Standing Committee on the Status of Women

EVIDENCE

Wednesday, October 5, 2016

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Chair

Ms. Marilyn Gladu

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● (1545)

[*English*]

The Chair (Ms. Marilyn Gladu (Sarnia—Lambton, CPC)): Good afternoon. Since we're running a little bit late and we have a quorum, we're going to begin.

We're very happy today to have with us, from the Canadian Association of Chiefs of Police, Jeffery Adam, the chief superintendent and director general of E-Crimes. We also have from the west coast, the LEAF Association, represented by Kendra Milne, the director of law reform, who is joining us by video conference

I'm sure we'll have a lively conversation.

We'll go to our 10 minutes each for opening remarks and then to our questioning.

We'll begin with you, Jeffery Adam.

Chief Superintendent Jeffery Adam (Director General, E-Crimes, Canadian Association of Chiefs of Police): Thank you.

Madam Chair and distinguished members of this committee. I am pleased to accept your invitation and am here today as a member of the E-Crimes committee of the Canadian Association of Chiefs of Police, speaking on behalf of the president, Mario Harel, and CACP members.

The mandate of the CACP is "safety & security for all Canadians through innovative police leadership". This mandate is accomplished through the activities and special projects of a number of committees and through active liaison with various levels of government and departmental ministries having legislative and executive responsibility in law and policing.

My role with the CACP, as stated, is co-chair of the E-Crimes committee. I oversee the work done by three subcommittees: digital forensics, lawful access and electronic surveillance, and the brand new cyber council. It is in respect to this cyber council that I am appearing here today and, in particular, on the topic of cybercrime.

The growth of social media and the evolving digital environment has changed both how people interact and with whom they interact. This change has happened very quickly, and Canadians are still figuring out this new environment. This digital environment has none of the sensory input that people have evolved to pay attention to. There are none of the usual threat cues that one can see, hear, smell, or feel when entering a dangerous neighbourhood or area.

People check their social media from the comfort of their own homes, feeling safe and comfortable in a physical sense. They may not perceive web pages, marketing sites, or email messages as dangerous based on the their current physical environment as the reader, that is, where they are located, and given the absence of the usual threat cues.

Offenders can have the same mindset, operating from the privacy and relative security of their homes anywhere in the world to commit crimes anywhere in the world. In the offender's mind, where is the risk?

The model of policing that Sir Robert Peel started back in 1829 has less relevance in today's digital world. The historical triangle of offender, police, and victim all being in the same geographic location is no longer true, yet neither police nor the public have discussed what this means to public safety and law enforcement in this new environment.

Canadians also need to have a discussion about the differences between privacy and anonymity. The former is encouraged and is a right to be free from unreasonable intrusion; the latter, in an absolute application, breeds anarchy and impunity from accountability.

Cybercrime has evolved, fuelled by several elements, such as the low risk of apprehension; anonymization through technology; the decreasing expense and increasing power of technology; marketization of cybercrime, which is a business model that has 24-hour support, help desks, sales services, and customization; and the lack of security focus by both businesses and our citizens. The combination of these factors above mean that Canadians are increasingly vulnerable to cyber-attacks and criminal victimization.

The 2016 CACP annual general meeting focused on cybercrime, with a theme of "Real Victims, Real Crimes", and it provided the memberships with the groundwork to develop a Canadian law enforcement strategy on cybercrime, which is currently in development.

The strategy is based on five main steps, or themes: first, to mainstream cyber-investigative capabilities among law enforcement; second, to deter victimization through education and awareness; third, to increase collaboration between law enforcement, industry, other government agencies, and non-government organizations; fourth, to enhance skills and specialized investigative support and to push evidence gathering to the first responder as much as possible; and fifth, to advocate for the resources, tools, and legislation to keep pace with technological changes.

Thank you and I look forward to answering any questions you may have.

The Chair: Excellent.

Now we'll go to Ms. Milne and you'll have 10 minutes as well.

Ms. Kendra Milne (Director, Law Reform, West Coast LEAF): Thank you so much.

My name is Kendra Milne, and I'm the director of law reform at West Coast LEAF. As was announced, I'm here in Vancouver. I'd just like to acknowledge that I'm on the traditional unceded territory of Coast Salish peoples, and particularly the Squamish, Musqueam, and Tsleil-Waututh peoples.

West Coast LEAF is a non-profit organization here in Vancouver that seeks to achieve equality for women and change historic patterns of discrimination against them through litigation, law reform, and public legal education. Some of our recent work is particularly relevant to the committee's current study.

First, in 2014 we published a report entitled "#CyberMisogyny: Using and strengthening Canadian legal responses to gendered hate and harassment online". That report laid out provincial and federal law reform recommendations in order to better address online harassment, exploitation of youth, cyberstalking, and hate speech. From that project, we also developed a workshop called TrendShift, aimed at youth in grades 8 to 12, which focuses on asking young people to think about what violence and discrimination might look like in online spaces.

Before jumping into some specific law reform recommendations for discussion today, I first want to reiterate that online violence is simply part of a larger spectrum of violence. For example, our office often hears about cases involving abusive spouses or dating partners. After separation or relationship breakdown, when they may not be able to use physical violence that depends on physical proximity, they simply switch to the online realm in order to continue the same form of abuse. That can take the form of sharing intimate images or information, spreading lies as revenge, or even using necessary forms of communication like email and texts that might be required for co-parenting, in order to basically continue abuse and turn those communications into threats and harassment. It's important to note that this kind of behaviour is simply a continuation of the same kind of abuse as physical violence. It has the same goals—to exert power and control over the victim.

With respect to federal law reform to protect women and girls online, justice looks different for every woman. Some may want to pursue legal remedies and others may not. Setting that aside, though, legal recourse is something that should be open to women to pursue, and it should provide them with meaningful protection when they feel it is the right path for them. With that in mind, I will outline two key suggestions for law reform, one that will offer a new, or rather renewed, legal remedy for women, and one that will improve an existing remedy in order to better deal with online behaviour specifically.

The first thing I want to talk about is the Canadian Human Rights Act. In 2013 the federal government repealed section 13 of the act, which mandated that communications, including telecommunications and online communications, that were likely to expose a person to hatred on the basis of a protected ground amounted to discrimination. It's no coincidence that women, racialized people, people with disabilities, and members of the LGBTQ communities experience disproportionate rates of online violence and harassment.

That behaviour is often rooted in sexism, racism, ableism, homophobia, transphobia, and otherwise discriminatory attitudes, which are the same attitudes that led to those groups being protected in human rights legislation in the first place. The Internet and online spaces are simply new and unfortunately very effective tools to continue these historic and systemic patterns of discrimination.

The human rights system offers an important remedy outside of the criminal system for women, because its purpose is not about penalizing the perpetrator. Instead, it is about making the victim whole. The process is also fully within the victim's control and doesn't depend on police and the crown to approve charges and pursue. Human rights legislation has a very powerful place in our legal system. It is considered to be quasi-constitutional, and it also plays an important role in Canada's obligations under both the charter and international human rights provisions that require Canada to take action to end discrimination. By removing this protection from the Canadian Human Rights Act, the government sent a very clear message. That message was that free speech, and even overtly hateful speech, automatically trumps the safety and dignity of those in need of human rights protections, including women. In our view, the federal government should reverse that message and introduce hate speech again as an area of discrimination under the act to give women an added tool to seek justice when they experience online violence.

The second amendment I'd like to speak to will strengthen the criminal harassment offence provisions in the Criminal Code. It will do that by providing interpretive guidance about how to respond to online harassment. The Criminal Code harassment provision, section 264, is silent on when harassment will cause a person to "reasonably" fear for their safety. That's really important, because what might be viewed as reasonably causing fear will be different based on gender, ethnicity, indigeneity, and ability. In particular, women's experiences of violence and navigating the risks of violence in their everyday lives must be reflected when we're talking about what constitutes a reasonable fear.

● (1550)

Online violence takes a massive emotional and psychological toll. As Mr. Adam commented, online violence is particularly rife when parties are not particularly close to each other. In fact, there's often great physical distance.

It's really important that parties, including the judiciary and police, when they come to interpret the Criminal Code, know that it covers behaviours that cause a person to fear for their psychological safety and integrity. There are court cases interpreting the provision that way, but, unfortunately, it is not uniformly applied.

For example, there is the case of Patrick Fox, a man in B.C. who said that he "wanted to destroy his ex-wife" who was residing in the United States. He created a website using her full name, with vulgar content, demeaning images of her, and which purported to describe details of her sex life. He said publicly that nothing short of his death, or making his ex-wife destitute and homeless, would make him stop the harassment. He was arrested in early 2016 for this behaviour, and the crown initially declined to charge him. Speaking of Mr. Fox's actions, a crown representative said, "We couldn't conclude that that would cause the complainant to have an objective fear for their personal safety".The fact that people lived in different countries played a part in that assessment.

Mr. Fox was eventually charged five months later because of additional evidence, but the crown's comments about physical proximity are troubling and show a really outdated understanding of what can constitute a reasonable fear for safety. In that case, there was clear evidence there was ongoing psychological harm as a result of the online harassment.

In order to remedy situations like this, we suggest that Canada amend section 264 of the Criminal Code to provide assistance to those tasked with applying it, including the police, crown, and the judiciary. Such an amendment could include a non-exhaustive list of what might constitute a reasonable fear for safety, and it could use a definition that takes into account women's experiences of violence in particular. It could also include as an express direction that a reasonable fear for psychological safety will meet the threshold, to ensure that all points in the justice system understand that the psychological impacts of online harassment—the most common impacts—are captured.

These are just two amendments that will provide additional and strengthened legal remedies for women and girls who've experienced online violence.

Thank you.

● (1555)

The Chair: Excellent. Thank you very much.

[*Translation*]

We will now begin the question period.

Mr. Serré, please go ahead.

Mr. Marc Serré (Nickel Belt, Lib.): Thank you, Madam Chair.

[*English*]

Thank you so much, both of you, for your presentations, your time, and preparation of them and your insight.

My first question is for Ms. Milne. You mentioned section 13 of the Canadian Human Rights Act. Can you please expand on that a bit, reviewing what changes you want us to consider reintroducing?

Ms. Kendra Milne: Sure, absolutely.

Obviously, some online harassment can take the form of what we would call hate speech, when overt sorts of sexual threats are used against women, or when groups of women are targeted with clear threats. In our view, that is gendered hate speech.

There are, of course, hate speech provisions in the Criminal Code, but in our view it's incredibly important that the government really clarify that this kind of behaviour impacts women's human rights, as well other groups with human rights protections. In particular, it's important that they have access to a legal regime that is focused on their needs and how to make them whole, rather than on the perpetrator, which, of course, is a really common criticism of the criminal justice system. Also, it must be within their power to bring...so that it's not dependent on approaching state authorities to pursue justice.

For example, indigenous women may have all sorts of reasons for not wanting to approach police or the state for their justice. What I am suggesting would provide another avenue for women and a really important recognition of the kinds of harms involved and the fact that these kinds of harms, when they're gendered in nature, really go to human dignity and human rights.

Mr. Marc Serré: Thank you.

Mr. Adam, in 2014-15, the Law Amendments Committee of the Canadian Association of Chiefs of Police examined the Protecting Canadians from Online Crime Act, which was enacted in 2014. In your opinion, are there still gaps in the legislation to protect young women and girls against cyber-violence? If so, what are your suggestions to address some of those gaps?

C/Supt Jeffery Adam: I'll speak generally on that topic, because it would be inclusive. We encounter five key themes as we try to investigate any crime taking place in cyberspace.

First is a reasonable law to allow timely access to basic subscriber information. That's the ability to at least get the information out of what used to be the phone book to tell us where to lead our investigation.

Second is the use of encryption that we're seeing. The perpetrators are hiding behind unbreakable communications encryption, and we cannot get evidence because of that.

Third is the lack of data-retention standards for our telecommunications service providers, which has direct application to this case and any other criminal offence for which we cannot rely on our telecommunications service providers to give us, even under lawful authority, the information that we would need to pursue the crime.

Fourth, which is the most relevant in the conversation so far, is the extraterritorial nature or the lack of geopolitical boundaries of the Internet. Under the current legislation, getting evidence from a foreign party that is a signatory to the MLAT process takes roughly 18 months. That is inadequate and insufficient.

● (1600)

Mr. Marc Serré: Specifically on that, Mr. Adam, is that an international law? Is there anything they could do about...?

C/Supt Jeffery Adam: It's a mutual legal aided treaty. We would have to revisit the treaty.

Mr. Marc Serré: Ms. Milne, you mentioned quite a few recommendations, and I really appreciate having those on the record.

You alluded to the privacy side of social media, for Facebook and Twitter. Do you have any recommendations for us in our role as the federal government regarding improvements that could be made along those lines related to those two social media?

Ms. Kendra Milne: It's a bit tricky. We done a 90-page report that's filled with all of our recommendations, but I can give the favour of a couple. One of the other things we've recommended is that either through the CRTC or through a similar kind of online consumer protection agency, the federal government could take a stronger role in regulating these kinds of social media platforms that are operating in Canada, and particularly regulating them with an eye to standardizing protocol regarding response, when someone complains about other online behaviour. Right now we hear from women that responses are hit and miss and that they are very sporadic, so we really need some baseline standards that operators in Canada need to adhere to. In particular, I think that would likely be more feasible with the bigger operators. I think it would be more difficult with the smaller up-and-coming operators. I think that at the end of the day, it's very appropriate for the federal government, given its jurisdiction, to deal with regulating in some way these kinds of service providers.

Mr. Marc Serré: Before I go to Mr. Adam, is it possible to give the committee that report?

Ms. Kendra Milne: Yes, absolutely, I can send it.

Mr. Marc Serré: Thank you.

Mr. Adam, do you have any suggestions from the police association? Do you have any recommendations?

C/Supt Jeffery Adam: The CACP has looked at the extra-territorial issue. Where our major social media providers are not generally situated here in Canada, we looked at it from the perspective of encryption. How would we, if possible, regulate encryption in Canada? But where the apps and the service providers are outside of Canada it became very quickly apparent that it was going to be an extremely difficult task to regulate against encryption. I believe there are some parallels here with the social media providers when they are based outside of Canada and outside of our territorial reach, so to speak. I'm not sure whether regulation in Canada would have a great deal of impact.

The Chair: Very good. That's your time.

We'll go now to my colleague, Ms. Vecchio.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Thank you very much for coming.

I'm going to start with you, Mr. Adam. Many people and organizations that have spoken to us have said they feel there is inadequate training at the first line. The police coming in and first responders are having issues dealing with victims of cybercrime.

Victims of cybercrime report that they have received different advice or responses. At that level, do you feel the response is uniform or do you feel that each and every station or jurisdiction would have different ways of dealing with cyber-violence?

● (1605)

C/Supt Jeffery Adam: In my experience, and that with the E-Crimes committee, I would say, "Yes, it is inconsistent."

Part of the strategy and part of the reason we organized the annual general meeting around cybercrime was to make the chiefs and their deputies aware that this was a gap. The whole theme was real victims, real crimes. The response to an incident of what I will call "cybercrime", for the lack of a better word, has to be with the same level of attention as given to a break and enter into a house.

Traditionally, we would have a break and enter or somebody just stealing stuff off your clothesline. You would have a Mountie or somebody else show up, and you may have people dust for fingerprints, take pictures, and all kinds of stuff. Nowadays, sadly, in many jurisdictions, because of the lack of awareness of what can or cannot be done, we are encountering, "Thanks, I'm not sure what to do about that. Is that really a crime?" or "Stay off the Internet."

We're working very hard at the first pillar of our strategy, mainstreaming cyber-investigative capabilities, to drive down to the first responder at least the basic awareness of what impact cybercrime does have.

Mrs. Karen Vecchio: That goes further with my question. What kinds of tools are you putting forward for law enforcement? Are there any tools or resources that the federal government should be assisting you with as well?

C/Supt Jeffery Adam: The high-tech section of the Canadian Police College has online courses available for all law enforcement members to partake of. There is other training. We are working with our international partners on getting access to their cybercrime training programs for free, for Canadian law enforcement. All of those things that are out there, we are now pushing into the field, to please take it, to please understand it, and please act on it.

I don't believe there's anything that the federal government can do that we're not doing in that space right now. It's just a matter of volume, essentially.

Mrs. Karen Vecchio: Thank you very much. I'm just going to move on to Kendra.

What is the biggest legal issue that gets in the way of bringing cybercriminals to justice? What do you feel is that one thing? I know you recognize that we look at human rights, hate speech, and a variety of things like that. I know it's very difficult to pinpoint this, but where would you start?

Ms. Kendra Milne: I think my response would be very similar to some of the barriers to women getting justice for sexual assault through the criminal justice system, and other forms of violence. I appreciate Mr. Adam's comments and the questions about how to improve training for front-line providers. The training needs to go beyond technical training and what is technically illegal about this is and what the technical investigative powers are, because I think there's a real lack of understanding of the kinds of impacts that online violence can have on people. Because there isn't this physical proximity and there isn't a physical risk of violence or physical evidence of property destruction, it can be trivialized and it's viewed as lesser or not prioritized.

This would be the same recommendations we would make in many situations: understanding the dynamics of gender-based violence. As soon as you understand the dynamics of power and control that the violence is really about, then you can see much more easily how online violence continues to perpetuate that and to cause really serious harm to its victims.

Right now there seems to be, right from front-line police and all the way up to judges, a difficulty in grasping its seriousness and true impact. It tends to be a lesser priority.

Mrs. Karen Vecchio: I'm going to share the next few minutes with Ms. Harder. I'll just pass it over.

Ms. Rachael Harder (Lethbridge, CPC): Thank you very much.

Kendra, I really value the point that you brought up with regard to the Canadian Human Rights Act. You said that it was repealed in 2013 and that it could be advantageous to bring that back.

Now, one thing that was also done in 2013 was the introduction of an anti-cyber-bullying law that came into effect in 2015. That was Bill C-13. It was overturned by the courts because it was said to violate the privacy of Canadians.

If we were to look at bringing back something like the Human Rights Act, which was repealed in 2013, or we were to look at pursuing anti-cyber-bullying legislation, how do we balance the privacy of individuals, the freedom of speech that individuals have under our Canadian Charter of Rights and Freedoms, with the protection of victims? How do we go about balancing that as legislators?

● (1610)

Ms. Kendra Milne: I don't think there's an easy answer. I think when human rights come into conflict with each other, whether they be privacy and free speech with the right to be safe, or equality rights with the right to not experience discrimination, it's a really challenging thing. I can say, for example, that the provisions in the Canadian Human Rights Act were not new provisions; they were there for quite a while. B.C. has very similar provisions in its human rights act, but B.C., of course, doesn't have the jurisdiction over federal communications and telecommunications, so these don't apply.

The key is that we can learn lessons from some of the legislative attempts, particularly in Nova Scotia, where legislation came through very quickly and likely was overly broad. Taking the time to really think through and consult on how to balance those rights is key.

When it comes to the human rights process, I think that process has built within itself the ability to balance those rights. In the human rights process, the complainant establishes a case of discrimination, and the respondent has an opportunity to justify it. That justification can involve things like their charter rights that are at stake, religious freedoms, and things like that. So it has within itself its own balancing process.

What cannot happen is this idea of just legislatively deciding that one trumps the other without any consideration of the individual situation. First of all, that really erodes women's protections, but it also sends a terrible message about how we prioritize what often is quite hateful speech over their fundamental rights.

The Chair: I'm sorry, but that's your time.

We'll go now to Ms. Moore. Welcome. You have seven minutes.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Thank you, Madam Chair.

Mr. Adam, I have a few questions for you.

Many things happen online on a regular basis that women never report. For example, when they sign up for a dating site, they might receive nude photos that they absolutely did not seek out and be approached in all kinds of ways. They might also be asked to send nude pictures of themselves. That is similar to harassment. Yet these things are never reported. Most people know it would be absolutely crazy to report them because, unfortunately, they are exposed to this kind of thing several times in a year. They have to simply block those messages and erase everything.

In your opinion, does the fact that such behaviour is never punished, that nothing happens, not in a way contribute to an escalation of violence in such cases?

The first instances of behaviour that verges on violence or is violent are almost never punished. So the escalation of violence continues. In general, the intensity of such behaviours increases gradually, without any consequences. There might be consequences at some point, but things would have already gone very far before they are reported, investigated and consequences imposed.

[*English*]

C/Supt Jeffery Adam: There are several parts in there. First, it's not just cybercrime but also that type of event, which, I believe, is systemically under-reported. I can't speak to why that is other than from my own personal experience, which is that the victim often feels re-victimized through the criminal justice process. Reporting it and entering into the criminal justice system is seen as very intimidating. Of course, that's not what the person needs at that time.

There are enough provisions within the Criminal Code of Canada for us to deal with this type of event once we become aware of it. The trick is to become aware. For the cybercrime issue—just purely cybercrime—there is no central reporting. There is no way for us at this time to capture if an event such as threats or harassment occurred online or offline. We need to make those changes in both the StatsCan system and our own records management systems to get a picture of what is happening that is reported. There is some motion towards putting in and asking for support from government on a centralized deconfliction apparatus—a national cybercrime coordination centre—that would allow single-stop reporting either online or in person, so that we would at least have an idea of what is happening.

● (1615)

[*Translation*]

Ms. Christine Moore: That kind of thing can happen once a week easily, especially in the case of young girls. Complaints occur with some frequency, but you are saying that they are under-reported.

If there was suddenly a police service that had to manage one complaint per week from all women under the age of 40, it seems obvious that there would not be enough resources to do so. They would be completely overwhelmed and could not even take all the depositions, even regarding emails that are sent and so forth.

Would it be possible to make the system much more efficient so that cases are processed quickly?

[*English*]

C/Supt Jeffery Adam: You're exactly right that we would be completely inundated and don't have the capacity to deal with it. So then I look back to how cyber has evolved. What is missing is good security digital hygiene practices by everybody. Where I'm going on this is prevention.

As I mentioned in my opening remarks, if people are comfortable in their homes and don't have those threat cues and are not aware of the danger they're in or who they're dealing with, we end up with somebody who could be victimized and may be victimized. Where do we have very good education systems and products for our citizens on securing themselves and keeping themselves out of trouble, where their sensory input isn't telling them they're in trouble? We do not have that as strongly as we need it.

As I mentioned about strategy, one of our elements is deterrence. There is a drug abuse resistance education program that we give to the schools. If we turn "drug" into "digital", we should be able to roll out the same type of idea to the kids. Start them off young, keep them out of sexting environments, and keep them aware that the Internet is not a forgettable place. You are there permanently. Nobody understands, when they're in their kitchen in their fuzzy slippers having coffee, that what they say online is ineradicable. It's there. It's very difficult, if not impossible, to remove everything.

It's the education, the prevention, that we need to get in front of so that, when somebody starts seeing this trend towards violence, they can stop it early.

[*Translation*]

Ms. Christine Moore: Also, are there any tools that could be used with young men who might go too far in their comments? Are there tools that could be used to help them change quickly and truly understand how far they can go in an online message or to clearly indicate what is the line that must not be crossed?

[*English*]

C/Supt Jeffery Adam: It would be the same education process that we would use to reduce victimization and exploitation of those young people. The trick would be to raise the awareness of everyone of the courtesy rules, of comportment, etc. on the Internet, and then you hopefully could stop some of that experimentation as it goes on when the kids start feeling their wings on the Internet.

[*Translation*]

The Chair: Ms. Moore, I'm sorry, but your time is up.

[*English*]

We'll go now to Mr. Fraser for seven minutes.

Mr. Sean Fraser (Central Nova, Lib.): Thank you very much.

I found both of your presentations fascinating.

I'll start with you, Ms. Milne. I was very interested when you discussed the Human Rights Act and the need to have victim-centred justice, which the criminal system seems to be lacking, quite frankly. I'm wondering if you think shifting things towards sort of a Human Rights Act paradigm would encourage more women to come forward with complaints about sexual cyber-violence.

● (1620)

Ms. Kendra Milne: I think it absolutely would. I guess I'm not sure that I think it should be shifting away from the criminal law towards human rights. I think both of those avenues should be available to women. I think there's lots of research that suggests that sometimes women have very valid reasons for not approaching the police, whether it's because they are re-victimized through that process, or that the process doesn't focus on them, or that it does not have adequate victim supports. There are all sorts of reasons why. I think having alternatives that women have more control over is key.

I can speak only from the B.C. experience, but it's a fundamental problem there, because there is no legal aid to cover the human rights system. The federal system is a little bit different because there's the Human Rights Commission, but if the shift is to broaden the human rights protections in this area, the system obviously has to be meaningfully accessible to women. That requires their having legal assistance to approach that system.

Mr. Sean Fraser: Excellent. I assume you would recommend that we formally extend access to legal aid for people pursuing human rights claims for issues like cyber-violence.

Ms. Kendra Milne: Absolutely. I think it's crucial to all sorts of violence against women, including harassment in the workplace and all sorts of things.

Mr. Sean Fraser: Excellent. I find that the criminal standard of "beyond a reasonable doubt" makes it discouraging for someone to prove under that standard that something may have happened online, especially when law enforcement hasn't caught up to the technology. However, if you had a perfect world and you could design the system from scratch within a human rights or civil context, should we stick to the balance of probabilities in the civil context, or is there a different threshold we should be using?

Ms. Kendra Milne: No. I think the balance of probabilities for the prima facie case of discrimination has worked well in the human rights system.

Mr. Sean Fraser: On the issue of intersecting grounds of discrimination, you mentioned, for example, that indigenous women may be less inclined for quite a number of reasons to bring a complaint forward in the criminal justice system. I expect that the same would be true of any government-centred approach. There are going to be certain sectors of the population who, for whatever valid reason, may lack trust in government.

Is there a community based system or a restorative process you can think of, or that you would recommend we adopt, to encourage people from a wide variety of backgrounds to come forward with complaints?

Ms. Kendra Milne: I think the best case scenario for all responses to violence against women would involve the full spectrum of solutions. With respect to online violence, it includes the criminal system and the human rights system. Ideally, it would also include some regulation of service providers so that if it's just a matter of getting a picture taken down or trying to ensure that a block against someone works, then there's the ability to do that within the media platform they are using.

I think there need to be community based women's organizations where, if women choose not to access any of the state systems or systems within a service provider, they can get support and counselling to be able to move on from what's happened to them.

Mr. Sean Fraser: We also heard testimony from prior witnesses during this study who advocated restorative justice that would bring offenders back into the fold and say that maybe there's still some hope that they can remain integrated in society. It would also help bring closure to the victim at the same time.

Are there any existing models we could look to that have had success in promoting that kind of a system?

Ms. Kendra Milne: I don't know of any models, primarily because they tend to not always be the best models when we're talking about violence, because of the power dynamics at play. It might be possible, though, with online harassment, which is less about the continuation of spousal abuse and relationship violence and more about a stranger trying to shut down a woman's speech or something like that through online harassment. It certainly might be more appropriate in those kinds of situations, but I don't have a particular model to suggest to you.

Mr. Sean Fraser: Thank you very much.

I'm going to shift my line of questioning to the Canadian Association of Chiefs of Police and discuss tools for a moment.

You mentioned the MLATS before and how it can take 18 months. That blows me away. I have some experience with MLATS and letters rogatory, and we were able to act in a matter of weeks in private sector cases.

Why is there such an inordinate delay?

C/Supt Jeffery Adam: As one example, if we were to execute a search warrant on a company in the United States or any other signatory, we would have to present our case to our judge and get him to approve it under the prima facie case that there are enough reasonable grounds to believe something has occurred. We then take it to our international systems group, where they liaise with the Department of Justice or the other country of origin, and they try to craft the documentation so it meets the needs of the jurisdiction in which it may be served, which is tricky because there are many different articles.

Then it goes across and is given to the police, or the FBI, or whomever it is they are dealing with. Then it gets presented to another judge, and then execution of the search warrant takes place. Depending on what the request is, it could be 30 days, 40 days, or 50 days just to get that back, depending again....

The time it takes between when we start the process and the time we get the data back can be 18 months. That's not uncommon, sadly.

●(1625)

Mr. Sean Fraser: I have a little less than a minute left, I believe. You mentioned that there's some collaboration with civil society.

My question here can be opened up to both witnesses.

What makes the partnerships between law enforcement and civil society most successful with the support for the victim in the aftermath of a cyber-violence incident?

C/Supt Jeffery Adam: I'll use 30 seconds. Law enforcement is a weapon of choice for government to use in order to ensure public safety. That's what our job is. We also include victimization and victim services, etc., but that's not our primary role in society.

When we partner up with our private agencies, we strengthen both sides in dealing with the public safety issue and the victim.

Ms. Kendra Milne: I would simply add the support of victim services, and particularly services that are targeted to women, or perhaps specialized indigenous services for indigenous women because they have different needs from those of non-indigenous women. We need to ensure that those responses are really targeted. That often comes through civil society and partnering with organizations that already have expertise in dealing with those communities.

The Chair: Wonderful. That's your time.

I think we have enough time to do five more minutes.

Ms. Harder, it's to you.

Ms. Rachael Harder: Thank you very much.

Mr. Adam, this question goes to you.

You outlined four recommendations for us as legislators, changes that could be made to ease your work as police. I'm wondering if you can break this down a little further in terms of where we go from here. As legislators, we certainly want to see action taken rather than just writing a theoretical report.

If you could break it down and give a fairly detailed yet simplistic understanding—because we only have maybe four minutes left—of the changes that could be made that would assist police across Canada in doing their job more effectively in this regard, that would be a huge benefit to us today.

C/Supt Jeffery Adam: First and easiest is the crafting of a reasonable law to allow us to access basic subscriber information on a timely basis where there is limited or no reasonable expectation of privacy. That was R. v. Spencer.

The second one is the resolution passed by the Canadian Association of Chiefs of Police that would compel the production of a password or a pass phrase to unlock the device or the data held by somebody who is charged with an offence. That would be issued under judicial authorization. It's not a police tool. It would be the judge who would order the unlocking of that device to gain access to the data—the evidence.

On data retention, we need some form of regulation that requires our telecommunication services providers to retain, for maybe two years, the key metadata that would allow us to track a transmission under lawful authority.

Lastly, in an uncomplicated fashion, maybe some re-crafting of the MLAT process, that a warrant issued lawfully under a judge in one entrusted country—the Five Eyes, for example—be equally valid in another, if backed by the jurisdiction in which it would be served.

Ms. Rachael Harder: Thank you very much.

I understand that is very simple, but at least it helps us.

If you were to recommend another witness to bring to the table to further discuss the points you brought up today, would you be able to give us a recommendation?

●(1630)

C/Supt Jeffery Adam: There are a wide variety of people I could suggest.

I'm not sure which direction you would go, because I'm kind of "that" representative. It would be very similar.

Ms. Rachael Harder: You've given us four points here, which I think are very, very good points and something we need to further explore.

If it wouldn't be too much work for you—it would certainly be beneficial to us—would we be able to request that you throw us a list of a number of people you feel would be experts and able to speak to the recommendations you've outlined today?

C/Supt Jeffery Adam: I will make every effort.

Ms. Rachael Harder: That would be awesome.

Thank you very much, Mr. Adam.

Do I still have a minute?

The Chair: You don't have to use it, if you don't want to.

Ms. Rachael Harder: Honestly, I'll finish by saying thank you. Each of you has provided us with some very beneficial information today. You came to the table prepared to assist us as legislators, and we certainly appreciate that.

This is something that is very dear to our hearts, something we're very passionate about, taking a stand for women in Canada and making sure they're protected against violence. You're helping to equip us to make the legislative changes that are going to make that a reality.

Thank you.

The Chair: Excellent. I think that was very well said. We certainly do appreciate your expertise and your sharing it with us.

We're going to suspend at this time for two minutes, so that we can set up the next panel discussion.

Thank you for your participation. We'll be back in two.

●(1630)

————————— (Pause) —————————

●(1630)

The Chair: I call the meeting back to order.

We're excited to have with us, from Washington, D.C., by video conference, Soraya Chemaly, who is with the Women's Media Center. She is the director of the Women's Media Center Speech Project there.

Welcome. We look forward to hearing your opening remarks, for ten minutes.

●(1635)

Ms. Soraya Chemaly (Director, Women's Media Center Speech Project, Women's Media Center): Thank you very much.

Good afternoon, everyone. My name is Soraya Chemaly, and I am the director of the Women's Media Center Speech Project. Our work is focused on curbing online abuse and on expanding freedom of expression. To that end, we work with technology companies, civil society advocates, and legislators who are, together, trying to end gender-based and intersectional violence. Thank you very much for inviting me to speak to you today about this important topic.

I know that you recently heard from West Coast LEAF. The work they do has been valuable for raising awareness about the scope of online harassment, which really is an anodyne expression for a complex spectrum of malicious behaviours. To reiterate what Kendra said, we believe that online harassment is really inseparable from offline violence, so much so that the taxonomy we developed, which I'm happy to share with anyone if you are interested, is based on the domestic violence Duluth model, which talks very much about power and control.

As the last speaker here today on this topic, I believe, I would like to focus with some granularity on the costs of this harassment, which are often minimized. This impedes our ability to develop effective legal, social, and technical solutions.

First of all, I can't really stress enough that this harassment exacts a very steep tax on girls' and women's freedom of expression and on our civic and political participation. It is a form of direct resistence to girls' and women's parity participation in the public sphere and needs to be recognized as such.

Women's artistic, creative, and political speech is routinely challenged by individuals and by mobs but, importantly, is also challenged institutionally in ways I'll touch on. It is sort of moderated off of platforms.

According to global studies, one in five girls and women feel that the Internet is an inappropriate space for them. When other women, girls, and boys witness this public harassment or surveillance, denigration, shaming, and objectification of women, they learn that public space is really not for girls and women.

Women in all areas and stages of electoral politics, regardless of where they fall on the political spectrum, face pervasive hostility online, including, in some countries, electronically enabled sextortion by members of their own parties, and, almost uniformly, pornification. Women who watch this harassment step away from political participation when they do.

Similarly, women journalists are among the most common targets of harassment. I came to do this work as a writer. Almost immediately upon engaging in social media, the harassment I encountered was very jarring. It was very explicit and violent.

Safety and preventing violence have to be central concerns in this conversation, but the danger of focusing on them solely is that we risk defaulting to paternalistic solutions and approaches that tend to ignore women's freedom of expression.

In the case of public figures, those we are most likely to hear about in the media, anonymity is often cited as the culprit. However, anonymity is not the main problem, and in fact, it can be a dangerous red herring. It is not a factor in the majority of cases of violence that involve women, as is the case offline. Women are harassed online, as are girls, by people they know, including school peers, acquaintances, intimate partners, neighbours, former intimate partners, employers, and in some communities, family, religious, and political authorities. In many cases, anonymity is vital and provides privacy and protection to people who might not otherwise engage.

From a bird's-eye view, the harassment women face online is predictable in that it's just the most recent manifestation of the age-old hostility to women entering traditionally male-dominated spaces. It is, indeed, a digital corollary today to street harassment.

Frankly speaking, it's redundant to use the words "male dominated" when referring to virtually any public sector. Online or off, for example, women in the STEM fields, finance, politics, and sports experience high rates of sexual harassment and resistance to parity participation. This is particularly consequential, however, in the tech sector, not only in terms of women being harassed in these spaces but also in terms of how products are designed and built and how policies are developed in response. For example, there are online harassment tactics that do not violate laws and should not violate laws, but they do violate the terms of service and user guidelines of particularly influential platforms.

● (1640)

Many private platforms, which now have more "citizens" than some countries, are regulating speech and deciding what constitutes safety, violence, threat, morality, and harm every minute of every day. I therefore include in the definition of "harassment" the industry's lack of diversity, moderation policies, and its algorithmic unaccountability.

Second, harassment effectively leverages both women's necessary hypervigilance and societal tolerance for violence that is gender-based, as well as the law's inability to recognize emotional and psychological harms as legitimate. Women do have concerns about their physical safety and the safety of their immediate families, but they also report tremendous and sometimes debilitating psychological distress, anxiety, depression, anger, and post-traumatic stress. Women also incur much higher financial costs related to staying safe. They pay for insurance, therapists, reputation managers, higher travel costs, and other associated expenses.

Third, abuse and its threat limit women's social, educational, professional, and economic opportunities. Threats to women's ability to earn a living are particularly evident when abuse is part of ongoing intimate partner violence and acquaintance abuse, such as stalking or incidents of non-consensual revenge porn. This harassment also inhibits girls' and women's ability in emerging markets and in new sectors of the economy to take advantage of economic opportunities that we know exist.

I am often asked: Why focus on women? Isn't everyone harassed? This is true, and everybody is and can be harassed. But the harassment that girls and women face online is almost always intersectional, which means it's much more likely to occur. Gender is coupled with race, religion, class, ethnicity, disability, and gender identity, making it more likely that women are targeted. In the same way that Muslim women bear the brunt of lslamophobic violence because they are both women and Muslim, women online bear the brunt of intersectional abuse. Many responses to the problem of harassment and hate ignore this reality, so we don't actually end up with solutions that apply to women in the end.

Girls and women are also the majority of targets of the most severe forms of online assault: mass public shaming, mob attacks, rape videos, extortion and doxing, non-consensual sexualization, stalking, and electronically enhanced surveillance. Harassers derive power from the historical fact that women continue to live with sexist and patriarchal norms of all kinds. They count, for example, on women being judged for their sexual behaviour and humiliated, shamed, and penalized in their communities because of it.

Lastly, there is a direct connection between a lack of diversity in the technology sector and the exacerbation of abuse that marginalized people experience. Demographics determine design, and the design of these socio-technical systems frequently enable harm, instead of understanding, from the start, how to anticipate and reduce it. It is a serious problem in tech companies, the criminal justice system, and in society overall that men with the power to make change—still a remarkably homogenous group—do not appreciate the differences between the harassment they are likely to encounter and the intersectional harassment that most women do. Men are more likely to be called names and to be harassed in one-off incidents meant to embarrass them, whereas when women encounter harassment, it is gendered, sustained, sexualized, and more often than not linked to some form of offline threat of violence. Additionally, the harassment of many people, including men, is often focused on their defying rigid gender and sexuality norms, so, in a sense, it is deeply misogynistic. This is why LGBTQ youth experience online bullying at such high rates, at up to three times the rates of their straight peers.

The Internet is a transformative space for girls and women. However, the very qualities that make the Internet a revolutionary space also enable powerful variations on old themes: violence against women and the cultural policing of girls and women, because we are girls and women. The medium of the Internet presents unprecedented scale and amplification for sexual discrimination and misogyny. Online abuse costs perpetrators next to nothing in terms of time, money, or effort. It is networked, easy to proliferate exponentially, and produces a permanent record that is readily available and manipulated with malice. The norms and laws that we would usually turn to for precedent are woefully inadequate.

● (1645)

The legal scholars Danielle Citron and Mary Anne Franks argue that online abuse is first and foremost a civil rights issue, not only for women but for all historically discriminated against and marginalized groups. "Civil rights laws", writes Citron in her book *Hate Crimes in Cyberspace*, "would redress and punish harms that traditional remedies do not: the denial of one's equal right to pursue life's important opportunities due to membership in a historically subordinated group."

Our goal is to increase understanding of the nature and scope and costs of online harassment, misogyny and abuse, in order to contribute to frameworks that will ensure that free speech is a right that extends equally to all who want to and should be part of the public commons. To that end, we are working to design research, create legal responses, advocate for diversity in tech, and develop social networking support systems for people who are targeted online.

Thank you for dedicating your valuable time and efforts to this problem.

The Chair: Excellent. Thank you very much.

Now we're going to begin our questioning.

I believe we have seven minutes with Mr. Fraser.

Mr. Sean Fraser: Actually, I was going to switch with Ms. Damoff.

The Chair: Yes, Mr. Fraser, you're right. You did say that. I am sorry about that.

Ms. Damoff.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I'd like to share my time with Ms. Nassif.

If you were to look in an ideal world at the most effective response to cyber-violence, I'm just wondering if you could let us know how you think government would work with social media companies, media organizations, law enforcement, and the legal system. I know that's a really broad question, but if you were starting with a blank slate....

Ms. Soraya Chemaly: Stop me if this is not the direction you want me to go in.

We really need to think in terms of moving from the micro to the macro in the short, medium and long terms, so if you can envision a matrix that includes those aspects on an axis, I think we would need to apply it in very specific areas. Everything has to happen at once. This is a massive social problem that requires a social response, so in terms of government, I don't think there's any one simple response at all. The issues are extremely complicated by the fact that harassment tends to happen in cross-platform ways and there is no centralized way of dealing with that. For example, one practical solution would be that government actually require that these companies fund a centralized collection agency that could help them evaluate the scope and harm of certain cases.

Right now, the target of harassment, if it is cross-platform—which usually means it's also transnational—has nowhere to go. There is no jurisdictional authority. There is no relief in any way, shape or form. They spend tremendous amounts of time, money, and effort going from one platform to the other, or reaching out to advocates to say "Can you help me?" and one of the things we find is that, by themselves, no one company can respond adequately because they're just seeing their little slice of the harassment and are very much focused on this idea of how to address that one problem. That's just one small part.

Ms. Pam Damoff: Are you thinking of a body? There is a body that regulates lawyers. Are you thinking of something along those lines for the companies?

Ms. Soraya Chemaly: Actually, the model I am more thinking about is a model that's used for missing and exploited children, which is an international model. Everybody respects it. People understand that if there is an image that depicts the exploitation and harm of a child, it immediately needs to be reported, and it needs to be reported in an international way on all of these platforms. That is not necessarily the mechanism that we need, but it does show precedent for cooperation in the industry for addressing a very specific problem. I think the models exist, but the will does not.

Ms. Pam Damoff: I'll turn it over to you, Eva.

[*Translation*]

Mrs. Eva Nassif (Vimy, Lib.): Thank you, Madam Chair.

I would like to thank Ms. Chemaly for her presentation.

We have heard that the availability and ready access to technology, as well as the predisposition of all young people to the digital environment—and not only of those we consider at risk —, mean there is a greater probability that children will fall prey to sexual exploitation and cyberviolence.

Las week, officials from the Royal Canadian Mounted Police informed us that, in 2016 alone, there were 19,000 complaints of cyberviolence. They also stated that education about the digital environment, consent, sexuality, and healthy relationships is very important in this context.

Can you comment on this and tell us about the programs you consider effective and that we might want to implement at some point?

● (1650)

[*English*]

Ms. Soraya Chemaly: I think that the best long-term investment in challenging this problem is absolutely in early childhood education. To that end, we need to really be thinking about teaching social justice in the classroom, thinking about how we talk about empathy, and thinking about how we talk to children about performing gender. One of the issues we have is that the ways in which femininity and masculinity are manifested in children tend to lead boys to strip themselves of empathy. A lot of masculinity involves shedding qualities that we think of as feminine.

So empathy, especially cross-gender empathy, is often dissuaded in boys, but we need to be starting at very, very early steps to think about what we're teaching children in terms of their own form of power and their own autonomy. That should lead into the question of consent. How do we talk about consent? How do we talk about sexual relationships, healthy relationships? All of that has to happen, honestly, before children are nine or 10, because what we're seeing is that the interactions they're having online are jarring to adults but part of the fabric of their lives. We need to be able to provide age-appropriate lessons in media literacy, digital citizenship, and compassion, because these technologies really do create unprecedented social interactions, and we are not equipping children to deal with them properly.

[*Translation*]

Mrs. Eva Nassif: What do you consider to be the most useful in this regard? Is it education or awareness?

In Canada, education falls under provincial jurisdiction. You said efforts to educate boys must start very early, from the age of nine. Do you think it is more important to ask the provinces to include this in curricula or to focus our efforts on awareness?

[*English*]

Ms. Soraya Chemaly: I think they have to go hand in hand. One of the issues is that people, particularly adults and parents, don't realize the degree to which the habits, the traditions, and the traditional norms that operated a certain way offline become tessellated online and distorted. They actually change in ways that no one can anticipate.

For example, I do a lot of writing about sexualized violence and what it looks like when the structure that enables sexualized violence shows itself in very stark ways online. We know, for example, that

many parents are worried about sexting. They are concerned that their children are going to be sharing intimate images, and in the media we talk about that as though sex and technology are bad and dangerous things, but in reality, we aren't really talking to children about either of those things in responsible ways.

When we talk about sexting, a lot of people don't make the distinction between consensual and non-consensual sexting, and what happens is that we end up with a situation in which girls, whom we have told are equal, enter into these situations, and most teenagers who are sexting are sexting with someone they are in a relationship with. They enter this and they think that they are going to have equal respect and reciprocal ideas about consent, and that is not what happens. Boys are two, and in some cases, five times more likely to share photographs non-consensually, so there's a gigantic gender gap in both the exercise of non-consensual sexting and the expectations of autonomy, privacy, relief, etc.

The Chair: I'm sorry, but that's your time for that question.

We go to Ms. Vecchio for seven minutes.

● (1655)

Mrs. Karen Vecchio: Thank you very much.

It's really quite neat that you're here today, especially when you talked about politics and why women don't get into politics.

The reason I say this is that on my way here on the bus, we received a tweet. It was to Rona Ambrose; Rachel Harder, who's sitting beside me; and Karen Vecchio—myself. It's Diviya Lives Here, and it was this great program where there was a young girl in grade 10 who came to visit Parliament yesterday. This is the tweet from this really stellar fellow: "Haven't we had enough of girls running the gov already? I have."

Now, the first thing is I wanted to do was to write back and say, "Hey, I'm studying about people like you," because that's the way I would deal with it, but I recognize other people might be offended by it. Here in politics I think many of us learn to grow a thick skin.

What would you recommend as some of the key components to educate girls on how to spot misogyny in the media and take action against it? I know my approach is to go back with humour and say, "Hey, whatever, get lost", and mute him. I muted him and I had to un-mute him so I could read this.

What are some of the things that you would say?

Ms. Soraya Chemaly: I think there are a few things. I am interested in educating boys about this issue. There is a gigantic gap. In the United States recently there was a survey that showed that more than 50% of American men think that sexism is dead and gone. The largest gap is among the youngest people. That's a problem because they are the most likely to be using these media, and also young women are the most likely to be targeted.

The way we all develop a way of determining on the street what is safe and unsafe is the way we do the same thing online. In an instance like that, you probably felt like you could respond to him without an army of people coming after you. That is one legitimate response.

Another response that I think is useful is to flip the switch on a network of support so that you are not in the line of fire. That's very important. For those of us who are public, and who are engaging in these spaces, I know that I could not do it without a network of support. Sometimes I realize that if I do that right now, then it will literally derail my week. I can turn to proxies and allies and say, "This is going on, I need your help". That seems to help a lot.

I think that is the mildest form we're talking about. I recently read an article about women politicians, and I will be honest that what I'm deeply disturbed about is the degree to which women politicians are turned into pornography in massive numbers, and when they have daughters, it happens to their daughters, too. That is a serious issue that we're not dealing with socially.

Mrs. Karen Vecchio: That's the thing. When I think sometimes about my own level of maturity, I deal with things differently. I am concerned about some of the younger women dealing with this who have not had any experience.

Continuing on this theme, I do see a lot of different people in the room. We do want to bring more young women onto boards. We want to bring more women into politics and into those levels of government or within business.

It's nice that Ms. Moore is here, too, and I'm looking at the military. We want women to be there. What is it that we can do to make sure women can benefit and to make sure they can get over these hurdles, such as this discrimination online, or cyber-bullying, or things of that sort?

Ms. Soraya Chemaly: I think it's very important. I speak a lot at high schools and colleges. It's extremely important to set expectations. My job is to encourage girls and women to participate in media, or politics, or whatever forum it may be, where we want a more pluralistic and dynamic engagement. To do that, in so doing, it's important to introduce them to networks of support that already exist. That's just essential, and if they don't exist, then they can be created.

I do know for example that online, there are so many good places where.... I'm particularly interested in teenage girls and young girls, because they're on the cusp of doing these things, and they're watching very carefully what happens to someone like you. They're deciding and they're making decisions. They're also engaging in their schools, and this is why I think this is so important.

There is a great deal of resistance to talking openly about sexism and intersectionality. We need to address that head-on in schools, because girls don't have the language or the framework. They don't go to school where feminism is taught pervasively in their classes. They get to the point where they are hit hard by double standards, and it's cognitively dissonant for them because we've been saying that you can do anything, you can go anywhere you want, you can be anything you want to be in deliberative bodies. We have sold them a bill of goods. Until we can sit down and say, "Hey, this is the situation. It's not a victim mentality. We're teaching you how to deal in the real world", even with things like speech dominance in deliberative bodies. We know it's real, so let's talk about what that means and what you do about it.

● (1700)

Mrs. Karen Vecchio: This might be done differently because you are in the United States, but what can be done legally if a person detects sexism in the media? What is it that is done in the United States? What are things you may know that are being done in Canada? What are things we can do?

Ms. Soraya Chemaly: There's virtually nothing we can do about sexism in the media. One of the structural issues that I think we have is that the media continue to be dominated by elite white men. They may personally be lovely people, but in the aggregate they end up creating norms that are fairly distilled and don't serve a pluralistic society. For example, even in the coverage of things like sexual assault, we're still having debates about whether to write the word "rape" or the word "sex". This is something that should have been finished 35 or 40 years ago.

When I think about sexism in the media, I think of it vertically. I think about everything from who is writing the tweet to who is writing the headline, to who is assigning stories, and to who is making editorial decisions. At every one of those stages, we can develop strategies, but no one strategy by itself is going to suffice. As far as I know, there are no laws for it.

The Chair: That's your time on that one.

[*Translation*]

Ms. Moore, we are ready for your question.

Ms. Christine Moore: Thank you very much, Madam Chair.

My questions pertain to educational tools for adolescents.

It is not always easy to find the right way to talk to them. Governments try to create educational tools, but once they become available, adolescents sometimes make fun of them. There have been some very good educational tools, but there have also been educational campaigns that were a flop.

Can you give specific examples of tools that were not very effective and some that work well? I would also like to hear your views about adolescents' tendency to develop their own tools. For example, we can launch a campaign or contest or ask people to send their tools or parts of their education campaign. We can select finalists and people can then vote for a specific tool.

Does that kind of campaign work well to educate young people ultimately? I would like to hear you opinion on that.

[*English*]

Ms. Soraya Chemaly: I think some of them work. What I find with young people is that they are genuinely interested and curious. They want the information. They are talking about some very complex ideas. They don't like to be talked down to. They don't like things to be dumbed down. They are immersed in these systems. These systems are extensions of their brains; they're more like prosthetics to teenagers. And so when adults step in and are condescending, or panic-stricken, I don't really think it does any good.

I believe that asking children to be honest, but also being honest back in a respectful way, is the most effective thing to do. For example, whether children seek it out or not, they are being exposed to pornography, but no one is talking to them about pornography. And that is a big deal because the thing about those images is that they are consumed and they, then, affect the way people think.

The interesting thing to me is this. I honed in on pornography, because it is the elephant in the room in a lot of these conversations about consent, representation, and sexual exploitation. It kind of exists at a nexus of those things. I'm going to make a leap here, because we haven't talked about this. The pervasiveness of pornography online is now being incorporated into the way algorithms are assessing language, and that's important, because it's contributing to the normalization of language that we know shames teenagers, especially teenage girls.

So the most gendered slurs you can think about, which teenagers use in their daily life, aren't even considered harassing in most cases. But that's the kind of thing kids need to talk about, and sometimes the media is created by them very effectively. I think there are lots of people on YouTube who are quite young and they do that well, but sometimes it does require that adults openly discuss very difficult subjects, and I find that's the greatest impediment. Time and time again, what I find is not resistance among children, but resistance among adults.

[*Translation*]

Ms. Christine Moore: As to a conversation with an adult, would it be easier for someone who is close to the teenager like a parent, or someone who is not as close, such as a teacher, nurse or professional? Do young people have a preference?

[*English*]

Ms. Soraya Chemaly: We'll need options. We have children, who are in households where they can speak to a parent or two parents. They can speak to grandparents, they can talk to neighbours. But then we have children who are really isolated. I would say especially children who are part of the LGBTQ community, who maybe are in households where they will be actively penalized for their sexuality, they really need structural options and places to go. I don't think that there's any one-size-fits-all solution here. I just think that enabling children, particularly vulnerable children, to understand that they have a place to go is the most important thing.

Does that answer your question?

● (1705)

[*Translation*]

Ms. Christine Moore: Yes.

Should there be tools for adults, for parents for instance, to help them understand the phenomena to which young people are exposed? Do adults know that young people have a great deal of exposure to a lot of things? Adults might not even know that such things exist.

[*English*]

Ms. Soraya Chemaly: Yes. I think parents are remarkably unaware. We know this from studies. There's an organization in the United States called Common Sense Media that has conducted a lot of studies into this area. What they find is that parents routinely underestimate their children's social media use and exposure to content that they would never allow.

That's a problem. There is this gigantic gap between what is happening in children's lives and what parents think is happening in their lives, which speaks to deeper issues maybe. But in terms of social media by itself, generally speaking, parents are not using these media and don't necessarily understand how their children are using them.

So, what I say to teenagers and even younger children is that we kind of think about mentoring as older, experienced people teaching younger people, and I think it has to be inverted. I really think that young children, as young as 10, 11, and 12, should be mentoring adults. They should be saying, "Hey, let me show you this", because once you can have that conversation it becomes a much more routine and intimate way of talking about things. It doesn't become something you only talk about when it's a problem.

[*Translation*]

The Chair: Ms. Moore, you have 30 seconds left.

Ms. Christine Moore: Okay.

I would like to know more about cases of violence on the Internet. If the victim is successful, so to speak, in cutting ties with someone, does the violence often move on to family members, such as a daughter, sister or other people that the former spouse knows?

[*English*]

Ms. Soraya Chemaly: Do you mean in the targeting of that violence?

[*Translation*]

Ms. Christine Moore: Yes.

If the former spouse no longer wants to be violent with his former wife, he might be violent with her sister, her children or her mother. He might decide to harass them, for instance.

[*English*]

Ms. Soraya Chemaly: Do you mean how often does that happen?

Ms. Christine Moore: Yes.

Ms. Soraya Chemaly: There's no measurement for how often that happens.

The Chair: I'm sorry, we'll have to go to my colleague Ms. Ludwig, for five and a half minutes.

Ms. Karen Ludwig (New Brunswick Southwest, Lib.): Thank you very much for an absolutely fascinating presentation. I have about 5,000 questions for you. I'll start with some general ones.

The big one I would like to start with would be about your website itself. You've put some amazing statistics on your website, such as that 88% of video games are developed by males. I want to focus on that from the beginning and then go into some of the questions that my other colleagues have asked in terms of young children.

We're flying back and forth from Ottawa to our homes, and we see young children on the airplanes or in the airports or even at restaurants, some as young as a year and a half, using an iPad and watching video games. So before children can even articulate feelings and reactions, they're certainly being socialized by the video games or any kind of games that they're playing with online.

Marshall McLuhan coined a famous expression "the medium is the message". How would you help us, using Marshall McLuhan's expression, relate that to your topic today?

● (1710)

Ms. Soraya Chemaly: I want to go up to the 100-mile mark. What's happening in games right now in terms of representation is fundamentally no different from what happens on television or in books. We know that these gender and racial imbalances already exist. The majority of children's books feature young white boys as protagonists. The same thing happens with television programming. The same thing is happening in gaming.

One study of television, for example, which can logically be extended into this realm, shows that when children watch television programming or when they watch any screen programming, all children with the exception of young white boys, leave feeling drops in their self-esteem, whereas young white boys feel empowered by this media that they're encountering.

I think that's important, because it doesn't matter, honestly, whether a child is reading a book, being read to, looking at a movie from Disney, or playing a game. I think this is why representation is so important.

In the absence of representation, though, the next most vital thing to do is give children media literacy. Teach them that what they're consuming should be healthy or how they should be thinking about themselves and their relationship to the world.

While gaming is vitally important as an entry point into STEM in general, from the perspective of the messages that they get about themselves I think it's just a new version of an old problem.

Ms. Karen Ludwig: Thank you.

On that as well, you were talking about feminism. We even heard our Minister of Status of Women talk about how perhaps sometimes it's the concept of feminist behaviour that is singled out, not only the male-female relationship. Behaviour that's determined or deemed to be more feminine seems to be singled out. We often hear in our media slighting comments even about our Prime Minister, about his hair, or how he looks, or his dress; it isn't always so much about what he said. It's demeaning in the same way it would demean a woman.

Ms. Soraya Chemaly: Yes.

Ms. Karen Ludwig: You talked as well about power and control. In any work that I've looked at in this area, certainly that is a significant part of it. Have you looked at the demographics of those who are perpetrators?

Ms. Soraya Chemaly: Yes, I have looked at the demographics of those who are perpetrators. I'll focus just on crime and what's already considered a crime. This varies in multiple jurisdictions all over the world, but we're increasingly recognizing the effects of non-consensual sexualization in pornography. There are laws being passed for that. Over 90% of the people targeted are women, and the vast majority of perpetrators of that crime are men. Similarly with stalking, in the U.S., one in six women will be stalked and almost 75% of perpetrators are men.

Breaking down all of these categories—we can already do that among those tactics that are crimes—I think it is very consistent that there's a gendered pattern of perpetration. This doesn't mean that women are not doing these things, because they clearly are, but overall the perpetration, in some cases the vast majority, is by men.

Ms. Karen Ludwig: You may not have a quick answer to this question. One of the blogs on your website talks about Yazidi women and girls and maybe changing the language from talking about "sex slaves" and "rape" to help them feel more empowered. What would you suggest as some of the other options?

Ms. Soraya Chemaly: For trafficked girls?

Ms. Karen Ludwig: Yes.

Ms. Soraya Chemaly: Well, that's not a quick or easy question. I actually would need to think about that. I don't have a quick solution. I think it's very important to listen to the girls themselves.

The Chair: If you do have an answer to that question, perhaps you could submit it to the clerk. We would love to hear that.

Ms. Soraya Chemaly: Yes.

The Chair: We'll go now to Ms. Harder for five minutes.

● (1715)

Ms. Rachael Harder: Thank you so much.

My question is with regard to the statement you made on the correlation with pornography. I found your statement to be very intriguing. You called pornography the "elephant in the room", which basically implies that it's perhaps something that we're not approaching in the way that maybe we to and that we need to just come straight and do so. So I'll do that right now: can you talk a little bit about the correlation between access to pornography and the increase in cyberviolence that we're witnessing?

Ms. Soraya Chemaly: There are a couple of things.

One is that for the last two years I have immersed myself, for good or bad, in studying the effects of pornography, particularly on children and teenagers. As far as I can tell, and I think it's safe to say —I've probably read over 300 studies in the last year—there is nothing conclusive about that.

What I find the most interesting, though, is that the effects of looking at sexually objectified women—whether it is in pornography or sitting on the bus on the way to work—are generally the same. That's what I'm most concerned about in terms of freedom of expression and civic participation. The effects are that pornified women are considered less moral, less ethical, less competent, less intelligent, baser overall, and are dehumanized.

When men are sexually objectified, people do not respond in the same way. There's no equivalence. We can dismiss any equivalence that people have when they say, "Oh, but there are objectified men on my bus too." We know that's not the effect that is happening. The question to me is that if we really are concerned about women's status in society, we need to think overall about sexual objectification in general. Whether it's violent is a whole other issue.

The problem with a lot of pornography is that it's eroticizing male dominance, and very violently. The issue is how we talk to boys and girls about their relationships and about sex, because pornography is not going to go away any time soon as far as I can tell.

When boys are consuming this content, which they tend to do in much greater numbers because it's calibrated to appeal to them—we also know from other studies that when porn appeals to girls, they're just as happy to watch it—what do we say to them? How do parents talk about that? That contributes to whether or not you send a picture of your girlfriend to your friend.

I had a 19-year-old college boy in a room of 50 people say to me with a straight face, "Well what's the difference if I send a picture of my toaster to a friend or a picture of my girlfriend?" He really meant it too. He actually meant, "I have the picture and she gave it to me, so it's mine." I think it's meaningful that by that age, the level of dehumanization and objectification we are tolerating in this society is resulting in this violence.

Ms. Rachael Harder: Can you talk a bit more about the phrase you used, of it "eroticizing male dominance"? I find that phrase really interesting. I'd like you to expand on that further.

In addition to that, I wouldn't mind having your reflections on the following. As legislators, we're talking about putting legislation in place with regard to protecting women against violence, which, of course, we in this room are very committed to doing, but I'm also wondering if there's potential for legislation with regard to access to pornography.

Ms. Soraya Chemaly: There are a couple of things.

When I refer to the eroticization of male violence, I think very specifically about the way that pornography is used to silence women who espouse feminist perspectives and progressive politics. There is the content of the pornography itself, which very often does exactly that, right? You see images of women who were brutalized and violently gang raped, and that's entertainment and it's erotic. That's what's happening.

 I'm more interested in why it is that women who speak in public are then artificially turned into porn. They're photoshopped into images where men are doing that to them and are sent these images. That's a clear statement of power.

● (1720)

The Chair: I'm sorry, that's the time for that question.

We're going to have to switch to our final five minutes. This is so hard to interrupt because your testimony is wonderful.

We'll go to Ms. Vandenbeld for five minutes.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Actually, if you want to continue with answering that question, I think most of us would like to hear that.

Ms. Soraya Chemaly: We get a lot of people asking us what to do about it and how to deal with the problem. Whether you're a politician, a writer, a scientist, or an economist, when a man wants to shut you down, very often he will send pornography and he will send pornography that is explicit and violent. We need to be paying attention to that.

Pornography is never really created for children. It's supposed to be adult content. I find it highly problematic that we will regulate our children's diets and think about their nutrition, but are not openly having a discussion about this particular problem and what it means to throw people into this petri dish.

To me, that is almost different from the explicit use of pornography as a political weapon. If you look in the United States at Condoleezza Rice, Sarah Palin, Hillary Clinton, or Michelle Obama, when you Google their names in porn, you get pages and pages of porn. When you Google their male partners, contemporaries, or peers you get pages and pages of their thoughts about porn. That's a radically different thing. When that many people are producing these images and they're being proliferated in the culture, and we don't think of it as a male supremacist political act, I think we just don't want to. It's right there in front of us. We can see it happening. That's a problem and I don't actually think it's a problem that can be legislated ultimately. It's a problem that has to be solved by educating children to understand equality, social justice, women's autonomy, and humanity.

Ms. Anita Vandenbeld: Going to where these things are being disseminated, a lot of this is happening on social media, so I'd like to go back to something you said at the very beginning when you talked about regulating some of these private platforms. You mentioned a couple of things. The first was the lack of diversity in the industry, but you also said something about algorithmic unaccountability. I'm not quite sure what you meant by that. Would you mind explaining that?

Ms. Soraya Chemaly: Algorithms are really already part of the fabric of our lives in ways we don't really think about or appreciate. A lot of people think of them as neutral. Algorithms are machines. They learn. They don't have opinions, but what algorithms actually do is end up reproducing and amplifying biases that we know exist in the systems and that people have. Governments need to establish boards that would investigate the ethical parameters of how algorithms are being developed and used.

I'll give you one specific case. When men and women searched in one study for the same jobs online, men were six times more likely to get open positions that offered $200,000 or more than women. That's interesting to me because I come from an old-school newspaper background. Gender segregated ads were made illegal in the United States in roughly 1968 to 1972, but what is effectively happening under our noses and visibly is the re-segregation of the job market because of these algorithms that build on peoples' preferences. It may just be that more men apply for those jobs, which turns into their seeing more of these jobs, but right now no one is paying attention to the fact that women aren't seeing them at all. That's one thing, and we know this is happening in terms of racist impacts as well.

There are so many dimensions to algorithms and accountability that we could do this for weeks. I will mention one thing, however. Google's Jigsaw branch has been developing a tool called "wiki detox" which is meant to assess whether language on Wikipedia is an attack, or aggressive, or neutral. It's a learning tool. They had people rate language, then the algorithm learned that and can score language. Then if somebody says something very racist, the algorithm can say "That's an absolute attack and we shouldn't let it in our comments in X's newspaper". When I put in gender slurs, they all came out as neutral, not attacks. If you actually put in a sentence that says, "Excuse me, you're a dick", it comes out as an attack, but if you put in, "You should be raped", it's 50/50.

We need to understand how these tools are being fed information, how the assessment is done, who's doing the assessing, and then how they're going to be implemented. There are really no mechanisms for that right now. Pornography plays into that because it's in the language, as it is in Twitter.

● (1725)

The Chair: Wonderful. I'm sorry. That's like a cliffhanger for our next meeting.

Ms. Soraya Chemaly: Sorry. I know.

The Chair: Thank you so much for your testimony today. It was excellent. We appreciate your being with us.

Ms. Soraya Chemaly: Thank you so much.

The Chair: There's one thing I need to do for the committee. The Status of Women report was issued, and you got a link. I don't know if everyone has had a chance to look at it or not, but we are supposed to adopt the report.

I need a motion to adopt it. The report was circulated. We just need a motion to adopt it, unless there's an issue.

You haven't seen it?

We don't have to do it today, do we?

To the witness, you don't have to stay for the committee business. Thanks so much.

Ms. Soraya Chemaly: Okay. I didn't want to just hang up on you. Thank you very much for having me today.

The Chair: You bet. Take care.

Ms. Damoff.

Ms. Pam Damoff: I so move.

The Chair: A motion to adopt the report has been moved. Is there discussion of the motion?

Mr. Fraser, you have a question?

Mr. Sean Fraser: To clarify, is the motion that we're voting on the text before us, which has just been handed out? It's not an official report on a study?

The Chair: The report was tabled in the House? No?

Okay, this is the subcommittee report.

Mr. Sean Fraser: Okay.

The Chair: Sorry. I had the acronym SFEW here, but thought it was a different report.

The report that you now have in front of you is from the subcommittee who met on Monday. That's a good clarification. Thank you, Mr. Fraser.

Are there any comments or discussion of the motion to adopt it?

Ms. Harder, go ahead.

Ms. Rachael Harder: This is the first time I'm seeing this. Is this not the first time everyone is seeing this?

Ms. Christine Moore: It's normal. The subcommittee has to report to the committee on their work. This is the report by the subcommittee. The full committee has to adopt it. It's just normal procedure.

Ms. Rachael Harder: Okay. I do have a comment then for discussion.

With regard to point number one, all we're doing is adding two more witnessers to the list.

With regard to point number two, it says "that after hearing from all scheduled witnesses in relation to its study on violence against young women and girls, one meeting be scheduled for the purpose of drafting". Can we say, "Up to two meetings may be scheduled"?

I say this because when we were drafting our former report, it took a bit of time. If we get it done in one meeting, awesome, but if it takes up to two meetings, can we allow for that?

The Chair: This is the instruction drafting meeting. It's not about the number of meetings you can work on the report.

Ms. Rachael Harder: Right. I think I understand that. Maybe I'm wrong, but it felt like it took a little bit longer last time.

The Chair: After the instructions are given to the analyst, she goes away and drafts the report and comes back. Then we sometimes have multiple meetings where we go through the report, revise it, and change it.

Ms. Rachael Harder: Okay. I would allow someone else to speak then.

Ms. Christine Moore: I know that some of you weren't there or have been MPs for less than a year.

Usually, if we're ready, it takes 30 minutes. It's more about what the main subject is that the analyst should put in the report. Just be ready the ideas and what you think is really important and needs to be in the report. Then the analyst goes away and needs time to work on it. Because the study is a big one, it will be at least a month before you see it back again.

Fortunately, maybe the analyst will have time at Christmas or in February.

● (1730)

The Chair: Mr. Fraser, go ahead.

Mr. Sean Fraser: I have two quick comments. I think I know where Ms. Harder's coming from. After we receive the draft report, we'll certainly need more than one meeting, I expect, to go over everything. That's captured in point number four. I assume that's what the other meeting would be for?

The Chair: That's correct.

Mr. Sean Fraser: The other comment I had was that we had some discussion about Facebook and whether we want to bring them here. Before we discuss any sort of heavy-handed means to get them here, I wouldn't mind if we also add to point number one that we extend a further invitation to Facebook to come. I think they're probably aware of the fact that we have power supreme here, but let's do it the easy way first.

The Chair: Oh, sure. To be clear, Facebook has not refused to provide input for the committee. They're preparing a very thorough draft. Their difficulty is that the people who do algorithms and the public safety people and everything else aren't all in the same country. They also do education and awareness. There are all these different parts. They're preparing a brief for us. If we have additional questions, they've indicated that they will be able to respond.

I take your point. Did you want to propose a change?

Mr. Sean Fraser: They won't have a witness appear before the committee, though. Is that correct?

The Chair: They have a brief for October 19.

Mr. Sean Fraser: Will they accept further written questions?

The Chair: Yes, absolutely.

Mr. Sean Fraser: I think it would be nice if we could get someone in the room. Is there even a person we could identify to invite?

The Chair: There's a public relations guy who is their central guy, but it might result in a witness similar to a witness we called recently whose every response was, "No, I don't really have any data on that. No, I don't really know anything about that. No, I don't...", you know?

Ms. Damoff.

Ms. Pam Damoff: Are we in camera?

The Chair: No.

Ms. Pam Damoff: Should we be?

The Chair: If it's the will of the committee.

Ms. Karen Vecchio: On this, yes.

The Chair: Okay.

I just want to bring to your attention to the fact that the lights will come on any minute for votes, and then we'll have to adjourn without finishing this motion.

[*Proceedings continue in camera*]