion. It includes two recommendations related to section 319 of the Criminal Code, which deals with public incitement of hatred.

The first recommendation is as follows. We agree with Bill C-373, which calls for the repeal of paragraph 319(3)(b) of the Criminal Code. The paragraph protects an opinion on a religious subject. In our view, that should not be the case. If any elected officials oppose the repeal of the paragraph, they should explicitly justify the reasons for their opposition.

The second recommendation is as follows. Given the complexity of the issues surrounding incitement to hatred and how it can be expressed publicly, we recommend that the government develop public guidance to better interpret the concept of "identifiable group", a concept defined in subsection 318(4) of the Criminal Code.

I will now give the floor to Professor Maryse Potvin.

**Mrs. Maryse Potvin (Co-Chair, Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression):** In the second part of our brief, we looked at two types of problems related to knowledge, science, scientific freedom and academic freedom. The first concerns the protection of institutions of knowledge, and the second will be presented by Jean-François Gaudreault-DesBiens.



We consider that the institutions of knowledge are essential components of constitutional democracy. They play a fundamental role in the development of and access to science as a common public good and a component of cultural life. We believe that this is based on the articulation of a set of rights, including freedom of research, academic freedom, the right to education, freedom of expression and, of course, science. As some people have said previously, science and scientific and academic freedoms are under numerous attacks worldwide. They could take the form of ideological attacks, disinformation, harassment and so on.

Drawing inspiration from the document entitled “Report on the right to participate in science”, we recommend that the Parliament of Canada and the Government of Canada, in the standards they establish and the actions they take, recognize science, institutions of knowledge, and scientists as essential components of Canadian constitutional democracy, in order to strengthen their protection, in line with Canada's international commitments. The recognition of the autonomy of these institutions vis-à-vis the government can be embedded in their respective founding laws. Furthermore, such laws may, to some extent, be protected from untimely political interventions by requiring a reasonable qualified majority for amendments—which is known in constitutional law as a “manner and form” requirement—without this constituting an unconstitutional abdication of parliamentary sovereignty.

We also recommend that the Parliament of Canada and the Government of Canada adopt a human rights-based approach to science in their standards and public policies, addressing all aspects related to science and consider science as a public and common good, including the right to participate in science and access scientific progress. For public authorities, this entails respecting, protecting, and promoting the right to academic freedom and research freedom.

We also propose that in the founding laws of federal institutions of knowledge, such as Statistics Canada, and in those that help guide the work of government scientists, such as the Public Service Employment Act, the government and the Parliament of Canada recognize the right to know and the right to scientific freedom, including by reducing the duty of loyalty imposed on scientists working in the government. This will allow them to more freely report scientific evidence with a view to the common good.

Finally, all federal institutions involved in the funding of research, arts and creation should ensure, both in the development of their policies and their implementation, that they always respect scientific or artistic freedom and, where applicable, academic freedom—

[*English*]

**The Chair:** Excuse me, Madame Potvin, but I think you have a third speaker and you're running out of time. You only have 15 seconds left. I will extend that to 30 seconds for your third speaker, so could you please wrap it up? You can elaborate on this during the question and answer period. Thank you.

• (1720)

[*Translation*]

**Mr. Jean-François Gaudreault-DesBiens (Co-Researcher, Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression):** Madam Chair, we also make rec-

ommendations regarding social media, social media oversight, disinformation and cyberbullying.

In this context, we would like to see regulatory frameworks that impose obligations on digital platforms, particularly in relation to algorithmic transparency. The goal is to ensure that fewer echo chambers are created and that citizens' attention integrity is protected. In this way, citizens will be able to participate in an informed way in the political and social decisions that affect them and in the search for the truth, two of the values underlying freedom of expression according to Supreme Court of Canada case law.

I'll leave it at that. The details are in our brief.

[*English*]

**The Chair:** Thank you very much. I'm sorry, but you can elaborate when questions are being asked.

That ends the hearing of witnesses' opening statements. We will now move on to the question and answer segment.

I wanted to remark that Ms. Hunter had informed us she would be departing at 5 p.m.

Is that still so, Ms. Hunter?

**Ms. Mitzie Hunter:** Madam Chair, I have nine minutes before I have to depart, so I am available to the committee until then.

**The Chair:** Thank you. I hope someone will ask you a question in that time. I cannot tell you who is going to ask questions of whom. That's not my jurisdiction.

We also have Ms. Off and Ms. Shephard, who are leaving at 5:30. I just wanted the committee to know that. If you want to ask questions of these three witnesses, you will have to do so quickly.

Thank you very much.

Now we begin a six-minute round with the Conservatives and Mr. Kurek, please.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Thank you very much, Madam Chair.

Mr. Parly, there was a bit of an exchange during your opening statement that talked about whether there's a difference between freedom of expression and freedom of speech. I know that the charter does talk about “expression”, but could you outline what that means for speech? I'm wondering if you could unpack a little bit what freedom of speech is in Canada and the reflections of what that means in the context of the Canadian Charter of Rights and Freedoms.

**Mr. Bruce Pardy:** Just on the terms, yes, the charter uses the term “freedom of...expression”, and that is the proper legal term, but the term “free speech” is basically a shorthand for that. “Expression” includes more than speech—I mean, the clothes you wear on your back could be a form of expression—but the two terms are essentially used synonymously when you're talking in this kind of context.

That right in the charter has been interpreted by the Supreme Court in, I would say, a utilitarian way, which is unfortunate. What I mean by that, as I alluded to in my statement, is that the Supreme Court has tended to say that free speech is free when it is useful to society. That, of course, means that it's not really free speech at all, because the right to free speech, like all charter rights, essentially, is supposed to act as a space for individuals to resist the interests of the group in the form of the government. If it is allowed that we infringe on these rights because the group wants to, then they're not really functioning as rights at all. They're functioning as something else, as a means to establish a collective interest.

In that sense, I think we have the wrong end of the stick in this country about what our charter rights mean, in particular the right to free speech.

**Mr. Damien Kurek:** If I could follow up on that, we often hear about what the limits of free speech are in the context of the charter as well. I'm wondering if you could expand on that a little bit, because that's often used, I would suggest, as a justification to silence free speech because there is the interpretation of that section of the charter that's often used by government in different ways.

Could you expand on what limitations are reasonable versus not?

• (1725)

**Mr. Bruce Pardy:** Yes, sure.

Here's the irony. Your mandate seems to be to inquire into protecting freedom of expression. The asks that I'm hearing are all about governments doing things, subsidizing things or creating more rules and more restrictions. Those things are the opposite of free speech.

If you want free speech, as I alluded to, have government out of it. That's what it means. If you're asking for government to intervene, you're talking about something else altogether. Again, we have this upside down. It's—

**Mr. Damien Kurek:** I apologize. Time is short, but I just want to nail down....

One of the aspects of Bill C-63 is that it changes the definition of hate speech. It moves it from the current objective measure, which is causing violence or harm to.... It could be things that involve offence or the feeling of hurt.

I'm wondering if you could unpack that a little bit in about a minute, and then I have one follow-up question that I want to make sure I get in before the six minutes are up.

**Mr. Bruce Pardy:** Sure.

In the text of Bill C-63, they have tried to draw a line between hate speech on the one side and offensive speech on the other, saying that offensive speech is okay but that hate speech is not okay.

That sounds reasonable, but of course, nobody knows where the line is.

If you are speaking in a way that some people would regard as offensive, there is no guarantee whatsoever that on a particular occasion, a tribunal or a court is not going to say, “Well, no, that is hate speech, and you're liable.” As soon as you go down the road of the government deciding that you're not allowed to say certain things—which don't violate anybody else's rights, as you're not threatening violence—you're into dangerous territory in which freedom of speech is actually not being observed.

**Mr. Damien Kurek:** Thank you.

I have about a minute left.

A common topic of conversation before this committee has been Bill C-11 and Bill C-18, the Online News Act and the Online Streaming Act.

In about 45 seconds, I'm wondering if you could share your opinion of those two bills with the committee.

**Mr. Bruce Pardy:** These are terrible pieces of legislation. They are interfering with both the speech and also the listening of Canadians.

You can think, in some contexts, of freedom of expression as an exchange between speaker and audience. Both have the right to conduct the exchange—the speaker to speak and the audience to listen. What these two bills do is give powers to administrators, bureaucrats and offices to interfere in that exchange and to dictate to Canadians what it is they can access and listen to online.

They are terrible pieces of legislation.

**The Chair:** You have 15 seconds.

**Mr. Bruce Pardy:** That's the answer. Repeal the bills.

**Mr. Damien Kurek:** I don't think I have time to get another—

**The Chair:** Okay, that's good. Thank you.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Madam Chair, if I can, I think it's been agreed among the parties, at least here, that we cut short today's meeting. I know that, of the six groups that have appeared here today, we have two or three that have to go very shortly. I'm just flagging it for you, the analysts and the clerk.

As far as the CBC is concerned, we're fine just submitting an email to you on the plans on the CBC.

**The Chair:** Do you mean the CBC report?

**Mr. Kevin Waugh:** Yes.

**The Chair:** We have a very tight timeline to report back to the House. I want to remind the committee that if we do not report back to the House by the deadline, this committee is in violation of the motion and we are in contempt of Parliament. I'm just reminding you of that. Thank you.

As people know—I have pointed it out—Ms. Hunter, Ms. Off and Ms. Shephard are leaving soon. If you wish to ask them questions, you can please direct those to them now and ask the others later.

The next person is Patricia Lattanzio for six minutes, please.

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

My question is for the witness who has to leave us soonest.

Ms. Hunter, your organization is a national leader when it comes to advocating for gender equality and justice. Can you elaborate on the ways in which these issues interact with and are impacted by the laws surrounding freedom of expression in Canada?

• (1730)

**Ms. Mitzie Hunter:** Thank you so much for the question.

I believe that our conversation today is important, because we have to think about the people who are impacted by what is being expressed. As I illustrated in my opening remarks, if we look at the online space, it currently does not have those safeguards in place in the same way as public spaces in the physical realm. What we're seeing is a lot of people being harmed. We've been doing research, and we're happy to provide that to the committee if it is useful.

We want to challenge those harms. We see self-censorship of people, particularly women, gender-diverse people and people with intersectionalities, because of the level of hate they are experiencing. They no longer want to be in those environments. That limits their choices and opportunities.

I'm a former politician. I have to declare that. I've seen those environments where women have experienced undue hate. It comes in the form of verbal bullying of them and their staff. Many have decided that this is not an environment they want to be a part of, which limits the gender lens that is so important when we think of policy, government and politics.

My message to the committee as it makes its deliberations is to consider those who are being impacted. We want our environments, whether online or physical, to be safe for everyone.

Thank you.

**Ms. Patricia Lattanzio:** Thank you, Ms. Hunter.

I thank you for sharing the fact that you were a former politician. Can you share a bit more of your particular and personal insights from your own perspective on the role of government and what it can do to protect freedom of expression in this country?

At the same time, I invite you to speak about psychological violence.

**Ms. Mitzie Hunter:** I don't think we can expect that governments are going to know everything and have all the answers at all times. What governments can do, which we're doing today, is convene. We can bring in those who have that knowledge, technical expertise and lived experiences. They can really inform policies that the government has to be accountable for legislating.

Governments have a very profound obligation to listen to groups and individuals who may be the most impacted and who may not feel that they can come into these environments. Consultation and having their voices heard are very important. In our work, we talk to people who are excluded, feel marginalized and are concerned about their ability to be safe, whether online or in public spaces.

You talk about psychological safety. One of the aspects is young people and children. There are obligations to.... Bill C-63 actually goes quite far in protecting those vulnerable groups that need protection online. We see rates of suicide, for instance, among young people increasing.

It is our responsibility to protect all people and ensure that all spaces are safe for all people.

**Ms. Patricia Lattanzio:** Thank you.

In your opinion, Ms. Hunter, what do you see as the biggest threats to progress for gender equality and justice? How do you see the freedom of expression playing a role in tackling these obstacles?

**Ms. Mitzie Hunter:** The biggest threat I see for gender justice is not feeling safe even to talk about the harms. We have to push against that in society in Canada. We know that we still have a gender divide. We're doing work right now just on even very simple things, like how safe women feel in the streets when walking. There's a mental load that women carry because they feel less safe. They have to take greater precautions to protect themselves.

I think it's something that we have to recognize as a challenge and continue to think of through a gendered lens: to think about how this would impact and affect women, girls and gender-diverse people and make that a consideration. When we have a neutral way of looking at things or of looking at things as if everybody is going to experience it in the same way, it's sometimes not the case. Intersectionality matters. For Black women, Muslim women and people who have different vulnerabilities and risks, how do they experience what we're putting forward in terms of laws and legislation?

That's one of the aspects that a couple of our presenters and I talked about. We do have the Charter of Rights and Freedoms, which looks at those minority and individual rights in making sure that we safeguard those in this country—

• (1735)

**The Chair:** Thank you very much, Ms. Lattanzio. We have gone over the time.

We will now go to Monsieur Champoux from the Bloc Québécois.

Martin, you have six minutes, please.

[Translation]

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

I'd like to thank the witnesses for being with us today.

Professor Potvin, Professor Gaudreault-DesBiens and Professor Lefebvre, we are pleased to have you here.

I think you were a major piece of the puzzle we are dealing with in our study on freedom of expression. I'm very pleased that you agreed to join us.

Mrs. Lefebvre, in your opening remarks earlier, you stated that you support the bill to repeal section 319 and remove the religious exemption.

I'm very happy to hear that, Mrs. Lefebvre. I think there is a general consensus on that in Quebec society.

Today, on behalf of the Bloc Québécois, I tried to move a motion for the unanimous consent of the parties in the House of Commons.

I would like to read it to you, and I would like your comments on it. The motion reads as follows:

That the House affirm that no hate speech is tolerated in Canada;

That it deplore the religious exemption provided for in paragraphs 319(3)(b) and 319(3.1)(b) of the Criminal Code on hate speech;

That it deplore the fact that the religious exemption provides a legal shield for radical extremists to encourage hatred and intolerance towards ethnic or religious groups or to disseminate racist, misogynistic or homophobic speech;

That the House support the urgent need to repeal paragraphs 319(3)(b) and 319(3.1)(b) of the Criminal Code in order to ensure the full application of legal protections against hate speech to all citizens of Quebec and Canada, as provided for in Bill C-373, An Act to amend the Criminal Code (promotion of hatred or antisemitism).

Do you think the motion is reasonable? Parties in the House opposed it and even prevented me from reading it today.

I'd like your opinion on that.

**Mrs. Solange Lefebvre:** I'm reading it now. It's a bit hard for me to comment on the details. My colleague Jean-François Gaudreault-DesBiens can say a few words about that.

In our view, it is clear that the paragraph must be repealed for three reasons.

First, in a country like Canada, we find it very problematic to justify a demonstrable incitement to hatred based on a religious opinion. A privilege cannot be conferred on religious speech.

Second, an opinion on a religious subject is very vague from a legal standpoint. It can also open the door to all kinds of things, even inciting hatred in a liturgical context, during worship or prayer. I don't see how that can be justified in Canada.

Third, and most importantly, a public prosecutor who considers bringing charges under Section 319 of the Criminal Code already assumes a very heavy burden of proof. Speech that meets the criteria of "extreme detestation" is rare. That is because hate needs to be very rigorously demonstrated and based on case law. For a few years now, paragraph 319(3)(b) on religious texts seems to us to have had an additional chilling effect on the possibility of laying hate propaganda charges.

In our recommendation, we said that paragraph 319(3)(b) of the Criminal Code should be repealed and that elected officials who vote against the request should justify their opposition. They would have to state what their oppositions and fears are in this regard, but I would be very surprised.

I don't know what Jean-François Gaudreault-DesBiens thinks.

• (1740)

**Mr. Jean-François Gaudreault-DesBiens:** I agree with my colleague Solange Lefebvre.

Obviously, we start from the premise that the Parliament of Canada decided a long time ago to criminalize hate propaganda. Based on that fundamental intent, why confer special status on speech that would be hateful if it were not based on a religious text? Why do religious people get a free pass? In my opinion, it undermines the very idea of hate propaganda.

In exercising its parliamentary sovereignty, the Parliament of Canada could obviously decide to repeal the criminalization of hate propaganda. In the United States, hate propaganda is more or less allowed. That is a choice Parliament can make. To the extent that Canada has decided to penalize hate propaganda, it needs to be consistent. Let's not find a loophole that privileges one type of speech over another if it is otherwise hateful.

**Mr. Martin Champoux:** I could listen to you talk about this for hours. I think we would have some very interesting conversations. Unfortunately, my time is quite limited.

I'm not talking about societal changes, which are incredibly beneficial to everyone. However, do demographic changes and the arrival of newcomers mean that we have to look at these acts and paragraphs in a different way, with openness toward other people?

These paragraphs may have been justified or justifiable a long time ago, in another societal model. Might we not need to rethink the way we draft this type of legislation?

**Mrs. Solange Lefebvre:** I don't know if I would connect it to new demographics, but we're very puzzled by the existence of the paragraph itself, which would protect a religious opinion that might lead to a strong incitement to hatred against an identifiable group.

**Mr. Martin Champoux:** We've seen that.

**Mrs. Solange Lefebvre:** I don't think it has ever been justified, regardless of demographics.

**Mr. Martin Champoux:** No, but it was still used as a defence in a number of cases, for example in cases where Catholic priests were prosecuted because of comments they had made about the gay community. We've also seen that recently. A Montreal preacher called Charkaoui made some extremely violent remarks. Quebec's director of criminal and penal prosecutions didn't even see fit to lay charges, and presumably that's why.

Mr. Gaudreault-DesBiens, do you have anything to add?

**Mr. Jean-François Gaudreault-DesBiens:** I would like to add a variable. An interpretation based on a religious text has to be put it in the context of freedom of religion. In Canada, freedom of religion is understood as requiring the demonstration of sincere belief. That's the fundamental test. It's not the legitimacy of a belief or an interpretation of a particular religious text in light of some religious tradition. It's really the sincere and subjective belief of the individual who is making the speech.

In my opinion, the issue of demographics doesn't matter when there are a multitude of possible interpretations of religious texts and the most fundamental criterion is sincerity. It can certainly give rise to what we call in our brief a "black hole", which will allow all kinds of speech, as long as it is believed to be based on a religious text. That provides a loophole for promoting hatred, until the Parliament of Canada decides to change its position.

[English]

**The Chair:** Thank you very much. We have gone a full minute over time on this one.

Now I'll go to Ms. Ashton.

Niki, you have six minutes.

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** Thank you very much.

I'll be asking questions of Ms. Majid.

First of all, I want to thank you very much for joining us here today. You bring a critical perspective to this study. I also want to acknowledge the groundbreaking work of the Arab Canadian Lawyers Association around the issue of freedom of expression, particularly your work on anti-Palestinian racism.

We know that a number of Palestinians and supporters have decried what they refer to—and what you refer to in your presentation—as the "Palestine exception" to free speech. If we're talking about freedom of expression, we need to be looking at where its limits exist and why. The Palestine exception to free speech describes a dynamic whereby advocacy in defence of the basic humanity of Palestinians is uniquely policed, suppressed and censored.

Can you describe in detail this phenomenon, and why you think so few are willing to take this on?

• (1745)

**Mrs. Dania Majid:** This phenomenon has grown. I referenced the report by Irene Khan that talks about this global repression we are seeing around expression on Palestine. It has grown. It is present in places where academic freedom is revered, including spaces like journalism, artistic and art spaces, and academic freedom.

What we have been seeing is, again, the use of hate. Whether it be through institutional policies or hate speech, it's being used and interpreted as not extending to Palestinian speech. While these pieces of legislation or policy are intended to protect the rights of minorities to speak up, criticize governments and so on, when it comes to Palestinian speech, all of a sudden we hear, "No, you can't say that." Whatever is being said is being described as something

that extends to hate speech, which is a very high bar. Therefore, we start seeing criminalization or reprisals in the employment sector.

This is having a real impact, and not just on Palestinians. In the last year, we have seen these provisions or the description of anything related to Palestine expression as supportive of terror or as anti-Semitic. It is being applied to racialized and marginalized Canadians. I have gotten a lot of calls in the legal profession, for instance, from young Black women being fired from their Bay Street jobs because they supported Palestinian rights in an open letter. I've had colleagues who've lost their office space because the person they were renting the space from disagreed with their work defending Palestinian rights. As criminal defence lawyers, they were defending protesters who have been arrested.

This is having a chilling effect on expression. We just keep seeing it entrenched further and further. We are concerned that people will be afraid to speak out on Palestine, especially if they increasingly think they will be criminalized for it. That's the worst thing we can have happen right now, when we do have a plausible genocide unfolding and we do need people to speak out more than ever at this time.

**Ms. Niki Ashton:** Absolutely.

I want to focus on your work around anti-Palestinian racism. Of course, this is an issue that we have raised in this committee. We even pushed to hear from the minister, particularly around the government's refusal to include a definition of anti-Palestinian racism as part of their anti-racism strategy. Now, we've heard a lot of excuses from the Liberals as to why they refuse to define anti-Palestinian racism as part of the anti-racism strategy that came out earlier this year.

The Arab Canadian Lawyers Association has done extensive work on this, particularly in terms of consultation. Can you discuss whether you had any input into the anti-racism strategy, the document that came out before the summer? As well, why do you think the government refused to define anti-Palestinian racism in the anti-racism strategy itself?

**Mrs. Dania Majid:** We were informed that there were consultations done with the Palestinian and Arab communities. However, we don't know who was consulted as part of the consultations around the Canadian anti-racism strategy. I am not aware of which groups or which individuals they spoke to. No one has come forward to say that they have actually met with the ministry. I have had discussions with the ministry to reinforce the importance of recognizing anti-Palestinian racism and to express what was happening to our community and our allies in our community, but that was not part of the formal consultation process.

What we find really puzzling, however, is that the anti-racism strategy recognizes in three instances that Palestinians have experienced an unprecedented level of hate in Canada. However, the strategy then does not go forward into recognizing anti-Palestinian racism as a distinct form of racism.

**The Chair:** You have 30 seconds.

**Mrs. Dania Majid:** We have heard that a commitment has been made by the Prime Minister to define anti-Palestinian racism, but again, it's weird that they've made the commitment to define it when they haven't actually officially recognized it. We're looking for them to recognize it.

In terms of defining it, we've done global consultations in Canada, the U.S., Palestine and Europe around the definition we have put together. There is a broad consensus over the paragraph we came up with. Each one of those terms in there came out of those consultations. It is important that we recognize the manifestation of anti-Palestinian racism, including Nakba denial and the smearing of advocates as being anti-Semitic or as terrorist supporters.

• (1750)

**The Chair:** Thank you very much. We've gone over time again. Thank you.

We're going to a second round, and I'm going to ask people to please keep to the timelines on the second round.

**Mr. Taleeb Noormohamed (Vancouver Granville, Lib.):** Madam Chair, I have a point of order before we go to the second round.

I have two quick things. One is just to go back to Mr. Waugh's earlier note in respect of sending in written instructions. I believe that it would certainly be the view of the majority, if not all parties here, that we could do that.

**The Chair:** I was going to ask about that, and then I would hear from the committee.

**Mr. Taleeb Noormohamed:** Okay, that's great.

The second thing that I was going to ask is this. Given that it is 5:51 p.m. and that this portion of the meeting was scheduled to end at 6:30, I'm curious how many rounds we have left so we can determine whether or not everyone wants their time, etc.

**The Chair:** We've done only one round, Mr. Noormohamed. We have witnesses who've come here to answer questions and taken the time to do so, so I think we should try to at least go to a second round.

The meeting began at 4:38. If everyone is in agreement to cancel the final hour, then we will go until 6:38, if everyone is in agreement. I need to get consensus around the room. I see heads nodding, so we will go to 6:38. Monsieur Champoux is nodding yes and then shaking no at the same time, so I think he might have a crick in his neck.

I'm going to ask us to do one more round, but before we go there, because everyone is going to be running out of this room when we adjourn at 6:38, I just want to remind members to submit their recommendations for the order of reference for the CBC, because it is something that we must do. Today is the deadline, so you have up to today to send recommendations. I think you've passed your deadline, but it's important that you do that because this committee is going to be in contempt of Parliament if we don't get the work done that we worked on and promised to do. We created extra time on our committee meetings in order to do it. I just want you to know that today is your deadline. It passed at 5:30. I expect that some-

body has deadlines in the mail, and it's going to come to the clerk after we leave this meeting, but I really expect you to comply. Thank you.

I want to go to one last thing just quickly, because, again, I know that once we adjourn, everybody's going to run out of here. We need to okay a budget. The budget is for the study of job cuts at CBC/Radio-Canada. We originally circulated the budget for the study. We've now had to put a bit more money into it, so we have a budget here, and the supplementary amount requested is \$21,066.40.

Can I get an okay to pass that budget for us to move forward?

**Some hon. members:** Agreed.

**The Chair:** Everyone is obviously agreeing with it, so the budget is done, and I can sign it later. Thank you.

We now go to the second round. First is Mr. Jivani for five minutes.

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

I'd like to direct my questions to Mr. Pardy.

Mr. Pardy, I think what we've seen on display in some of the comments made today at this meeting is a certain logic that has informed the legislation that you've referenced: Bill C-11, Bill C-18 and Bill C-63. That logic seems to be people pointing to problems in society and suggesting that the expansion of the federal bureaucracy is somehow the necessary solution to those problems. They're not really making a case for the efficacy of that bureaucracy but are nonetheless saying that the bureaucracy must grow and that the Canadian taxpayer must pay for that growth.

I'd like for you to speak to your concerns related to the expansion of the federal bureaucracy. In particular, I'm referencing some of your writing on the growth of the administrative state.

• (1755)

**Mr. Bruce Pardy:** Thank you for that question. I agree with its premise 100%.

We have mangled the idea of rights, such as those in the Charter of Rights. They're supposed to be negative rights, meaning they are rights against government interference. If the government does not interfere with you, your rights are being observed. We have an idea in this country that there are rights we need the government's help to achieve, that we need the government to intervene in this and to impose on that. This group asks the government to make that group stop saying things about it, because it's not right. That's not the conception of rights we were supposed to have. The conception we're supposed to have is this: If the government leaves you alone, your rights are being observed. It's government intervening that is the problem. You can see that reflected in the comments and submissions here.

To your larger point, we have a government that has grown beyond its useful limits. The other day, I saw an estimate that said the public sector has grown to 40% of the economy of this country. That is not sustainable. That is one of the reasons this country is becoming poor. You need more people than that in the private sector to make it possible to have a government. We think that money grows on trees and that government is the solution to everything. We're in that trap so deep that we cannot see anything else. Whenever there's a problem, the only possible solution is more, not fewer, government programs, rules, taxes and structures. Sometimes—if not always, in this day and age—the solution is fewer, not more.

**Mr. Jamil Jivani:** Anchoring this in our broader conversation about freedom of expression, how would you articulate to the average Canadian citizen why hearing people in Ottawa talk so cavalierly about expanding the footprint of the state may be a danger to their being free to articulate themselves, particularly when they might disagree with the government and want to be able to express those views?

**Mr. Bruce Pardy:** Well, we're approaching a society in which the government runs the show, period. It's happened to us slowly and insidiously. It's grown without actual revolution or anything. It's the way public authorities spread their influence. It happens over time. We have had an administrative state for many years, but it's now as big as it has ever been. By the way, the administrative state is not provided for in our Constitution. It's not prohibited, but it's not provided for.

Fundamental ideas like the separation of powers among the legislature, the executive and the courts have been practically put by the wayside. The bureaucracy now, more or less, runs the show. If you think you live in a free country, and the bureaucracy actually runs the show, you are mistaken. The greatest threat to our liberty now is the administrative state.

**Mr. Jamil Jivani:** There's a line you wrote in an article for the National Post that I'd like to ask you to elaborate on. You wrote, "We trusted that these institutions"—by "institutions", you were referring, in part, to the administrative state—"would commit to their own restraint.... We have been tragically naïve."

Can you comment on what "restraint" means in this context and, for the purpose of freedom of expression, why people need to be concerned about trusting the administrative state to be restrained in its use of power?

**The Chair:** Thank you, Mr. Jivani. I'm glad you came back to the topic at hand, because we were moving away from it.

**Mr. Jamil Jivani:** We have been talking about the topic at hand the entire time, actually.

**The Chair:** I'll ask the witness to stick to the topic at hand.

Thank you.

**Mr. Jamil Jivani:** We've been talking about the topic at hand. You're wrong. You're editorializing.

**The Chair:** Can you please go ahead and answer the question?

**Mr. Bruce Pardy:** The rule of law is an idea, and the idea is that the state is restrained in all kinds of ways, including the way it restrains our speech. The rule of law depends upon the people in charge believing in the idea. Now they don't believe the state

should be restrained. Now they think the solution to everything is the state. When you have conflicts between people who disagree, they both want the state to intervene and make the other guy stop speaking. That's always the way—

• (1800)

**The Chair:** Thank you very much.

We have gone a minute over the time, Mr. Jivani.

I'm going to go to the Liberals and Ms. Dhillon for five minutes, please.

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

My first question is for Mr. Pardy. You appeared last week at the House of Commons Standing Committee on Science and Research and spouted talking points from the great replacement theory. This rhetoric has inspired attacks around the world and has been very dangerous.

How do you think such testimony on a largely debunked conspiracy theory is useful for freedom of expression?

**Mr. Bruce Pardy:** You are mistaken, Madam. I did not talk about that at all. My submission to that committee was that federal research funding should be abolished. It had nothing to do with anything you're talking about.

**Ms. Anju Dhillon:** You stated it during your testimony.

**Mr. Bruce Pardy:** Tell me what I said.

**Ms. Anju Dhillon:** You were saying that this theory is something that is supposed to be helpful in freedom of expression and getting the government out of freedom of expression.

My other question for you is whether you know that the government helped—

**Mr. Bruce Pardy:** No, hold on. You've accused me of something and I just want to clear it up.

**The Chair:** Excuse me. Order, please.

Ms. Dhillon, finish your question.

**Ms. Anju Dhillon:** That's it for this witness.

I'm going to ask questions of Ms. Dufresne.

We are hearing a lot of testimony about—

**Mr. Damien Kurek:** I have a point of order.

**Mr. Jamil Jivani:** Is he allowed to answer the question?

**Ms. Anju Dhillon:** No. I got my answer. Thank you.

**Mr. Damien Kurek:** Madam Chair, you made it very clear in earlier comments that there was latitude given to the witnesses to answer, so I'd expect the same treatment.

**The Chair:** I didn't make it clear that there was latitude. Witnesses cannot go beyond the scope of the study when they're answering. I have allowed a lot of blue-skying to go on here, and I've done that because—

**Mr. Jamil Jivani:** No, you haven't. It's all been really relevant.

**The Chair:** I'm sorry, Mr. Jivani. I am speaking.

**Mr. Jamil Jivani:** You're inserting your own opinions.

**The Chair:** Mr. Jivani, I am speaking. When I finish, you may say what you wish to say. I will turn to you for your comment.

The witness was asked a question. He challenged the questioner on it, and she has decided not to continue the question. She is moving to someone else. I think the witness has had an opportunity to respond to the accusation by the MP.

Now, you wanted to say something, Mr. Jivani.

**Mr. Jamil Jivani:** Yes. I think you're doing a lot of editorializing as our chair and inserting your opinion into the administration of this meeting.

Thank you.

**The Chair:** As chair, I can make sure that we stay on topic. That's my job. I don't see how the administration of government and the budget have anything to do with this, but I've allowed it—

**Mr. Jamil Jivani:** You don't see how expanding the federal government's power over freedom of expression is relevant.

**The Chair:** When I'm speaking, Mr. Jivani, allow me to finish, and then I will allow you to say what you have to say. Allow me to finish.

I think there has been a lot of blue-skying going on here. We've talked about budgets and amounts of money being spent, etc. That is not on topic. The topic is about freedom of expression. That can go into all kinds of corners, and I've allowed people to do that because it is pertinent to freedom of expression. When Mr. Parry answered about freedom of expression, I let him go into the corners he wished to go into. That's what this is about.

We're not discussing a budget here. I allowed that to happen, but I'm not going to allow it to happen again. Budgeting for the Government of Canada has nothing to do with freedom of expression. I'm going to move forward.

Ms. Dhillon, you have the floor.

**Mr. Jamil Jivani:** This is absurd.

**Ms. Anju Dhillon:** Madame Dufresne, my question is for you. You were talking about how the LGBTQ community is facing much discrimination, and how these kinds of rhetoric and things that are being said negatively impact the community.

Can you talk to us a bit about how you, personally, have perceived such misinformation and hatred toward you?

**Didi Dufresne:** I experience—as I think we've heard from other speakers—a reluctance to speak out and be clear about transness and trans identity, as a result of an increased attack on trans people. I think we can see this. I don't think it's a surprise coming from.... We have a rhetoric, largely born out of the United States, that trickles its way up to us.

On my flight over, I was listening to the Skremetti decision. Basically, having our children be able to access their needed medical interventions to allow them to transition in a timely way and not forcing puberty on trans children is up for debate.

**Ms. Anju Dhillon:** We keep hearing people complaining about how the government is curbing freedom of expression. If the government wasn't there, do you think that we would have the possibility of same-sex marriage and that it would still not be criminal to be gay?

• (1805)

**Didi Dufresne:** No. I think those changes needed to be legislated, obviously, and ruled on by the courts.

I would also like to note that we don't enjoy unlimited freedoms in Canada. All of our freedoms are run through a section 1 analysis of balance. I don't think the Canadian state is one where people can just say, "I have the absolute right to say whatever I want." That's not the society that we live in, and I think that is a good thing.

I also think it's important that the state not only step in when there is very harmful hate speech, but also recognize that we have to pay for the rights that we have. If people are allowed to say hateful things, as a society and as a nation, we have to pay for the harms that then occur. We can either stop the harms or pay for them. It's a choice.

**Ms. Anju Dhillon:** How do you see us moving forward? We are seeing more hatred and more discrimination because of these right-wing groups getting pushed and encouraged by people who are.... Some colleagues of mine—

**The Chair:** You have 30 seconds.

**Ms. Anju Dhillon:** How can we fight against that?

**Didi Dufresne:** I think there can be limits. Obviously, we have limits to speech. That's an accepted principle, doctrinally.

Additionally, I am also very concerned with limits on people's gender expression, particularly with youth. We see this happening in province after province. Alberta today announced a potential ban on children using the gender of their choice.

**Ms. Anju Dhillon:** Then theories such as the great replacement theory would hurt interracial marriages.

**Didi Dufresne:** Yes, that's correct.

**Ms. Anju Dhillon:** How would those interracial marriages and people from different communities and religions be perceived?

**The Chair:** Go ahead. I've let others go over time, so I'll give you 15 seconds to answer, Ms. Dufresne.

**Didi Dufresne:** Yes, I take the member's point that all of these are inextricably linked. I think we've heard from another witness that an intersectional approach is crucial to understanding different points of view.

**Ms. Anju Dhillon:** Thank you so much, Ms. Dufresne. Thank you for the work you're doing.

**The Chair:** Thank you, Ms. Dhillon.

Now I go to Monsieur Champoux for two and a half minutes, please.



[Translation]

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

I would like to put my questions, once again, to the representatives of the Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression.

I want to talk about the heightened sensitivities seen in recent years. The phenomenon exists all across society.

I'm thinking of the sensitivities that have led, for example, to banning books on a variety of subjects, whether in academia or the artistic community. People even went so far as to cancel university professors' and CEGEP teachers' projects. That concerns me, and I am not the only one.

Do you think that has a significant impact on society? Can the artistic community, the academic community and society at large repair the damage caused by this trend?

My question is for any of the three representatives.

**Mrs. Maryse Potvin:** In our brief, we talk about the role of social media and the media overall. They may exacerbate the effects of certain types of disinformation, cyber-bullying, fake news and so forth. Obviously, all of that has an impact on scientific data, knowledge and scientific research.

What Mr. Gaudreau-DesBiens may not have had time to say earlier is that we also recommend establishing much stricter regulatory frameworks that impose obligations on digital platforms. The Canadian Radio-television and Telecommunications Commission, the Office of the Privacy Commissioner or the Competition Bureau could be granted powers to oversee that. Alternatively, an independent dedicated authority could be created to monitor the platforms. A number of options are possible.

In addition, we made recommendations to address social media concerns. As we point out, social media environments build and amplify echo chambers and disinformation, which has repercussions for science and knowledge.

We also recommended that the government put much stricter safeguards in place to protect science. This would involve recognizing institutions of knowledge, including those under provincial jurisdiction such as universities, to give them greater protection overall. I'm talking about the Government of Canada and the Parliament of Canada recognizing science and institutions of knowledge as essential components of Canada's constitutional democracy.

In countries such as Germany, science, knowledge and scientific freedom are constitutionally protected.

• (1810)

[English]

**The Chair:** Thank you. I'm going to have to cut you off here.

[Translation]

**Mr. Martin Champoux:** Sorry, Ms. Potvin, but I have a limited amount of time.

Thank you very much.

[English]

**The Chair:** I'm going to go to Ms. Ashton.

**Ms. Niki Ashton:** Thank you very much.

I'd like to go back to Ms. Majid.

I know you referenced it in your opening statement, and we got to it in the first round of questions. How important is it for the anti-racism strategy put forward by the government to include a definition of anti-Palestinian racism? As you pointed out, there is one that's globally agreed upon. How important is it for the strategy itself to include that definition within it?

**Mrs. Dania Majid:** Yes, what would be really important is, first, the recognition of anti-Palestinian racism, and then the definition that will help illustrate what we mean by that. By having it in there, it signals to Canadians that this is a distinct and serious form of racism that is being experienced by a broad range of Canadians.

Again, in her report, the UN special rapporteur on freedom of opinion and expression talks about that global repression around Palestinian rights and expression. This isn't the first report from the UN warning about this global repression of Palestinian rights.

[Translation]

**Mr. Martin Champoux:** I have a point of order, Madam Chair.

[English]

**The Chair:** Excuse me for a minute. I have Monsieur Champoux.

[Translation]

**Mr. Martin Champoux:** Madam Chair, could you ask the witness to raise her microphone so that it's not quite so close to her mouth? We can hear noise, and it's making things difficult for the interpreter.

[English]

**The Chair:** Thank you.

I would ask the witness to please move her microphone up a bit.

We'll see how that helps, because we are not hearing you. Your breathing is intervening. I know that we would like you to continue breathing, but let's not have it intervene.

Thank you.

**Mrs. Dania Majid:** I'm very sorry about that. This is the first time I've used this headset.

Having that recognition there will help us address the anti-Palestinian racism that does exist systemically and ensure that our freedom of expression is upheld, as it is for other Canadians.

**Ms. Niki Ashton:** Thank you very much, Ms. Majid. There's no reason to apologize. We're very grateful that we're here and hearing from you.

I want to go back to the question of the chilling effect. We're talking about what the ICJ has referred to as a plausible genocide happening in Gaza and, obviously, we know as well about the bombing of Lebanon that has occurred over the last number of weeks. We also know that Canada is complicit in terms of both the arms trade and financial transfers, and of course, through the political cover that Canada has given to Netanyahu's regime.

I'm wondering, when we're talking about hundreds of thousands of Canadians speaking out, coming out on the streets and sharing on social media, how deeply troubling it is that there's a chilling effect in a country like Canada, where we claim to uphold human rights in a vivid democracy and in democratic debate, including on foreign policy. How problematic is this chilling effect?

**Mrs. Dania Majid:** It demonstrates that we have a discriminatory practice around rights and that rights are not fully enjoyed equally among Canadians.

The second ICJ decision also recognized that Israel was practising or conducting an illegal occupation and apartheid of Palestinian land as well. Palestinians have the right to speak out about these systemic and long-standing atrocities and violations of international law. By curbing our expression...and it's being curbed in such a way that we have reports or we've been informed of people who have been fired for simply posting "ceasefire now" on their social media pages—

• (1815)

**The Chair:** Could you please wrap up? Thank you. We're going over the time here.

**Mrs. Dania Majid:** Yes. What is happening is that protected speech—criticizing a state—is being increasingly criminalized or resulting in workplace reprisals, and that is what's causing the chilling effect.

**The Chair:** Thank you very much.

Thank you, Ms. Ashton.

I now go to the Conservatives for five minutes, please, with Mr. Kurek.

**Mr. Damien Kurek:** Thank you, Madam Chair. I will be splitting my time with Mr. Jivani.

Mr. Parady, a fairly serious accusation was levied against you, and you didn't have a chance to respond. I'd invite you now—and I would give you the opportunity—to speak to that if you wish.

**Mr. Bruce Parady:** Thank you.

I don't think there's very much response required. The member accused me of talking about a topic that I didn't talk about at the meeting. I wanted her to quote me the line that she thought was about that, and there isn't one. As far as I'm concerned, she's off the mark.

**Mr. Damien Kurek:** I appreciate that.

Go ahead, Mr. Jivani.

**Mr. Jamil Jivani:** Thank you.

This is also for Mr. Parady.

The chair of this committee bizarrely suggested that the discussion we were having about the growth of the bureaucracy is irrelevant to Bill C-11, Bill C-18 and Bill C-63. Could you maybe explain, for the benefit of everyone listening, why the conversation about the administrative state is important for these pieces of legislation related to freedom of expression?

**Mr. Bruce Parady:** It would be my pleasure.

That's what these three bills do. Bill C-11, Bill C-18 and, in part, Bill C-63 grow the administrative state. They grow the bureaucracy. These bills give powers to administrative bodies, to bureaucrats, to make rules. If you look in the statutes, you don't even know what the rules are. That's what we mean by the expansion of the administrative state.

Our freedom of speech, our freedom to listen to what we want, is now in the hands of a bureaucracy. That bureaucracy is not just enforcing the rules made by Parliament. Parliament, instead, has delegated its authority to that bureaucracy to decide what the rules are going to be. This is what I was alluding to when I talked about the disintegration of the separation of powers and the growth of the administrative state. Our rights are now not in the hands of Parliament, but in the hands of the bureaucrats to whom Parliament has delegated its authority. In this way, and in so many others, your freedom of speech is in peril.

You don't even know what the rules are, because those rules have not been made yet. They'll be made in a back corner, in a back room, and not with the sunlight in the House of Commons, in a debate about what the rules ought to be. Therefore, Bill C-11, Bill C-18 and, to some extent, Bill C-63 are all good illustrations of this trend and of how our rights, including our right to free speech, are being eroded.

**Mr. Jamil Jivani:** Thank you, Mr. Parady.

I do hope every member of this committee paid close attention to what you said. I thought it was an excellent explanation.

Relatedly, what would you say to Canadians who are concerned about freedom of speech? Why should they be concerned about there being so much power over what Canadians can see, say and hear, and about that being controlled by unelected bureaucrats in Ottawa?

**Mr. Bruce Parady:** It means that your rights don't mean anything. It means that your rights are dependent upon decisions made by unelected people who are not accountable to you or to anybody else for that matter. You can't tell where the line is. When you go online or out in the streets and know that you might be punished for something bad that you say, and when you don't know where the line is between hateful and offensive, then that means your speech is chilled. If you live in a country where you have to think twice before you speak because you're concerned about getting into legal trouble, then you know you probably don't live in a free country.

**Mr. Jamil Jivani:** Thank you, Mr. Parady.

**The Chair:** There is a minute and 12 seconds left, if anybody wants to pick that up on the Conservative tab. No, you're fine. Okay, that's good.

Then go ahead for five minutes, please, Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** I'm following this discussion with a lot of interest. I've listened to Mr. Pardy talk about the risks of limitations on freedom of speech.

Ms. Majid, you've expressed similar concerns in respect of views related to those who have been advocating for the Palestinian cause.

Mr. Pardy, having heard the testimony of Ms. Majid, would you agree with her concerns?

• (1820)

**Mr. Bruce Pardy:** No. I understand where she's coming from in terms of people being able to speak, but I believe that she's confusing two things. Free speech is a right held against the government. If you are allowed to speak—that is, the laws don't prevent you from speaking—but somebody else hears what you say and acts accordingly—for example, let's say that you lose your job—then that is not a free speech issue, because you don't have a right to free speech against your employer. It has nothing to do with free speech.

People on the left, if I can put it that way, are fond of saying that you have rights, but there are consequences to exercising your choice. This is one of those consequences. If you choose to say something—which you are free to do—and somebody else decides that they don't like what you said, then they are free to respond as well.

**Ms. Niki Ashton:** I have a point of order, Madam Chair.

**The Chair:** Yes, go ahead, Ms. Ashton.

**Ms. Niki Ashton:** I'm not sure what the Liberals are doing here, but I have a real issue with trialing one witness's remarks about systemic discrimination with another—

**Mr. Taleeb Noormohamed:** I have a point of order, Madam Chair.

This is debate, and actually, I get to ask the questions I want to ask.

**The Chair:** Mr. Noormohamed, allow me to respond to Ms. Ashton.

Ms. Ashton, that is not a point of order. That's debate, so we shall go ahead.

Mr. Noormohamed, continue with your line of questioning.

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

If Ms. Ashton had let me finish, which clearly is not what she wanted, I was actually going to ask Ms. Majid to respond, because I think it's really important in these conversations, when we're talking about freedom of expression and freedom of speech, to get to the heart of some of the challenges that people are facing on all sides of political discourse and actually have thoughtful, meaningful conversations.

Mr. Jivani and I may not always agree on things, but I actually enjoy hearing what he has to say because it's important for us to be able to hear each other. If we're going to have a study about freedom of expression, it would be good to be able to hear each other.

I'm going to turn it over to Ms. Majid to respond. I would really like to hear what she has to say, because I think there is some con-

fusion. We need to make it clear how people are able to exercise their rights.

**Mrs. Dania Majid:** I would say it is state interference when police kick down protesters' doors at four o'clock in the morning with tactical units and guns drawn to arrest someone for mischief. We do not see that in any other context. It's strictly because of their activism around Palestine.

We have also seen the Government of Ontario having a hate crimes working group that's not transparent. We don't understand what the relationship is with policing, the Crown and the prosecution of people—protesters—who are arrested. We know that protesters are being arrested. There are upwards of 100 Torontonians who have been arrested for their participation in protests.

The provincial government, again in Ontario, has an attestation policy in its workplaces so it will not hire people—students in particular—who have signed open letters in support of Palestinian rights. It's forcing them to declare whether they have signed or not before they get a job interview or a job offer. I would say that this is state interference.

The trend goes on. There are many examples of where the government has made decisions around Palestinian [*Inaudible—Editor*]

**The Chair:** You have one minute.

**Mrs. Dania Majid:** —and legislated around that.

**Mr. Taleeb Noormohamed:** Thank you, Ms. Majid.

With the last minute, I'd like to turn to Ms. Dufresne.

First of all, thank you for the work that you and Qmunity do in my hometown of Vancouver. It's important work on so many different fronts. Your advocacy is really appreciated. The work that your organization and the community do is really important.

One thing I want to do with the time that we have left is give you the opportunity to speak about the chilling effect on the freedom of expression or people's freedom of speech—particularly when it comes to young people who are dealing with sexual orientation and gender identity—what that does and what it has led to in terms of suicide, mental health issues, addictions and so on.

Can you spend a few minutes just giving us all of the consequences of what we sometimes take for granted?

**Didi Dufresne:** I think we see, as a result of the promulgation of transphobic and homophobic sentiments, real impacts on trans, queer and non-binary youth, like increased suicidal ideations and increased need for support.

It really gets to the heart of your existence when what you hear and what you experience society's message to be is that everything about you is odious. It really hits at your core, and being able to exist as a full person is very difficult. I think we see that with youth. They're little and it's really hard.

• (1825)

**The Chair:** Thank you very much, Mr. Noormohamed.

I've been approached by members of the committee and asked if the committee would agree, because we still have about 12 minutes left, to go to two-minute rounds for everyone.

I will go to Mr. Waugh for two minutes, please.

**Mr. Kevin Waugh:** Thank you, Madam Chair.

A few years ago, I remember the government signing off on Canada summer jobs when there was an attestation attached to it. Certain organizations across the country were forced to make a decision to either steadfastly say that they don't believe in this and they will not apply for Canada summer jobs, or bear down and decide as a group that they will sign the attestation, even though they don't believe in it.

Mr. Pardy, we've heard a little bit about attestations; it was brought up here. That's one example where government certainly, I think, exceeded its boundaries on the Canada summer jobs in signing off on the attestation forms, which affected so many people across this country and organizations that then did not partake in Canada summer jobs.

What are your thoughts?

**Mr. Bruce Pardy:** I totally agree.

The government today, the administrative state, works with carrots and with sticks. The sticks are prohibitions that will punish you if you misbehave, and the carrots are government benefits that they'll give you as long as you do what they say. That is one way they will control or try to control your speech: "You will sign on to this, or you will not get equal access to the benefits we are providing."

**Mr. Kevin Waugh:** They got no benefits. If you didn't sign on, you weren't eligible for the Canada summer jobs program. There was no grey area.

**The Chair:** You have 30 seconds.

**Mr. Kevin Waugh:** There was no grey area. It was either you sign or you don't get it.

**Mr. Bruce Pardy:** That's right. That's exactly so. That is an indirect form of compelled speech, in my books. That ought to be a no-no, as far as I am concerned.

**The Chair:** Thank you very much, Kevin.

I'm going to go now to Mr. Noormohamed for two minutes, please.

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

I'm going to go back to Ms. Dufresne.

We have seen an assault on the rights of individuals in Alberta recently around some of the legislation that has been passed by Premier Smith. In B.C., thankfully, stuff like that is not going to see the light of day.

What concerns do you have if a potential Conservative government were to get into the business of passing legislation like that? What would it do to the community that you work with on a daily basis?

**Didi Dufresne:** I think it would put people who are already in distress in even further distress and drive people even further into the closet.

A few years ago, we were seeing a real increase in people being able to come out and appreciate the full sense of who they are in terms of their sexuality and their gender expression, and I think you would see a real rollback of that, absolutely.

**Mr. Taleeb Noormohamed:** We're talking about freedom of expression. When we started this meeting, you said that you use the pronouns "she", "he" and "they".

A lot of people lose their mind about pronouns. I can't understand why anyone would give a damn what pronouns anybody uses. Why do you think people on the right are so triggered by the use of pronouns, when they talk about freedom of expression as one of their calling cards?

**Didi Dufresne:** I think that it gets at a false sense of a binary that people really hold on to, in that you have to be one thing or another, and it is the thing that they think you are. I think it really pushes at people's sense of reality, and I think that's very distressing to some people, unfortunately.

● (1830)

**The Chair:** Thank you, Mr. Noormohamed.

I will now go to Monsieur Champoux for two minutes, please.

[*Translation*]

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

Once again, I'm going to turn to my friends from the Chaire de recherche France-Québec sur les enjeux contemporains de la liberté d'expression.

You work alongside French researchers. Would you say that Quebec and Canada are way behind France when it comes to education, digital literacy and media literacy? Obviously, all of those things help to prevent disinformation.

Are we behind? Are there things France is doing that we should learn from and implement here?

What are your thoughts on that?

Mr. Gaudreault-DesBiens or Ms. Potvin can answer that.

**Mrs. Maryse Potvin:** I'm going to let my colleague answer because I talked a lot earlier.

**Mr. Jean-François Gaudreault-DesBiens:** I think states need to consider not just the tools they have to educate the public, young people, in particular, on the challenges that digital platforms pose, but also the possible regulation of digital platforms. Europe is a lot farther ahead in that space.

The Libertarian speech—which is practically a sociological fact—common in the U.S. does exist in Europe, but less so. At the outset, it is widely recognized—although not unanimously, but probably by the majority of people—that freedom of expression is sometimes better protected when you protect the means used to express free speech in certain situations.

In other words, freedom of expression is not necessarily seen as a liberty that is strictly negative, even though it primarily is. Obviously, since that is taken for granted, a government has to be very careful when it acts to restrict or regulate freedom of expression.

That said, I think Europe is much farther along in that area. That's about all I can say in a few seconds.

**Mr. Martin Champoux:** Australia has taken the approach of banning social media for those under the age of 16, so they can't access that kind of content. Is that the right approach? Is it good or bad?

I know I don't have any time left, but I would still like to get an answer to that.

**Mr. Jean-François Gaudreault-DesBiens:** Personally, I tend to see it as a good thing.

**Mr. Martin Champoux:** I'm being told that I have some time left.

If you can, please elaborate on that, Mr. Gaudreault-DesBiens.

**Mr. Jean-François Gaudreault-DesBiens:** I'm not an expert on Australia's approach, but I think it's based on scientific evidence showing that technology platforms and social media networks can result in psychological and even neurological harm to young people under the age of 16.

In that sense, it is almost a public health issue to some extent. The equation changes a bit when you weigh and balance freedom of expression, on one hand, and free access to platforms, on the other, as compared with public health considerations.

**Mr. Martin Champoux:** I gather from your comments that it's something we could consider. You aren't opposed to exploring the idea.

I would like to thank the witnesses, especially Mr. Gaudreault-DesBiens, Ms. Lefebvre and Ms. Potvin, for being with us today. Their input has been very helpful.

[English]

**The Chair:** Thank you.

We'll go to Ms. Ashton for two minutes, please.

**Ms. Niki Ashton:** Thank you very much.

My final question is for Ms. Majid.

We know that recently Francesca Albanese, the United Nations special rapporteur on the occupied Palestinian territories, came to Canada. In an unprecedented move for a UN rapporteur, the Liberal Minister of Foreign Affairs refused to meet with her. Senior representatives of Global Affairs Canada refused to meet with her. The foreign affairs committee of Parliament retracted an invitation for her to present. It's a clear reflection of the chilling effect, not just vis-à-vis somebody who is outspoken on what is happening in the occupied Palestinian territories and the presumed genocide, but also for an officer of the UN, a UN special rapporteur.

How troubling is it, and frankly unacceptable, that Canada showed this kind of response to a UN special rapporteur, somebody who is speaking out on what is happening to the Palestinians and Palestine?

**Mrs. Dania Majid:** Yes, it was exceptionally troubling, especially because she was here, coming to Canada from New York, after presenting her latest report on the genocide in Gaza. Canada, as a signatory to a range of international conventions, including the fourth Geneva Convention, has a responsibility to prevent and stop a genocide. They refused to hear from her or even explore with her what Canada can do in terms of our policies to ensure that they are not complicit in this genocide.

• (1835)

**The Chair:** You have 30 seconds.

**Mrs. Dania Majid:** This is a signal to Palestinians and Canadians that, again, there is no freedom to speak on Palestine with government, and it has a real impact on what Palestinians are going through in Palestine right now and the extreme harms that continue 14 months in.

**Ms. Niki Ashton:** Thank you very much, Ms. Majid, for speaking out. Your voice is one that we have a responsibility to hear. I know that you speak on behalf of many, obviously, as well as the ACLA.

Thank you so much for being with us today.

**The Chair:** Thank you, Ms. Ashton.

I would like to take the liberty, as chair, to ask a question of Ms. Dufresne.

Ms. Dufresne, what is happening today with young children who are not allowed to use their pronouns and are therefore subject to bullying in schools? We are now seeing the outcome of the Alberta legislation, which is causing those young kids to be bullied by their peers and is moving many of them to mental health problems and suicide. What is your response to that? How do we do something to protect the children who are being bullied and who are mentally ill as a result of this?

Thank you.

**Didi Dufresne:** Thank you, Madam Chair.

I think you're spot-on. That absolutely is what's happening. Children are being bullied. They're being prevented from living their true and authentic self. As a result, they're developing mental health problems. It's incredibly stressful to be told that what you are is hateful. To be a young person without an ability to deal with that.... It makes total sense that kids end up trying to take their own life and are in fact dying by suicide as a result of this hateful rhetoric.

What can we do to support them? I think kids need increased counselling. They need access to gender-affirming care. They need to be able to socially transition from a young age. There's no harm in it. Let's say a youth decides they're transgender. They're living in a gender they weren't assigned to at birth. Later down the line, they take some puberty blockers, or they don't medically transition but socially transition. A few years later, if they decide that's not actually how they feel, there was no actual harm done.

If we just accept that gender can exist in a fluid continuum, and we don't try to stick people in rigid boxes, I think you'll have a lot less fear and trauma and the negative consequences that we're seeing as a result.

**The Chair:** I'm going to ask one more question. I'm giving myself the opportunity to take two minutes.

Canada is a signatory to the United Nations Convention on the Rights of the Child. Does this contravene that United Nations declaration?

**Didi Dufresne:** Madam Chair, unfortunately, I don't feel qualified to speak to that.

I would say that not allowing children to transition socially, and then later medically, really hampers their ability to self-identify and grow into their true selves, and it hampers their mental health.

**The Chair:** Thank you very much.

I want to thank all the witnesses and the committee for their patience.

This meeting is adjourned.

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