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Chair

Mr. Anthony Housefather

Standing Committee on Justice and Human Rights

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• (0850)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): Good morning, everyone.

Welcome to the Standing Committee on Justice and Human Rights, as we resume our study on online hate.

We have a couple of procedural things to start with. We are going to be naming a Conservative vice-chair of the committee, and I'm going to turn it over to the clerk to do that.

[Translation]

Mr. Clerk, you have the floor.

The Clerk of the Committee (Mr. Marc-Olivier Girard): Thank you, Mr. Chair.

I am ready to receive nominations for the position of first vice-chair of the committee.

Are you making a motion to that effect, Mr. MacKenzie?

[English]

Mr. Dave MacKenzie (Oxford, CPC): I nominate Lisa Raitt.

[Translation]

The Clerk: Are there any other motions?

[English]

It has been moved by Mr. MacKenzie that the honourable Lisa Raitt be elected as first vice-chair of this committee.

Is the committee in agreement with this motion?

The Chair: Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Do we have an indication from Ms. Raitt that she's prepared to accept? Has the committee received an indication?

Some hon. members: Yes.

The Chair: I have received an email from her saying she is prepared to accept.

Mr. Randall Garrison: Thank you very much.

The Clerk: Is it the pleasure of the committee to adopt this motion?

(Motion agreed to)

[Translation]

The Clerk: I declare The Honourable Lisa Raitt duly elected first vice-chair of the committee in absentia.

[English]

The Chair: She is nominated *in absentia*, but we will be welcoming her on Thursday.

Mr. Boissonnault.

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Mr. Chair, I know that we want to get to the Conservatives' witnesses in due course, but I have a motion to put on the table, which I'm asking a colleague to send around. I'll read it into the record so it can be in both languages. The document that I'm sending around is in both languages. It states:

Whereas the treatment by Mr Cooper of the President of the Alberta Muslim Public Affairs Council was discriminatory, hurtful and disrespectful; and

Whereas reading into the record the comments from the terrorist attacker in Christchurch, New Zealand, was inappropriate;

Be it resolved,

That the Committee recommends that the name of the attacker in the Christchurch, New Zealand, massacre, as well as any quoted portion of his manifesto, be expunged from the Committee's Hansard, and that the Committee report this recommendation to the House.

The Chair: I believe this motion is receivable and it's related to the online hate study we're doing right now, since it relates to a meeting that we did on online hate, so the 48-hour rule wouldn't apply. I will rule this as receivable.

Mr. Boissonnault, the floor is yours if you want to speak to your motion.

Mr. Randy Boissonnault: Mr. Chair, I think the motion speaks for itself. We've had conversations here, both in camera and in public on this matter. It's a sensitive matter. We expect Canadians to be able to come to this committee and be heard and to not receive the kind of treatment that Mr. Suri received.

At the same time, we also play a role in Canada and the international community, and I think it's important that this reference be expunged from our committee's record.

The Chair: Thank you, Mr. Boissonnault.

Mr. Garrison, then Mr. Brassard.

Mr. Garrison, the floor is yours.

Mr. Randall Garrison: Mr. Chair, I certainly welcome this motion.

I think what we have before us is not just in order but is very important. We have seen the Government of New Zealand trying very hard to make sure that the manifesto of the Christchurch shooter and his name not become infamous.

We live in an era of social media. We live in an era when things spread like wildfire. We live in an era when sometimes people confuse free speech, which is about the rational exchange of ideas, with throwing gasoline on the fires. We've just seen another shooting incident this morning in Australia, in Darwin, and we don't know anything about the reasons. We certainly live in what I would call incendiary times. I think we have a responsibility as a committee of Parliament to make sure that we do not contribute to that, and that we respect the wishes of the New Zealand government in trying to make sure that those who engage in violent acts based on extremist ideologies do not get a public forum to spread their ideas.

Just to be clear, I'm not opposed to people having ideas or people thinking things. What I'm opposed to is giving a public platform for the spreading of those violent ideas and for the spreading of hatred. I think by excising this testimony, we would contribute in that manner.

The Chair: Thank you.

Mr. Brassard.

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Chair, just for the record, the Leader of the Opposition has dealt with this. Mr. Cooper has apologized for his comments. This is nothing more than a stunt, and I call the question.

Thank you.

The Chair: Thank you.

You can't call the question—I'm just going to point that out—but I didn't see anybody else who had their hand up to speak.

Mr. Garrison, I'm sorry....

Mr. Randall Garrison: I guess I would say, with respect to Mr. Brassard—Mr. Brassard and I have a long history of working together on things—that I disagree quite firmly this morning. It's not up to the Leader of the Opposition to decide when this is over. There was an attack on a witness before the committee. It's up to this committee to decide when and if things are over.

While I respect the limited action that the Leader of the Opposition took, it is clearly the responsibility of the committee itself to make decisions for itself about the right thing to do on this occasion.

I will not take the time to restate my remarks, but quite simply the Leader of the Opposition must himself deal with his own caucus members and whoever speaks for his caucus. If he wishes to have Mr. Cooper continue being a spokesperson for him on justice, that's his decision, as are all the consequences that flow with that, but this is a decision that the committee must make itself.

The Chair: Thank you.

I saw Mr. Boissonnault's hand and Mr. Barrett's hand. We also have witnesses. I'm just pointing it out.

Mr. Randy Boissonnault: Mr. Chair, nothing in the motion calls for any additional sanctions on Mr. Cooper. This is simply about

doing the right thing here at the justice committee and cleaning up the record from something that's regrettable and should never have been part of our record.

The Chair: Thank you.

Mr. Barrett.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Mr. Chair, opposition members have a limited amount of time to call witnesses during the study. The study has been going on for some time. This is our last witness panel. These witnesses are under limited time to testify.

I would again ask that the chair call the question so that we can proceed with hearing the testimony to complete our study.

● (0855)

The Chair: Mr. Barrett, I appreciate that. The chair can't call the question as long as there's a member who wishes to speak.

I don't see any other members who wish to speak at this point, so we can move to the question.

Mr. Randall Garrison: I request a recorded vote.

The Chair: There's a request for a recorded vote.

A “yea” would be a yes to Mr. Boissonnault's motion and a “nay” would be against.

(Motion agreed to [*See Minutes of Proceedings*])

The Chair: The motion is adopted.

Mr. Garrison.

Mr. Randall Garrison: Mr. Chair, not being a permanent representative on this committee, I received a very late notice that this session was to be televised. None of the previous testimony by witnesses was televised. It seems peculiar to me that only the last segment of this would be televised by the committee.

I want to ask the chair why that's taking place, but perhaps I'll short-circuit that by simply saying that I will move at this time that this meeting not be televised any further.

The Chair: It is a receivable motion, which is non-debatable and non-amendable, according to the clerk.

Is this on a point of order, Mr. Barrett?

Mr. Michael Barrett: Yes. I guess just for my clarification, my understanding is that the committee doesn't decide, that committee members don't decide, which meetings are televised and which are communicated by audio only. If we don't make the proactive decision to televise, why would we make the reactive decision at a committee to cease the broadcast?

The Chair: Let's call it a question of information, to be fair. I thought I had seen interest in this meeting, so I suggested that it be televised.

At this point, there's a receivable motion on the floor, non-debatable and non-amendable, to not televise—

Mr. Randall Garrison: [*Inaudible—Editor*] you were allowing a point of information?

The Chair: Mr. Garrison, I was allowing it because Mr. Barrett was genuinely curious. You put forward a motion that is non-debatable and non-amendable. I suggest that we probably should get to a vote so that we can get to the witnesses one way or the other, if that's okay, since this is non-debatable and non-amendable.

Yes, Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): Just as a point of clarification, Chair, with respect, based on the point that was raised by Mr. Garrison, I want to make it absolutely clear that the meeting is public. The motion isn't to go in camera. It's about the broadcast.

The Chair: Yes. I totally understand that.

Mr. Colin Fraser: Okay.

The Chair: Yes. In case there is any confusion, I totally understand that your motion is that the meeting remain completely public and that we simply have the audio recorded; it won't be televised. I think that's understood.

Again, this is a non-debatable, non-amendable motion, and we will go to a vote.

Does anyone want a recorded vote?

Mr. Randall Garrison: Yes.

(Motion agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

The Chair: We will not televise the rest of this meeting.

I will suspend while we move to an audio recording, after which we will start with the witnesses, hopefully.

● (0855) _____ (Pause) _____

● (0900)

The Chair: Now we will move to our distinguished panel of witnesses for today.

As individuals, we have Ms. Lindsay Shepherd, Mr. John Robson and Mr. Mark Steyn. Welcome.

Each of the witnesses will speak in turn.

Ms. Shepherd, you're first on the list. We're going to go in the order of the agenda. The floor is yours, ma'am.

Ms. Lindsay Shepherd (As an Individual): Honourable members, thank you for the invitation to appear today.

Earlier this year, I received a seven-day suspension from the social media website Twitter for violating its rules against hateful conduct. According to the Twitter rules, you may not promote violence against, threaten or harass other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability or serious disease.

What was in my tweet that supposedly promoted violence, threatened or harassed someone? My tweet referenced an individual whom I cannot name here today due to a publication ban in this country. This individual can only be referred to as JY. JY is an individual who has taken 14 female aestheticians to the B.C. Human Rights Tribunal because they declined to perform waxing services on his male genitalia. There are also screenshots of Facebook messages between JY and others where it appears that he makes very predatory

comments of wanting to help 10- to 12-year-old girls with their tampons in bathroom stalls.

In the tweet that got me suspended, I referred to JY as "a guy who creeps on young girls and vulnerable working women in the Vancouver area". I posted some of the Facebook messages he has written about his plans to approach young girls in the female washrooms. Why was it deemed hateful conduct for me to write this tweet? It's because JY purports to be a male-to-female transgender person, so by alerting people to his troubling conduct, I got kicked off Twitter for seven days because what I wrote was seen as a transgression against his gender identity.

Prominent Canadian feminist Meghan Murphy was permanently banned from Twitter for misgendering the same individual, JY, whom I have just spoken about, and for tweeting, "men aren't women, though". These tweets also fell under Twitter's hateful conduct policy. Murphy is now suing Twitter because, as a journalist, her livelihood is largely dependent on her online presence, and she is being denied an online presence and being denied the ability to participate in the public square, as online spaces are today's public square.

I am concerned about the potential return of legislation such as section 13 of the Canadian Human Rights Act. What that legislation does is punish Canadians who, in exercising their right to peaceful, free expression, might offend a member of a protected, marginalized group. If someone with a marginalized identity experiences commentary they find offensive, they can claim the offence is an attack on their identity rather than being legitimate expression. Human rights tribunals become the tools by which those who speak their mind peacefully and non-violently are silenced.

Many other witnesses before this committee have discussed the need for a definition of hate, and many call for a need to draw the line between free speech and hate speech. As a graduate student at Wilfrid Laurier University in 2017 and 2018, I woke up to how my peers and academic superiors understand hate. When the word got out that in the classroom where I was a teaching assistant I had played an excerpt from TVOntario's *The Agenda* with Steve Paikin, an excerpt that featured psychologist Dr. Jordan Peterson discussing Bill C-16, compelled speech and gender pronouns, a Ph.D. student at my university said at a rally that I had played hate speech in the classroom and had violated the spirit of the Charter of Rights and Freedoms. Likewise, a professor at George Brown College, named Dr. Griffin Epstein, asserted in a letter to the Toronto Star that I had played "hate speech in the classroom". These are just two examples.

Recently, Facebook has taken to banning white nationalists from their platform. If you poke around online, you'll see that tons of people call me a white nationalist and a white supremacist because I have offered criticisms of the practice of indigenous land acknowledgements and have cited the statistically backed-up fact that white Canadians are becoming a minority in Canada. An instructor at Wilfrid Laurier University, Dr. Christopher Stuart Taylor, used class time in his anthropology class to tell his students that I have neo-Nazi, white supremacist ideologies, which he followed by saying, "I shouldn't have said that; forget I said anything."

I don't have a Facebook account, but if I did, would it ban me? How many people does it take to smear you as a white nationalist or white supremacist before you get banned from certain online spaces?

• (0905)

This committee has noted that underlying their study on online hate is a finding by Statistics Canada that reported a 47% increase in police-reported hate crimes between 2016 and 2017. However, this increase is principally from non-violent crimes. As the Statistics Canada website reads: "police-reported hate crime in Canada rose sharply in 2017, up 47% over the previous year, and largely the result of an increase in hate-related property crimes, such as graffiti and vandalism".

Perhaps you caught this story in the news recently. A couple of months ago at Laurentian University in Sudbury a student found some candy on a cafeteria table arranged in the shape of a swastika. This swastika-shaped candy arrangement is being investigated by the university as an incident of hatred and intimidation. However, I do not think that one isolated incident of candy arranged in a swastika is enough evidence to indicate that anyone is trying to incite hatred, target or intimidate. This is an example of how the bar for what constitutes hate is too low.

I have had so many encounters with the hypersensitivity around what constitutes hate that I know bringing back section 13 of the Canadian Human Rights Act would be a mistake. It would cast too wide a net, and extremists who are already intent on causing real-world violence will go to the deeper and darker web to communicate, while individuals who shouldn't be caught up in online hate legislation will inevitably get caught up in it.

Thank you.

The Chair: Thank you very much, Ms. Shepherd.

Mr. Robson, the floor is yours.

Dr. John Robson (As an Individual): Again, thank you very much to the members of the committee for an invitation to speak to the Standing Committee on Justice and Human Rights. I am here to speak in defence of the very fundamental human right of free speech.

I know that all the members here are extremely concerned about hate and intolerance, and I know you are horrified by the eruption of bad manners and loathsome opinions on the Internet. Too often social media seem to encourage our worst passions, but despite that—and it is a real problem—censorship is not the answer.

Censorship is an ugly word, and it may well not sound to you like what you're considering doing, in part because your motives are good, but censorship is the right word for what happens when

government restricts freedom of speech for any but the narrowest of purposes, and censorship is an ugly word because censorship is an ugly thing.

There are legitimate grounds for government to restrict freedom of speech because the state exists to protect us from force and fraud. It is rightly illegal to conspire to commit crimes. It's illegal to libel or slander people. It's illegal to incite violence, and it's illegal to engage in material misrepresentation, but when governments seek to limit or prevent any communication that does anything else, including insulting or denigrating people or groups, it's censorship.

The problem with censorship is that it cuts the rattle off the snake; it doesn't drain the venom from the fangs. I want to be very clear here that a lot of the opinions that hate speech laws target are not just factually wrong, they are loathsome. My argument here isn't that neo-Nazis are fine people who happen to be misunderstood by idiots and the hypersensitive. My argument is that, in the battle of ideas, truth will prevail and that when you limit the battle of ideas, you put truth in peril.

I don't need to tell you why censorship in tyrannies is bad. They're trying to repress the truth. I don't need to tell you that if you go online you'll find yourselves called tyrants, neo-Nazis and all sorts of moronic insults, but the response to this kind of thing is to rebut it, to refute it, to laugh at it, to shun it, but it is not to call a cop.

What I want to do here is bring up the three arguments that John Stuart Mill made in *On Liberty* back in 1859 against censorship of unpopular ideas. It is important, to be clear, that it is censorship of unpopular ideas we are talking about. There is very little occasion for elected governments to try to censor popular ideas, but what Mill said is that, first and most fundamentally, an idea that people don't want to hear and that is unfamiliar and upsetting might turn out to be true.

I know you're not worrying about that when it comes to online hate, and there's no reason why you would be, but we have to protect freedom of speech because we might be wrong. We've been surprised before, and we don't have the wisdom to know in advance what ideas we shouldn't silence because we'll eventually realize they were right and which ideas we can safely trample underfoot because we know they are wrong.

Of course there are ideas that we would stake our souls, if we have souls, on being wrong, not just being erroneous, but being vicious. I don't know, because there are certain things you don't want on the record of the committee, but I'm going to say it out loud. Here are some ideas that are so wrong that you might be tempted to say no one can say them: Hitler should have finished the job, or blacks are inferior, that kind of stuff. There is no possibility that we are going to realize one day that they were true and that we shouldn't have been so blind to it.

This brings me to the second of Mill's arguments in favour of free speech, the Dracula effect. Of course he didn't call it that because Bram Stoker hadn't written his book yet, but it's the principle that sunlight destroys evil, that the way we get at truth is to speak out against error, denounce it and refute it.

Open societies are a gigantic gamble that truth has nothing to fear in a contest of ideas, and the trouble with censoring hateful speech is that you drive it underground where it isn't exposed to sunlight, where it isn't refuted, where it isn't ridiculed, where it isn't shamed and where people are not shown the error of their ways, because we want to rescue the haters as well as protect society from hate.

● (0910)

If you keep it off the open Internet, it goes into the dark web. It festers and it breathes in dank basements. It even lets haters wrap themselves in the mantle of martyrdom. You don't want to do that in the name of truth.

The third point that Mill makes is that if you live in a society where conventional wisdom is not challenged, even things that are true tend to be accepted as stale dogma and not as living truths. When you hear correct ideas defended, and when you defend them yourself, they become vital and living parts of your life. They become something you act on, that informs your existence and makes it better.

Censorship doesn't work. It didn't even work in tyrannies. Censorship in the Soviet Union allowed communism to last longer and in the end to collapse more disastrously. It also didn't work in Weimar, Germany, which had laws against anti-Semitism, and they didn't stop Hitler. What did people say in retrospect? They said we should have listened to what Hitler was saying. I meant to bring a copy of *Mein Kampf* as a prop, but I'm afraid I got busy this morning and forgot it. It belongs on every educated person's bookshelf because we need to know what hate looks like. We need to know how it could once have prevailed so we know how to fight it in others and in ourselves.

I once assigned it as a university text. I thought it would make a great headline, "Right-wing professor assigns Hitler text". I don't even think the kids read it because it is so long. The one thing I wasn't worried about is they'd read it and become Nazis. You should not worry that if Canadians are exposed to hateful speech online it will turn them into haters. It will do the opposite. It will anger them. It will lead them to speak out against it. It will lead them to think more completely and thoroughly about tolerance and to be more tolerant people.

There are a lot more things I could say but I'm not going to steal my fellow witnesses' time.

I want to quote Queen Elizabeth I. At a time when religious differences threatened bloody civil war she said, "I have no desire to make windows into men's souls".

That the state can prohibit acts of violence is very clear, and it's an essential duty that the state can prohibit incitement of violence. If someone stands on the street corner and says, "Kill that capitalist", they're going to get arrested, and they should get arrested. But if someone stands on a street corner and says that the only solution to the ills of capitalism is violent proletarian revolution, they should not be arrested, because we don't need censorship to protect us from force and fraud. We certainly don't need it to protect us from truth or error. We are adults.

In free societies, from the time of Galileo and Socrates, our heroes are those who challenged conventional wisdom, shocked reputable

opinion, outraged their neighbours and questioned authority. Most of them turned out to be cranks, and they're forgotten but some of them turned out to have been right. When we try to silence opinions we don't want to hear, we pay a huge price in truths we don't hear, and we drive untruths underground. In doing so we strengthen them; we do not weaken them.

Free speech lets us discover unexpected truths. It lets us refute error. It lets us live in the truth of our beliefs. It's a vitally important human right, and I implore this committee to uphold it in all its messy glory.

Thank you.

● (0915)

The Chair: Thank you very much.

Mr. Steyn, the floor is yours.

Mr. Mark Steyn (As an Individual): Thank you very much, *monsieur le président*, and also honourable members of the committee. I am honoured to be here.

I would like to say a quick word—as much as I always enjoy seeing Ms. Raitt—about the defenestration of Mr. Cooper from this committee, which I understand is the business of the members of the committee.

I am concerned. I was driving into Ottawa listening to my old friend Evan Solomon on the radio, who was arguing that it was perhaps time for Mr. Cooper to be booted from caucus.

That is actually the age we live in, where people can have one infraction and their life implodes, their career implodes, they're vaporized for it. That is actually one of the most disturbing trends on the free speech issue. The surviving vice-chair of this committee said recently that Jordan Peterson should not be permitted to testify to this committee. Bernie Farber, I believe just last night said Lindsay Shepherd should be booted from appearing before this committee. Ms. Shepherd and Mr. Peterson are law-abiding Canadian citizens, and this practice of labelling people and demanding that they be instantly "de-platformed", booted from polite society, is, in fact, more serious than some of the other matters before this committee.

I was here last time around, 10 years ago, when we got rid of section 13 because it was corrupt in absolutely every aspect of its operation, from minor bureaucrats indulging strange James Bond fantasies and playing undercover dress-up Nazis on the Internet to pathetic rubber-stamp jurists who gave section 13 a 100% conviction rate that even respectable chaps like Kim Jong-un and Saddam Hussein would have thought was perfectly ridiculous.

The worst aspect of it was secret trials—secret trials in Ottawa, not in Tehran or Pyongyang, but in Ottawa. I discovered it one evening before dinner and I emailed my friends at Maclean's. The eminent barrister, Julian Porter—who I see the Prime Minister recently retained as his Q.C.; that's how respectable he is—in a couple of hours wrote a motion referencing Viscount Haldane and *Ambard v. Attorney-General of Trinidad and Tobago*, real law, not the pseudo law of section 13, and did what John did. Julian's motion opened up that dank, fetid dungeon of pseudo justice to the public, to the people of Canada, and after 20 minutes in the cleansing sunlight that John talked about, the unimpressive jurist in that case, Athanasios Hadjis, decided that section 13 was unconstitutional and he wasn't going to have anything more to do with it. Sunshine works.

The most important aspect...while we're quoting judges, John Moulton wrote a famous essay a century ago on the realm of manners. He said the measure of a society is not what one is forbidden to do, which is to murder and steal and rape, and not what one is compelled to do, such as pay taxes or join the army or whatever. You measure a society by the space in between, the realm of manners, where free people regulate themselves. Canadians do not bash gays or lynch minorities because they are enjoined by the state not to do so. They do so because they are operating in Lord Moulton's realm of manners where free people, civilized people, regulate themselves. That is where the internal contradictions of a fractious multicultural society should be played out.

The idea of bureaucrats once again getting into this business is deeply disturbing. They didn't have enough work last time. Shortly before the Maclean's case, which was the one I was involved in, the senior counsel for the Canadian Human Rights Commission actually went to Toronto to speak to various groups to say they weren't getting enough cases and that's why people should file more complaints.

• (0920)

Ultimately, free speech is hate speech and hate speech is free speech. It's for the speech you hate, the speech you revile. The alternative to free speech is approved speech, and that necessarily means approved by whom? Well, approved by yourself as a citizen, if you don't want to have Lindsay Shepherd over to dinner, as Bernie Farber doesn't. That's fair enough. However, once it becomes speech approved by the state and by formal bodies, it effectively means the speech approved by the powerful.

The biggest threat to free speech at the moment is a malign alliance between governments and big tech doing the kinds of things that Lindsay spoke of. The photograph that sums it up is the one of Mr. Trudeau with Mrs. May, Ms. Ardern and President Macron the other day sitting across the table from the heads of Facebook, Twitter, Google and Apple. These are six woke billionaires who presume to regulate the opinions of all seven billion people on this planet. That is far more of a threat than some pimply 17-year-old neo-Nazi tweeting in his mother's basement somewhere out on the Prairies. That issue is the real threat to genuine liberty in our society.

I cannot believe that a mere 10 years on, we are talking about restoring this law. It was appalling, and unfortunately, this committee and the House never actually confronted it in reality.

I will finally say this on a personal note. I was born in Canada. I love Canada. I would die for Canada. I am old-fashioned enough to take the allegiance of citizenship seriously, but no monarch, no Parliament, no government, and certainly no bureaucratic agency operating the pseudo law of section 13 can claim jurisdiction over my right to think freely, to read freely, to speak freely and to argue freely.

Thank you very much, sir.

• (0925)

The Chair: Thank you very much to all of the witnesses.

We're now going to questions.

We're going to start with Mr. Barrett.

Mr. Michael Barrett: Thanks, Mr. Chair.

Ms. Shepherd, Mr. Steyn, Mr. Robson, thanks for your testimony this morning.

Mr. Robson, on the 16th of May, an article that you wrote was published, and it said, "I think it's very important to take a stand that what's dangerous isn't paintings, it's people who kill in response to paintings, books, cartoons or a sideways glance."

Can you expand on the context of what should be done, or not done, in response to online hate?

Dr. John Robson: What should be done in response to online hate is that we should first and foremost not put it out ourselves. That might seem like a very trite point, but I noticed that last night there was a tweet from a professor of political science, for whom I thought I had some respect, which had a clip of a political leader speaking about the fact that we're all God's children and he said, "Keep your imaginary 'beep' out of my public policy". I thought to myself how have we come to a place where somebody like that would not be ashamed just to utter obscenities in public—can we please stop doing that—but in the second place to dismiss Christianity as a word I'm not going to say into the record? This seems to me to incite hate and ridicule for Christians at least in its intention, but what it does is expose the perpetrator as contemptible.

First of all, we don't tweet things like that. Second, we react to them with contempt. We can unfollow these people. We can answer them, as I did, in what I hope was courteous language but very firm on the substance. If invited to debate a Nazi, I would not be afraid to do so. If invited to debate a racist, I would not be afraid to do so. But what you don't do is silence by force the expression of odious opinions. I was thinking actually to do with this thing about New Zealand and the manifesto, which apparently is unfit for consumption by parliamentarians, although as with *Mein Kampf* or, say, Stalin's *Foundations of Leninism*, you need to know about this stuff because it's dangerous.

In the middle of the 20th century John Scarne was one of the most eminent magicians in the United States. During World War II he went around teaching American GIs how to cheat at poker. Someone said that was the strangest thing and why was he teaching GIs to cheat. Scarne responded, "Because the bad guys already know all this stuff and I want the guy who wants to play an honest game of poker to recognize when somebody is doing something with a deck that they shouldn't be."

Again, if you think you can keep the name of that shooter or his ideas out of the dark web, you are deluded as to your powers. What we need to do when we encounter online hate is answer it indignantly, but, as I say, in such a way if possible as to redeem the hater themselves, because as Andrew Scheer said, we are all children of God. But if you can't redeem the hater you can at least protect others by showing what's wrong with these ideas. And that's what we do. We don't drive them underground. We don't drive them into the places where the Nazi party spread its message despite laws against anti-Semitism in Weimar, Germany. We do not have the wisdom.

Do not arrogate to yourselves the power to silence speech, because you don't have the wisdom to know what needs to be silenced. None of us should have that power. And it doesn't help. It simply gives hate a hiding place where conditions are propitious for it to breed and swarm out.

Mr. Michael Barrett: Thank you for your response, Mr. Robson.

Mr. Steyn, one of the ideas that's been raised by the committee and by the Prime Minister is, as you mentioned, the reinstatement of section 13 of the Canadian Human Rights Act. As you mentioned, you had involvement in litigating this section and its subsequent repeal. Could you expand on your experience in that regard to section 13 and the utility of legislation like that?

Mr. Mark Steyn: As I said, the problem with section 13 is that Canadians aren't very hateful people, so there was a lack of real serious complaints.

One man had his name on every complaint since 2002. A man called Richard Warman was the plaintiff on every section 13 complaint since 2002. It's a bit like *Groundhog Day* for me, but I'll proceed anyway. As I mentioned last time around, some of you may know that there was a self-appointed witch-finder general in England some centuries back, and for whatever it was—two pounds—he'd go out and find witches. Richard Warman was the hate-finder general of Canada from 2002—one plaintiff on every single complaint.

The offending material was seen by nobody. One post that the Canadian Human Rights Commission spent years investigating under section 13 had been viewed by 0.8 of a Canadian or, if you include the territories, 0.6713 of a Canadian, or something like that. Most of those 0.6713s of a Canadian were undercover agents of the Human Rights Commission whiling away their time at taxpayer expense on groups like Stormfront. In other words, Dean Steacy and Richard Warman of the Canadian Human Rights Commission joined neo-Nazi groups. There weren't enough neo-Nazis in Canada, so we had servants of the Crown pretending to be neo-Nazis, which is preposterous. They were aided by Sergeant Camp, for example, of the Edmonton Police Service, who was also a member of Stormfront. So, if you are one of the three neo-Nazis in Canada, and you go online one afternoon thinking you'll meet like-minded neo-Nazis, you'll find that the only people on Stormfront are Dean Steacy of the CHRC trying to entrap Richard Warman of the CHRC trying to entrap Sergeant Camp of the Edmonton Police Service. It was a corrupt and indefensible racket, and I have heard nothing from the witnesses before this committee that would suggest we are any more capable today of preventing those abuses.

● (0930)

The Chair: Thank you very much.

Mr. Fraser.

Mr. Colin Fraser: Thank you, Mr. Chair. I'll be sharing my time with Mr. Erskine-Smith.

Ms. Shepherd, I want to discuss with you a couple things that you mentioned in your presentation and also some activities that you've undertaken.

One thing that I think is missing sometimes when we talk about free speech is that it sometimes gets confused with consequence-free speech, meaning that people have to be responsible for what they do say. I agree, obviously, with the point that free speech in Canada is a protected right, that it is obviously extremely important and that we cherish it, but that it is subject to reasonable limits in our charter. Consequence-free speech is something that has to be borne in mind when responsible individuals are engaging in civil society.

I want to talk for a minute about a recent YouTube interview that you did with Mr. Gariépy. I'm sorry if I'm pronouncing that incorrectly. I'm not familiar with him. The topic of population replacement came up. I know you talked a bit in your presentation about whites becoming a minority. This YouTube channel hosts white supremacists quite often, including neo-Nazis like Richard Spencer, and former KKK grand wizard David Duke, who has appeared on that program. You appeared on it recently talking about population replacement. After you finished that statement, Mr. Gariépy then started talking about white genocide and how when whites are in the minority, like in South Africa and Haiti, white genocide occurs. You said nothing in rebuttal to that. Don't you think that free speech comes with a responsibility, especially when you're confronted with inflammatory and insightful rhetoric?

Ms. Lindsay Shepherd: I don't think I'm here to defend my personal track record. In fact, at a previous hearing, Naseem Mithoowani, one of the witnesses, was asked about her personal activities, and it was deemed that it wasn't appropriate.

Mr. Colin Fraser: So, you're not going to answer the question?

Ms. Lindsay Shepherd: I'm not here to defend my personal activities.

Mr. Colin Fraser: What we're here to talk about today is online hate. This was a video interview that was online on a YouTube channel known for espousing white supremacist, white nationalist views. You appeared on it just last month. In a study on online hatred, are you not willing to comment on whether you believe that the interview constituted online hate?

● (0935)

Ms. Lindsay Shepherd: It did not constitute online hate. It was not hate speech.

Mr. Colin Fraser: Have you spoken to any member of Parliament before today about your appearance here at this committee?

Ms. Lindsay Shepherd: No.

Mr. Colin Fraser: Okay.

I'll give my time to Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): Thanks very much.

Eid Mubarak, everyone.

There are thousands of peaceful, loving and welcoming Muslims in my riding right now. I'm normally in Dentonia Park with them; but I'm here with you instead.

Mr. Steyn, in light of Mr. Robson's comments about sunlight and having a more civil back and forth about comments rather than ensuring the stiff penalty of the criminal law, you've previously said about moderate Muslims that they want "stoning for adultery to be introduced in Liverpool", but they're moderates because they "can't be bothered flying a plane into a skyscraper to get it".

Do you regret anything that you've said about Muslims?

Mr. Mark Steyn: I'm a great believer in first principles, sir. Clearly, things that are said in the course of public discourse are offensive, obnoxious and hurtful. The question before this panel is, should they be criminalized?

Mr. Nathaniel Erskine-Smith: No. My question for you is whether you regret anything you've said about Muslims.

Mr. Mark Steyn: I regret many things I've said on many subjects

Mr. Nathaniel Erskine-Smith: That's fair enough.

Mr. Mark Steyn: —over the years. But here's the difference.

Naseem Mithoowani, whom I like a lot.... I run into Naseem every couple of years. I like her enormously. I like Muneeza Sheikh. I quite like Khurum Awan, who is the third of those Muslims who attempted to criminalize my writing.

But I think there is a difference in this. I'm willing to debate you. I'm willing to debate Naseem. I am not willing to go along with the big shut-up, which is—

Mr. Nathaniel Erskine-Smith: I appreciate your saying that. We talk about thresholds, and Mr. Robson was raising great concern about any threshold to hate speech. We, of course, for decades, since 1970, have had a very high threshold with respect to hate speech in the Criminal Code.

To all three panellists, give me one example of how, over the last 50 years, the Criminal Code has been improperly applied to hate speech—one single example in 50 years.

Mr. Mark Steyn: What do you mean by "improperly"?

Mr. Nathaniel Erskine-Smith: A court has dismissed it and said that this should never have been brought.

You raised procedural concerns about section 13. You lambasted it for your 10 minutes. Give me one example of impropriety with respect to the Criminal Code and hate speech over the last 50 years.

Mr. Mark Steyn: I've read the Taylor and Whatcott decisions carefully, and nothing that people have complained about before this committee comes anywhere close to the narrow definitions of the Supreme Court of Canada in both those cases.

Mr. Nathaniel Erskine-Smith: Right. There are narrow definitions by the Supreme Court of Canada.

Mr. Mark Steyn: Yes.

Mr. Nathaniel Erskine-Smith: My concern is with enforcement. I think there should be a high threshold for the Criminal Code. None of you have suggested a single example over the last 50 years as to why that high threshold is a problem. My concern is with enforcement. I encourage you to take that back and think about whether there are better ways for us to enforce criminal hate speech.

The last thing I will say is that it's not just the end of Ramadan this week, but this Thursday is also the 75th anniversary of D-Day.

Ms. Shepherd, when you go on YouTube and you embrace the views of population replacement with a white nationalist, just remember who the Nazis are.

Thanks very much.

The Chair: Ms. Shepherd, do you want to respond at all to that?

Ms. Lindsay Shepherd: No.

The Chair: Mr. Garrison.

Dr. John Robson: May I respond?

The Chair: While I appreciate it, he made a statement and I asked her because she was referenced in the statement.

I'm sure you'll have—

Dr. John Robson: He did ask the question to all the witnesses.

The Chair: Oh, was that on the Criminal Code?

Dr. John Robson: Yes. Though I am not here to debate specifics, I want to say that inasmuch as laws that censor speech are fundamentally illegitimate, it is not appropriate to figure out what the best way is to do a bad thing.

On the other hand, I talked earlier about how the Internet is awash in rubbish. I run a website that is actually skeptical about man-made climate change. People are forever saying, "We're going to report you as fake news and get you shut down."

The other day, somebody put a comment on our blog which said, and I quote, "Canada's Environment Minister, Catherine McKenna (aka Climate Barbie), in typical Nazi like screeching manner declared" blah, blah, blah, and at the end it said, "Joseph Goebbels would be proud." Of course I deleted that comment as soon as I saw it, because as it is a private matter and not a governmental matter, we are under no obligation to tolerate this kind of rubbish when it appears. I have reproached people for using that nickname for our environment minister. I think it is disrespectful. I think it is mean-spirited. I think it is harmful to speaker and to audience alike. Man is not poisoned by what goes in his mouth but by what comes out of it.

When this is a private matter, we refuse to associate with these kinds of things. When this is a public matter, it is not your place to silence us, even if we want to say something like the Quran does not separate church and state, and this is a serious problem in political economy.

• (0940)

The Chair: Thank you very much.

Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I must confess that I find this panel extremely challenging, because I happen to live in the real world and I happen to live in this century. When we have members on the panel saying things like there is no gay-bashing in this country, which is simply not true, and when they say that hate crimes for the most part aren't violent unless you look at the case of transgender Canadians, when most of the hate crimes that are reported are violent.... We've had a lot of, I think, factually incorrect material.

I think for me the question comes down to the minimizing of the impacts of hate speech, so I'm going to talk very personally here as someone who has been the first out gay man in a lot of different positions. I don't think any of you three understand what the result of hate speech is for people in my position, or for transgender people, or for indigenous women in Canada. I don't think you understand at all what happens in the real world.

When I was appointed to the police board some time ago, we had to have a discussion with the police chief about whether I had to have more police protection, because there were people online—at that time it was early—who were inciting violence against me as an out gay man.

When I was elected to city council in a very progressive community, we had to have discussions about what would happen at the public meetings because of things that were being said and posted about the fact that—my favourite—“someone should do something” about me. I took that very seriously and certainly my partner took that very seriously.

When I was elected to Parliament, I received death threats, multiple death threats. I had to meet with the police chief and have a discussion about what was an appropriate response to those threats. Some were very explicit. Some were less explicit.

My conversation with the police chief was, “If I'm a member of Parliament and somebody who has been an out public figure for—by that time—almost two decades, and this is being directed at me, what is being directed at other members of my community?” It was, “What are they facing on a daily basis? If we don't do something about that, then we are in fact encouraging it to go on.”

The police chief I worked with was very progressive and said, “Surely you're not talking about arrests.” I said, “Of course I'm not talking about arrests, but I'm talking about some door-knocking with those who have directly threatened me and about saying that this behaviour is unacceptable and it needs to stop.” There were a number of cases where the police did agree to do that. In my case, I was not worried on a daily basis that any of those particular individuals which we'd identified would come after me, although it

was possible. I was, as I said, worried about the impact of that kind of speech and that kind of behaviour on other members of my community.

I would have to say that for me, when I first arrived in Parliament, there was an official statement done by a party, which I won't name today, suggesting that I was a friend of pedophiles. You might say that's free speech. My argument with the Speaker was that it impaired my ability to do my job as a member of Parliament. By identifying me with a quite reviled—and justly so—group in society, people were affecting my ability to act as a member of Parliament.

Unfortunately, the Speaker at that time never ruled on that question, and I would have to say that perhaps that was a statement by an outlier, because that didn't happen again in Parliament. But it was necessary for me to speak up at that point to prevent the continuation of that kind of speech.

When you—and all three of you have done this—minimize the impact of hate speech on people's daily lives, I think you miss the entire point of these hearings. The entire point of these hearings is not about criminalizing speech. It's about deciding, in a modern society where social media have in fact become the public square, where do we draw the line?

We all know the old cliché that there are limits on speech, that you can't shout fire in a crowded theatre. The problem is defining where that crowded theatre is these days. Quite often, that crowded theatre is online and is the Internet. What this committee is trying to do in these hearings is to figure out where to draw that line. What's the appropriate place? It's not trying to ban speech or ideas.

I would have to say—because one of you did say it—that we need to debate these ideas so we know what's wrong with them. I would submit that we already know what's wrong with racism. We already know what's wrong with homophobia. We already know what's wrong with misogyny. What we're trying to do is to make sure that those ideas have less impact on the real lives of people in our society.

I guess I reject almost everything that you said today, because the context you place it in is academic, it's historical, and it has no relation at all to what happens in the real world.

• (0945)

I believe, Mr. Chair, that we're out of time as a committee, so I will leave my comments there.

Mr. Mark Steyn: Could I respond?

The Chair: He didn't ask any questions, Mr. Steyn. It's a member's prerogative to make a statement and not ask questions.

Mr. Ehsassi is next.

Mr. Ali Ehsassi (Willowdale, Lib.): Thank you, Mr. Chair.

Ms. Shepherd, on March 22 you were published in Maclean's. A quote is attributed to you. I suspect you had said, “Appearing on a neo-Nazi podcast and reciting slogans associated with Nazism is distasteful, destructive to healthy race relations and completely deserving of harsh criticism”.

Do you still stand by that?

Ms. Lindsay Shepherd: Certainly. That was March 22, 2018.

Mr. Ali Ehsassi: Okay. Would you agree that racism can be destructive to healthy race relations and deserves to be criticized and condemned?

Ms. Lindsay Shepherd: Sure.

Mr. Ali Ehsassi: Would you say the same thing about sexism and homophobia, that they're destructive to the public order and should be condemned?

Ms. Lindsay Shepherd: Then I have to go into how you are defining those things, but generally with the question as it is, yes.

Mr. Ali Ehsassi: You agree, then, that all these “isms” can be troubling to the public order and should be.

Ms. Lindsay Shepherd: Sure.

Mr. Ali Ehsassi: Do you think Canadian public figures have a responsibility to condemn hate speech?

Ms. Lindsay Shepherd: No.

Mr. Ali Ehsassi: No. You think it's perfectly fine. You agree it's destructive, but you don't think it should be condemned.

Ms. Lindsay Shepherd: I don't think people have a responsibility to condemn.

Mr. Ali Ehsassi: You don't think people have a responsibility to condemn, but I think you said here that they are “deserving of harsh criticism”.

Ms. Lindsay Shepherd: That doesn't mean people have to be assigned a responsibility.

Mr. Ali Ehsassi: No; however, you do agree that these terrible things are “deserving of harsh criticism”.

Ms. Lindsay Shepherd: Sure.

Mr. Ali Ehsassi: Why do you think our public figures should be spared?

Ms. Lindsay Shepherd: I don't want to go into a situation where you have to speak out on every little thing happening, and if you're silent, you are a culprit.

Mr. Ali Ehsassi: Not little things but the big things, do you think they should criticize the big things?

Ms. Lindsay Shepherd: Then we have to go into the difference between a little thing and a big thing, and you can see how these things go in circles.

Mr. Ali Ehsassi: Sure, but you would agree with the notion that the big things should be criticized.

You think the big things, as you put it, should be condemned.

Ms. Lindsay Shepherd: Yes, but then the problem is the operational definitions.

Mr. Ali Ehsassi: Thank you for that.

Mr. Steyn, I think you essentially admitted to the fact that you have said obnoxious and hurtful things in the past. Would you—

Mr. Mark Steyn: [*Inaudible—Editor*] I've been in this business a long time, and I don't think you'd find anyone, including most of my editors, who would find me anything other than obnoxious, unpleasant and hurtful.

Mr. Ali Ehsassi: Okay, so in the article you wrote in Maclean's, “The future belongs to Islam”, where you stated, “It's the end of the

world as we've known it”. Would you agree that's alarmist and obnoxious?

Mr. Mark Steyn: That's a bit of the problem. With respect to Mr. Garrison thinking this is all academic and mumbo-jumbo, that's what my learned friends would call *res judicata*. The thing has been adjudicated.

Mr. Ali Ehsassi: Would you say that's obnoxious and alarmist?

Mr. Mark Steyn: No. I was taken to three human rights tribunals, and I won, sir.

If you want to take me to court for a fourth time—

Mr. Ali Ehsassi: I asked you a very specific question.

Mr. Mark Steyn: That's been adjudicated, and I'm in the clear. I beat the rap in British Columbia, at the federal human rights commission and in Ontario.

Mr. Ali Ehsassi: I don't think you were adjudicated as to whether you were obnoxious or you were hurtful. Were you?

Mr. Mark Steyn: No. It's the same. It's so stipulated, sir.

Mr. Ali Ehsassi: No, but that's not what you really think. Is that correct?

Would you agree with that, whether you were obnoxious or not?

Mr. Mark Steyn: That my obnoxious—

I sat in the Robson Street courthouse in Vancouver and heard an expert witness flown in from Philadelphia discourse on the quality of my jokes, some of which are indeed obnoxious and hurtful. I think that is better left to an article in the *Literary Review of Canada*, sir.

Mr. Ali Ehsassi: Thank you for that.

You also objected to Chris Cuomo, the CNN commentator saying, “The real problem is white supremacists in America. They're the real monsters”. You took issue with that. Why?

• (0950)

Mr. Mark Steyn: I am not sure I have any particular.... Here's the thing. My Q.C. in that case, Julian Porter, who is also the Prime Minister's Q.C., took the position—

Mr. Ali Ehsassi: Could you stick to Mr. Cuomo's point on why—

Mr. Mark Steyn: I'm answering your question. He took the principled position that we had nothing to defend under Canadian law. I am not here, sir, to justify to you words I have used on TV in the United States and radio in Australia—

Mr. Ali Ehsassi: I'm just asking you why you condemned Mr. Cuomo.

Mr. Mark Steyn: —and I do not intend to do it.

Mr. Ali Ehsassi: Why did you condemn Mr. Cuomo?

I'm asking you a very simple question. Why did you condemn—

Mr. Mark Steyn: The words I chose are the words I chose, and you are free to interpret them as you so wish.

Mr. Ali Ehsassi: I'm asking you a very simple question.

Mr. Mark Steyn: No, you're doing what is perhaps the most repulsive aspect of this committee, which is trying to force people to deny certain things they said five, 10, 15 years ago—

Mr. Ali Ehsassi: I'm asking questions. That's my job here.

Mr. Mark Steyn: —as if there is only one correct position on Islam—

Mr. Ali Ehsassi: No, I'm not. I'm asking you a question. I think that's my job.

Mr. Mark Steyn: —on immigration, on climate change, on transgender bathrooms and on same sex marriage. We cannot keep going on saying this is the correct line, and—

Mr. Ali Ehsassi: Mr. Steyn, I have to say that I completely agree with Mr. Garrison. This isn't an abstract exercise. I'm just asking you a simple question.

Mr. Mark Steyn: I will tell you something with respect to that, too. I'm not going to bandy death threats with Mr. Garrison. I take it he's had them.

I appeared on stage at the Danish parliament. I had to be protected by Danish secret police security service. The British foreign office and the United States Department of State said it was not safe for British nationals or U.S. citizens to go near that event. When I appeared there five years before—

Mr. Ali Ehsassi: Mr. Steyn, I don't understand why you can't answer a simple question.

Mr. Mark Steyn: —I was on stage with four other people, one of whom had her restaurant firebombed, the other of whom had her event shut up.

Mr. Ali Ehsassi: Could you answer my question, Mr. Steyn? Could you kindly take my questions?

Mr. Mark Steyn: No, I'm telling you that there are all kinds of people who get death threats, and if the alternative is surrendering our liberty over death threats—

Mr. Ali Ehsassi: No, that's not what I'm suggesting.

Mr. Mark Steyn: —to hell with that, sir.

The Chair: Thank you. The time has elapsed.

I want to thank all of our witnesses today. One of the important parts of discourse is that we try to do so reasonably even if we strongly disagree and, hopefully, we continue to do that.

I really appreciate very much all of you being here today.

We have an in camera meeting that comes up to discuss a report.

Mr. Barrett, did you have something before we do that?

Mr. Michael Barrett: Yes, Mr. Chair.

Just for consistency's sake, if there are any other meetings today that were televised at your prerogative, I would move a motion that we don't televise the rest of our proceedings for today and have them broadcast in audio only on the same basis of consistency that I supported the previous motion.

The Chair: Would that be related to the Google meeting this afternoon?

Mr. Michael Barrett: Right.

The Chair: Sorry, witnesses, I will thank you in a second.

It's a non-debatable, non-amendable motion to not televise the meeting this afternoon with the representatives from Google.

Mr. Michael Barrett: I will ask for a recorded vote.

The Chair: It's scheduled to be televised.

Mr. Colin Fraser: Is it scheduled to be televised?

Mr. Michael Barrett: Yes, as was this, so just for consistency, but that was done at the chair's prerogative.

The Chair: We will have a recorded vote. If you vote yes, you're voting not to televise the meeting with Google. If you vote no, you're voting to televise it.

(Motion agreed to: yeas 7; nays 1 [*See Minutes of Proceedings*])

The Chair: The motion carried. We will not televise the meeting with Google.

Again, I want to thank the witnesses.

We will now take a short break, clear the room, and we will reconvene in camera.

[*Proceedings continue in camera*]

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