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Chair: Ms. Lena Metlege Diab



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• (0820)

[*English*]

The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)): Good morning.

I call the meeting to order.

Welcome to meeting number 99 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order adopted by the House on February 15, the committee is meeting in public to study the subject matter of the supplementary estimates, 2023-24, under the Department of Justice.

Today's meeting is taking place in a hybrid format. Members are attending in person in the room and remotely using the Zoom application.

Witnesses are all attending in person today. The members attending by video conference have been sound-tested and are aware of our procedure, including interpretation, so I won't go through that lengthy explanation this morning.

I want to inform the members that we're studying the subject matter of the supplementary estimates for the first hour. There will be no votes on the items.

I want to welcome today the Honourable Arif Virani, Minister of Justice and solicitor general of Canada.

It's not solicitor general. Solicitor general was back in the 1980s. The reason I know that is that I was in high school and I participated in the first model Parliament. I was nominated or elected—I don't know if it was a nomination or an election—as the solicitor general. After that, they deleted solicitor general from the books.

Welcome Attorney General.

Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Was Mr. Virani already a member of Parliament at that time?

The Chair: I'm not sure he was even born.

Also, with Minister Virani, we have officials assisting us today.

Thank you for being here.

[*Translation*]

We have with us Shalene Curtis-Micallef, Deputy Minister and Deputy Attorney General of Canada; Michael Sousa, Senior Assistant Deputy Minister, Policy Sector; Bill Kroll, Chief Financial Officer and Assistant Deputy Minister, Management Sector; and Elizabeth Hendy, Director General, Programs Branch, Policy Sector.

Welcome to you all.

[*English*]

Thank you all for being with us today.

We will do the normal round of questioning and I will call witnesses.

Before we start, I want to say to the minister and his department that the letter was received from Nova Scotia Legal Aid thanking us for the support of a project for supporting racialized inmates incarcerated in federal and provincial correctional institutions in Nova Scotia. I want to put that on record.

Minister, you're ready to make a statement first. Please proceed.

[*Translation*]

Hon. Arif Virani (Minister of Justice and Attorney General of Canada): Thank you, Chair, and members of the Committee.

Thank you for inviting me to join you today.

I would like to begin by acknowledging that we are meeting on the traditional unceded territory of the Algonquin Anishinaabe Nation.

As I am sure you have seen, a few weeks ago, I introduced Bill C-63, the Online Harms Act. I want to both explain the vital importance of the Online Harms Act and dispel misunderstandings about what it does and doesn't do.

The premise of this legislation is simple: we all expect to be safe in our homes, neighbourhoods and communities. We should be able to expect the same kind of security in our online communities. We need to address the online harms that threaten us, and especially our children, every day.

Let me start by talking about our children.

[English]

There are currently no safety standards mandated for the online platforms that kids use every day. In contrast, my children's LEGO in our basement is subject to rigorous safety standards and testing before my two boys get their hands on it. I know that these days my children spend much more time online than playing with their LEGO. The most dangerous toys in my home right now and in every Canadian home are the screens our children are on. Social media is everywhere. It brings unchecked dangers and horrific content. This, frankly, terrifies me. We need to make the Internet safe for our young people around the country.

As parents, one of the first things we teach all of our kids is how to cross the road. We tell them to wait for the green light. We tell them to look in both directions. We trust our children, but we also have faith in the rules of the road and that drivers will respect the rules of the road. We trust that cars will stop at a red light and obey the speed limit. Safety depends on a basic network of trust. This is exactly what we are desperately lacking in the digital world. The proposed online harms act would establish rules of the road for platforms so that we can teach our kids to be safe online, with the knowledge that platforms are also doing their part.

● (0825)

[Translation]

Now, let's talk about hate crimes.

The total number of police-reported hate crimes in Canada has reached its highest level on record, nearly doubling the rate recorded in 2019.

[English]

Police across the country are calling the increase “staggering”. Toronto Police Chief Myron Demkiw said this week that hate crime calls in Toronto have increased by 93% since last October. Communities and law enforcement have been calling on governments to act.

Bill C-63 creates a new stand-alone hate crime offence to make sure that hate crimes are properly prosecuted and identified. Under our current legal system, hate motivation for a crime is only considered as an afterthought at the sentencing stage; it is not part of the offence-laying itself. The threshold for criminal hatred is high. Comments that offend, humiliate or insult do not hit the standard of hatred. They are what we call awful but lawful. The definition of hate that we are embedding in the Criminal Code comes straight from the Supreme Court of Canada in the Keegstra and Whatcott decisions. We did not make up the definition of hatred that we are proposing.

It has been disappointing, though not surprising, to see the wildly inaccurate assertions made by some commentators about how sentencing for this new hate crime provision would work. I have heard some claim that, under this provision, someone who commits an offence under the National Parks Act would now be subject to a life sentence. That is simply false.

In Canada, judges impose sentences following sentencing ranges established through past decisions. Judges are required by law—and every member of this committee who is a lawyer will know

this—to impose sentences that are proportionate to the offence committed. In other words, the punishment must always fit the crime. If judges impose sentences that are unfit, we have appeal courts that can overturn those sentences.

You may be asking, “Well, why not specify that, Minister? Why put a maximum sentence of life in the new hate crime offence-laying provision?”

Let me explain.

First, it's important to remember that a maximum sentence is not an average sentence; it's an absolute ceiling.

Second, the new hate crime offence captures any existing offence if it was hate-motivated. That can run the gamut from a hate-motivated theft all the way to a hate-motivated attempted murder. The sentencing range entrenched in Bill C-63 was designed to mirror the existing sentencing options for all of these potential underlying offences, from the most minor to the most serious offences on the books, such as attempted murder, which can attract, right now, a life sentence.

[Translation]

This does not mean that minor offences will suddenly receive extremely harsh sentences. This would violate all the legal principles that sentencing judges are required to follow. Hate-motivated murder will result in a life sentence. A minor infraction will certainly not result in it.

Another criticism I have heard is that this bill could stifle freedom of expression. This is simply not true. On the contrary, this bill strengthens freedom of expression. There are people in Canada who cannot speak out because they legitimately fear for their safety. When they speak out, they are mistreated and subjected to truly despicable threats, intimidation and harassment.

[English]

This is carefully balanced. We consulted. We looked abroad.

We do not automatically take down material within 24 hours except for child sexual abuse material or revenge pornography. We do not touch private communications. We do not affect individual websites that do not host user-generated content.

● (0830)

[Translation]

This bill protects children and gives everyone the tools they need to protect themselves online. We do not tolerate hate speech in the public square. Nor must we tolerate hate speech online.

We have seen the consequences of unchecked online hate and child sexual exploitation. Ask the families of the six people killed at the Quebec City mosque by someone who was radicalized online.

[*English*]

Ask the young boy orphaned by the horrific attack on four members of the Afzaal family in London, Ontario. Ask the parents of young people right across this country who have taken their own lives after being sextorted by online predators.

Finally, let me set the record straight on the peace bond provision in Bill C-63. Peace bonds are not house arrests. Peace bonds are not punishments. Peace bonds are well-established tools used to impose individually tailored conditions on someone when there is credible evidence to show that they may hurt someone or commit a crime. The proposed peace bond here would operate very similarly to existing peace bonds.

As an example, if someone posts online about their plan to deface or attack a synagogue to intimidate the Jewish community, members of the synagogue could take this information to the police and the court. They could seek to have a peace bond imposed after obtaining consent from the provincial attorney general. Decades of case law tell us that conditions must be reasonable and linked to the specific threat. Here conditions imposed on the person could include staying 100 metres away from that synagogue for a period of 12 months. If the person breached that simple condition, they could be arrested. If they abided by the conditions, they would face no consequences.

I ask you this: Why should members of that synagogue, when facing a credible threat of being targeted by a hate-motivated crime, have to wait to be attacked or to have a swastika graffitied on the front door before we act to help them? If we can prevent some attacks from happening, isn't that much better? Peace bonds are not perfect, but we believe they can be a valuable tool to keep people safe. In the face of rising hate crime, our government believes that doing nothing in an instance like this would be irresponsible.

I think that's what explains both CIJA's and the special envoy on anti-Semitism's support of Bill C-63.

[*Translation*]

As always, I am open to good faith suggestions to improve this legislation. My goal is to get it right. I look forward to debating the Online Harms Act in the House of Commons and following the committee's process as it reaches that stage. I am convinced that we all have the same goal here: we need to create a safe online world, especially for the most vulnerable members of our society—our children.

[*English*]

Thank you for your time.

I'm happy to take your questions.

The Chair: Thank you.

[*Translation*]

We will now begin the first round.

Mr. Van Popta, you have the floor for six minutes.

[*English*]

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you, Madam Chair.

Thank you, Mr. Attorney General and all of the rest of the witnesses, for being with us here today.

Mr. Attorney General, you're the top lawyer in the land. It's good to have you here at the justice committee.

Canada is a rule-of-law nation. We function well only if citizens of the nation have confidence in the administration of justice. That's your job. This is true for the criminal justice system, as it is for the civil justice system.

That's why it's so shocking to hear from a credible organization like the B.C. branch of the Canadian Bar Association, in a letter from four years ago that was addressed to your predecessor, Mr. Lametti, the following:

Our Supreme Court of British Columbia is presently 7 judges below complement. As a result, parties are regularly arriving at court for trials and hearings [and they're] being sent away because of a lack of judges to hear the cases. [The] parties have...spent substantial time and money preparing for court appearances, and witnesses have also been inconvenienced.

Then it goes on to talk about the financial and emotional costs.

There's an example from a lawyer. You'll appreciate this, of course, being a lawyer yourself. It was, "I have had this problem [of delays] five times I can remember in the last 18 months. [...] It happened twice in Cranbrook [Supreme Court] resulting in the client being unable to enforce a restrictive covenant" before it expired. It's difficult enough to enforce a restrictive covenant, but this person never even had an opportunity to try, so they feel that justice has been denied.

My question to you, Mr. Attorney General, is why is justice being denied to people in my home province of British Columbia?

● (0835)

Hon. Arif Virani: I would say to you that I am acutely aware of the need to fulfill judicial vacancies. I would note for the record that in seven months in office I have appointed 74 judges thus far, and there are more to come in the immediate days to follow.

I think it's important, for comparison purposes, to reflect on the record of the previous government, which we replaced in 2015. The average number of appointments annually by that government was 65. By that metric, I'm working twice as fast as the previous government.

It's important to understand how delays occur in the criminal justice system and the civil justice system, but also who is responsible for the delays. The administration of justice in this country is, in the main, the purview of the provinces, and delays are also caused by a lack of courts and a lack of court staffing across provinces in this country.

You mentioned "confidence in the administration of justice". I share your concern. It's entrenched in our charter, and it's a fundamental part of what I do. What I've seen fit to do is ensure that our JACs—our judicial appointments committees—have quorum and that they are able to do the work they are required to do in terms of nominating judges, such that they present recommendations to me.

Alternatively, what I have seen in provincial levels of government in terms of their own judicial appointments processes is stacking judicial appointments committees with staffers of the governing party. That relates to my province, not yours, but I think that actually undermines confidence in the administration of justice, because it injects partisanship in the appointments process. That's not what we need. We have ensured a non-partisan process that is robust and that helps us establish judges of the highest quality to represent the diversity of the country. I'll continue to appoint people of that nature.

Mr. Tako Van Popta: Thanks for that answer.

You've said that you are appointing a record number of judges. Fair enough—I don't argue with that—but the chief justice of Canada, Richard Wagner, talked about the government's inertia regarding vacancies and the lack of satisfactory explanations for these delays.

This is what he says: "The slowness of appointments is all the more difficult to understand since most judicial vacancies are predictable."

Now, you've said that you're appointing more judges than the Conservatives ever did, but of course, sir, the circumstances are quite different than they were a decade ago, when the Conservatives were the governing party. You have the reality of a demographic of a large number of aging baby boomers, so it is your job to fill those vacancies. It is your job to stand up to the challenge of the day. My question is whether your government is up to those challenges.

Hon. Arif Virani: In terms of the number of judges we have appointed since 2015, it's over 700. Last year, David Lametti and I appointed 100 judges in total. That's never been done in Canadian history. As I said to you, I've appointed 74 in seven months. That is a faster pace than has ever been seen and twice as fast as the previous government.

Is there an issue with respect to appointing judges and the speed at which it is taking place? This is a top priority for me and has been since I took over in this job. In terms of structural changes I've done, I have convened all of the heads of the judicial appointment committees. I have written to them about the need for urgency in terms of making suggestions. I have worked with my deputy and other officials in government to facilitate the speed with which security clearances are obtained. I've made structural changes such that the JACs now sit for three years and their assessments are valid

for three years. Every time I tour anywhere in this country, I talk about the need for people to apply: people of the highest quality who represent the diversity of this country.

Other aspects that relate to the need for judges are informed by the courts themselves. The courts tell me that we need a specific expertise, a family law lawyer, a person who has expertise in insolvency matters.... Sometimes, provinces that don't have significant francophone populations still require bilingual jurists, because of the need to address francophone litigants. We are always attentive to the needs of the court, we remain so and we are working very closely with those chief judges to meet the needs of their courts quickly.

The Chair: Thank you very much.

Mr. Mendicino, you have six minutes.

Hon. Marco Mendicino (Eglinton—Lawrence, Lib.): Thanks very much, Madam Chair.

Good morning, Minister.

Thank you to you and your officials for your introductory remarks with respect to this important piece of legislation. I think we're all united in wanting to see a thorough debate about this given the social harms that are at play, in particular with regard to vulnerable Canadians, young Canadians, women and others.

I really want to zero in on the part of the bill that deals with a digital safety commission because, on my first reading of this proposed legislation, the powers that would be imbued within this new commission are extensive. Again, on my first review of this legislation, it would make certain content inaccessible. It would create new investigative powers. It would create a forum in which there could be hearings that could be closed to the public given certain sensitivities that may be in play, as well as privacy considerations. The commission would have the power to create regulations and codes of conduct and also levy quite significant penalties.

Given that, would you agree, Minister, that the chair of this commission will have quite a significant authority in those areas?

• (0840)

Hon. Arif Virani: This is a big step forward for Canada. We thought really long and hard about how to structure it. We looked at different examples around the world, including the e-safety commissioner in Australia, but we also thought very hard about the confidence that I think Canadians need to have in this new officer, given the powers they will wield.

That's why you'll find in the bill what is a very pronounced declaration that we will say the confidence of Canadians will be ensured by having a vote cast in the House of Commons and the Senate in Canada to support the implementation and appointment of that new digital safety commissioner. That gives Canadians, through their elected representatives and through their parliamentarians, a direct line of accountability.

I think the measures we're taking are significant, but I would also point to the fact that most people are aware of Frances Haugen, the famous Facebook whistle-blower who testified at Congress. She described this as best-in-class, world-leading legislation for ensuring the accountability we need to see of social media companies, including the significant penalties of up to 6% or, in the case of a contravention offence, 8% of global revenue.

Hon. Marco Mendicino: On the vote, are you worried that it could become the subject of partisanship? You and I have participated in many votes, and the opposition has every right to use the tools within its reach to encourage debate.

My question is whether or not, given the functions within this particular commission, including voting on the chair of that commission is potentially susceptible to making this commission political.

Hon. Arif Virani: On the issue of protecting children, empowering adults and protecting minorities who are vulnerable, I think we have to rise above partisanship. I don't mean to sound Pollyannaish.

As a case in point, among the legislation we've consulted around the world, there's one piece that's been promoted by the Conservative government of Rishi Sunak in the last 14 months. Conservative governments around the world and Liberal governments around the world are acting in this area because the need to act is severe. That's the first point.

The second point is that I believe we can co-operate. I believe that empowering all parties—from the smallest party or an independent member to the official opposition or the government—to vote on this demonstrates that we want Canadians to have confidence, and we're determined to ensure that they have confidence in such a significant office.

Hon. Marco Mendicino: It's clear you've given a lot of consideration to the model of choosing who will be the first chair of this commission once it's in effect.

Would you agree that the chair will have powers that make the role quasi-judicial? In other words, they will be similar to the role that judges play and the role of other individuals who are responsible for the administration of tribunals, which will adjudicate on the kinds of issues that are contemplated in this bill?

Hon. Arif Virani: There is no doubt that determining whether the safety plan meets the standards that are required in issuing orders and determining whether offences have occurred and issuing penalties have aspects of quasi-judicial functions.

What's also important is that, as a lawyer should, I ascertained and verified that we would also have procedural fairness at every step of the way for the parties that are involved, as well as the possibility for judicial review in a court of law after the fact. You get Facebook making a determination. That's reviewed by the new digital safety commissioner. The digital safety commissioner's decision can also then be reviewed in a court of law.

I'm steadfast in my belief that Canadians have confidence in our world-class jurors and in their ability to execute an impartial determination about the veracity and validity of those decisions. That's

important for procedural fairness. It's important for confidence in the administration of justice.

Hon. Marco Mendicino: That's quite clear through your intervention.

Are there any other positions that are quasi-judicial in their nature and are subject to a vote in the way the digital service commission is being proposed in this legislation through both the House and the Senate?

Hon. Arif Virani: I would need to consult with my officials and get back to you on that. I'm not sure if my officials have the answer to that.

● (0845)

Hon. Marco Mendicino: If you can do that, Minister, it would be very much appreciated. Thank you for your answers.

I'll yield the rest of my time to the Chair.

The Chair: Thank you very much. It's much appreciated.

[Translation]

Mr. Fortin, you have the floor for six minutes.

Mr. Rhéal Éloi Fortin: Thank you, Chair.

Thank you for being here, Minister.

I have several questions running through my head, but I'll have to prioritize them. I wish I had more time, but I understand that's the way it has to be done.

First, I have some questions about the legal aid system for immigrants and refugees. I'm sure you understand that this issue is of great concern to the Bloc Québécois. In Quebec, the amount owed by the federal government is a problem. In fact, the Quebec government is not getting paid, yet it continues to spend on newcomers.

There's also the question of official languages. A total of \$1.2 million has been earmarked for official languages and I'm interested in hearing how that money will be distributed among the provinces.

In addition, there's obviously the whole issue of systemic racism. You want to help judges impose sentences that take this into account. How is that going to work? How are we going to define systemic racism?

There's the question of cybersecurity, in courthouses, etc.

There are plenty of important issues, essential even, that I won't necessarily be able to address this morning, unfortunately. However, I will try.

There's also Bill C-63, which you told us about in your opening remarks. I'm not sure how it relates to the Supplementary Estimates (C), but it is an important question, regardless. With respect to this bill, I am curious as to why you didn't introduce the age verification process, as proposed by Senator Julie Miville-Dechéne. Her proposal seemed relatively wise to me, but there's no mention of it at all in Bill C-63.

The Bloc Québécois is in the same boat. We've proposed abolishing the two religious exceptions in the Criminal Code, which I think is essential in the current context. How is it possible that someone can still build their defence around the idea that they committed a hate crime or spread hatred because of a religious text? That is completely absurd and contrary to the values shared by all Quebecers and, I'm certain, by the rest of Canada too.

These are all essential questions, but I'm going to focus on two important elements.

First, our committee recently passed a bill that aims to create a commission to review errors in the justice system. This is obviously something that had to be done; congratulations. I think it was high time for a major clean-up. The commission will comprise nine members. I've tabled an amendment to the effect that these nine commissioners should be bilingual. In fact, I'm a little surprised that this wasn't planned from the outset. Still, it seems a very modest goal. Nine bilingual commissioners across Canada shouldn't be too hard to achieve. However, I've run into an objection from some of my colleagues, including one of your Liberal colleagues.

I'd like to hear your thoughts on this. If we want the justice system to be bilingual, shouldn't we necessarily make an effort by asking for bilingualism among these nine commissioners? It's not as though there are 900 of them; there are nine.

Hon. Arif Virani: Thank you, Mr. Fortin.

As far as legal aid is concerned, we've moved—

Mr. Rhéal Éloi Fortin: I'm sorry to interrupt, but I think you misunderstood. I said that these were subjects I would have liked to discuss. However, I've got about three minutes left and I'd like you to answer the question I asked you about the miscarriage of justice review commission.

Hon. Arif Virani: I'd just like to mention something quickly, Mr. Fortin.

In the last fiscal year, we've already paid out over \$80 million for legal aid.

Also, our dedication to official languages is clear.

Mr. Rhéal Éloi Fortin: Minister—

Hon. Arif Virani: As for how the money is being distributed, you can ask my department.

Mr. Rhéal Éloi Fortin: No. I asked just one question and it concerned the miscarriage of justice review commission, and the idea of having nine bilingual commissioners. Are you for or against it?

Hon. Arif Virani: We are definitely in favour of Bill C-40.

We were disappointed by the Conservatives' filibustering tactics during consideration of this bill, in terms of how cases or files are handled for persons who speak French. Of course, translation will still be part of this new commission's procedures. That will be helpful to complainants or people who want to request a review.

With respect to Bill S-210, I would like to point out something that is not true—

Mr. Rhéal Éloi Fortin: Mr. Minister, you're delivering a monologue.

I asked you a simple question: Do you support bilingualism for the nine members of the miscarriage of justice review commission, yes or no?

Honestly, I appreciate your work. You're an honest and serious person. I don't understand why you're evading my question this morning. If it embarrasses you, just say so and I'll move on to the next one.

• (0850)

Hon. Arif Virani: I'm an understanding person, Mr. Fortin. You raised a number of issues.

Very briefly, in terms of the situation—

Mr. Rhéal Éloi Fortin: I said I would have liked to raise them, but I did not, Minister.

Hon. Arif Virani: The point I want to make about Bill S-210 is that Bill C-63 already contains age verification mechanisms. Furthermore, we must always protect the privacy rights of Canadians. In other words—

Mr. Rhéal Éloi Fortin: We have 40 seconds left. Are you going to continue with your monologue, Minister? Please answer my question.

Hon. Arif Virani: —if we want to use an age verification mechanism—

Mr. Rhéal Éloi Fortin: Madam Chair, I'm relinquishing my turn to speak. I understand that the minister doesn't want to answer my question. I'll therefore yield my remaining 30 seconds to one of my colleagues, who may be able to get him to talk about topics we wanted to discuss this morning.

Thank you, Minister.

Thank you, Madam Chair.

Hon. Arif Virani: May I continue, Madam Chair?

Mr. Rhéal Éloi Fortin: No. I didn't ask you about that, Minister.

Hon. Arif Virani: Madam Chair, may I continue to give my answer in the 20 seconds remaining?

Mr. Rhéal Éloi Fortin: No. My turn to speak should be mine. With all due respect, I am not interested in hearing the minister's monologue this morning.

[English]

The Chair: Okay. Mr. Garrison, I'm sure, will let the minister continue.

Mr. Garrison, please go ahead.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): No, I won't.

I want to thank the minister for his very clear presentation on Bill C-63.

I want to add two things to this discussion. One is that the loudest voices on this bill often do not include those who are most likely to be subjected to hate crime campaigns. When it comes before this committee, I'm looking forward to a diversity of witnesses who can talk about the real-world impacts that online hate has. We've seen it again and again. It's often well organized.

I stood outside the House of Commons and defended the rights of trans kids. Within one day, I had 700 emails with the same defamatory and hateful two-word phrase used to describe me. I am a privileged person. I have a staff. I have all the resources and support I need. However, when you think about what happens to trans kids and their families when they are subjected to these online hate crimes, it has very real consequences.

I'm looking forward to us being able to hear from diverse voices and, in particular, those who are most impacted. I know this is not really a question to you at this point.

We have other important work we've been doing in this committee. I want to turn to Bill C-332, which just passed this committee and was sent back to the House. This is the bill on controlling and coercive behaviour. This committee has been dealing with this topic for more than three years. One of the things that we quite clearly said was that the passage of this bill is a tool for dealing with the epidemic of intimate partner violence, but it's not the only tool.

I guess I'm asking two things here.

What other plans does the Department of Justice have to provide the necessary and associated supports for survivors of intimate partner violence?

What plans are there to do the educational work that will be necessary?

The bill says it will be proclaimed at a time chosen by cabinet. I'm assuming there will be a plan to get ready for this. I'm interested in what's going to happen with that plan. It has unanimous support, so I don't think it's premature to be asking about this at this point.

Hon. Arif Virani: Thank you, Mr. Garrison, for your leadership on the first part of what you talked about and the courage that you continue to show as a parliamentarian, and also for your leadership and that of Laurel Collins on coercive control.

In terms of supporting victims, we are constantly and actively thinking about how to better support victims, including victims of intimate partner violence. Please take a cue from what we did in Bill C-75 and in Bill C-48 with respect to the reverse onus on bail for survivors of intimate partner violence. Issues about support and funding are always on the table.

Also, please understand that when you talk about a 24-hour take-down of things like revenge porn, you're dealing with an aspect of coercive control that exists right now. That's in Bill C-63.

You also mentioned, in your opening, hearing from voices. I think two of the most salient voices that I heard from were the two that were at the press conference with me: Jane, the mother of a child who has been sexually abused and repeatedly exploited on-

line, and Carla Beauvais, a woman who has been intimidated and has retreated from participating in the public space.

I would also suggest taking your cues from the groups that were also there beside me. The National Council of Canadian Muslims and the Centre for Israel and Jewish Affairs have, in the last six months, not seen eye to eye on a lot of issues. On this bill, they do see eye to eye. They both support this, as do the special envoys on anti-Semitism and Islamophobia. Those are important voices to be hearing from, and that's what I will continue to do.

• (0855)

Mr. Randall Garrison: I want to continue a little bit on the question of legal aid when it comes to intimate partner violence. I know that quite often the answer is that it's really the responsibility of the provinces. What I'm looking for here is some commitment from the federal government with perhaps new pilot programs or new funding to encourage new programs in areas of intimate partner violence and support. The change in the law will mean that intimate partners will be involved in a criminal process but they will not be the defendants. Quite often there isn't legal assistance available for people who may face appearing in court in very difficult circumstances.

I'm looking for some leadership from the federal government on this, even though I recognize it's primarily a provincial responsibility.

Hon. Arif Virani: I think we both have a role to play in providing dollars. On-the-ground delivery is often administered by provinces. We've been quite strong in terms of our support for immigration and refugee legal aid and criminal legal aid. But I would reflect back on what the chair mentioned about targeted supports to Nova Scotia for racialized communities.

I strongly believe in supporting vulnerable people who are in need of legal aid assistance so, if there are proposals that are put before me about how we can address legal aid in an acute manner that helps women in the main who are dealing with intimate partner violence, I am all ears for that kind of discussion. I think those kinds of targeted supports are necessary to really fulfill the promise of ensuring that people's rights are vindicated.

Mr. Randall Garrison: Thank you, and we will follow up with you on that.

Mr. Van Popta opened with a question about confidence in the justice system in the appointment of judges. I think we all acknowledge the whole system has to do better in terms of filling judicial vacancies, and I do acknowledge your personal efforts to do that. But there's a second part to confidence in the justice system, and that is that people have confidence in the system when they see themselves represented in the system rather than just subjected to it.

I wonder if you could comment on the nature of the judicial appointments, and the progress that's being made, if it's being made, to make the judiciary reflect the face of Canada.

Hon. Arif Virani: I'm very happy to address this.

When we took office about 30% of the Conservative government's appointments had been women, and 53% of our appointments are women. When I came into office, the record of our government was about 11% racialized candidates being appointed. I have appointed 20% racialized candidates. I believe in a strong, highly intellectually competent bench, but also a bench that reflects the diversity of our country because I believe that helps ensure confidence in the administration of justice.

The Chair: Thank you very much, Minister.

Thank you, Mr. Garrison.

We will now commence with our second round.

We'll go to Mr. Moore for five minutes.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Chair.

Minister, we're here in the estimates today. You spent your entire opening remarks on a defence of Bill C-63. I recall your predecessor, Minister Lametti, when he was here. I asked him a question on the issue of MAID, when I think 25 constitutional experts said the minister's opinion on the matter was wrong. I asked the minister who was right, him or these 25 constitutional experts. And he said he was.

That kind of hubris is probably a good reason why he's not longer here and now you are, but we're starting to see that same thing on Bill C-63 with yourself, when virtually everyone has come out and said this was an effort to trample down freedom of speech. Margaret Atwood described Bill C-63 as "Orwellian". David Thomas, who was chairperson of the Canadian Human Rights Tribunal, said:

The Liberal government's proposed Bill C-63, the online harms act, is terrible law that will unduly impose restrictions on Canadians' sacred Charter right to freedom of expression. That is what the Liberals intend. By drafting a vague law creating a draconian regime to address online "harms", they will win their wars without firing a bullet.

There's a diverse group of people who feel that Bill C-63 is an outrageous infringement on Canadians' rights. We also see a government that will not stand up for the most vulnerable.

You had the opportunity, Minister, to introduce a bill that would have protected children, but your government, true to form, could not resist taking aim at their political opponents. This is not about hate speech, it's about speech that Liberals hate, and shutting that down.

Now Bill C-63, if it unfortunately were to pass, will too be struck down by the courts. If you were in a position to appeal it, I have no doubt you would. That brings me to my question on your government's radical agenda.

You've decided to file a number of appeals in recent court rulings. You've appealed a ruling that found the invocation of the Emergencies Act was unconstitutional. You appealed a ruling that found that the plastic bag ban and the plastic straw ban that Canadi-

ans hate so much was unconstitutional. You were quick to appeal those. But when the Supreme Court ruled the six-month minimum sentence for the crime of child luring was unconstitutional, you chose not to file an appeal.

Why is it that, when your government's radical agenda is challenged in the courts, you're quick to appeal, but when vulnerable Canadians' lives are at stake, you choose not to appeal?

• (0900)

Hon. Arif Virani: Mr. Moore, I disagree with pretty much everything you just said in terms of how you've characterized things. What I would say to you is to actually look at the constitutional record internationally.

We looked at France, Australia, Germany and England. In France, a takedown provision across all sets of content, including hatred content, was struck down as unconstitutional. That's specifically why we are not pursuing that. We have a takedown provision within 24 hours of child pornography and revenge porn. I hope we can agree on that, Liberals and Conservatives. We do not have an immediate takedown provision over other materials. That's the first point.

The second point is that you talked about the author Margaret Atwood. I have tremendous respect for Margaret Atwood. I've invited her into conversation about the nuances of this bill. She has a concern about freedom of expression. I share that concern. I'm duty-bound to uphold freedom of expression. I swore an oath to the Constitution. I'm the only cabinet minister who does. What we've done, through a careful approach, is to look at how we can calibrate the important need to keep Canadians safe and to protect liberty of expression.

If you had listened to Carla Beauvais at the press conference, you would have heard her talk about the fact that her own speech is being curtailed because she is so intimidated from participating in public discourse. We're trying to empower that public discourse.

There are safeguards in the bill that I would urge you to look at, about how Facebook makes its determinations in terms of ensuring that they respect freedom of speech, how the digital safety commissioner must ensure that non-discrimination occurs—

Hon. Rob Moore: Thank you, Minister.

Hon. Arif Virani: —and how courts would review these processes to ensure that liberty of expression is always maintained.

Hon. Rob Moore: Thank you, Minister.

Madam Chair, we'll have lots of time to debate Bill C-63 in the future. I think the verdict is coming out very quickly on that. I want to use what's left of my time to now move my motion regarding former minister David Lametti on the issue of ex-judge Delisle, where the minister ordered a new trial.

I'm moving that motion now, Madam Speaker.

The Chair: Thank you.

I recognize Mr. Maloney.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Are you proposing to debate the motion now, Mr. Moore?

Hon. Rob Moore: Well, I'm assuming that there would be near unanimous support for it, in light of the stories coming out of Quebec right now about Minister Lametti ordering a new trial in the case of this judge who was found guilty of murder.

If it can pass by unanimous consent, or if we can have a vote on it now—

The Chair: Hold on.

Mr. Maloney, you have the floor.

Mr. James Maloney: Thank you, Madam Chair.

Given that the minister is here at the request of all parties, and with enthusiastic support from the opposition, I would move that we adjourn debate on this motion and get back to the issues at hand. We have not only the minister here; the officials are here as well. I think we should use the time we have to discuss the issues that we're here to discuss.

The Chair: Okay.

We need to take a vote on this—

[*Translation*]

Mr. Rhéal Éloi Fortin: Madam Chair, may I intervene concerning Mr. Maloney's motion to adjourn the debate?

[*English*]

The Chair: No. We vote now.

[*Translation*]

Mr. Rhéal Éloi Fortin: We're actually voting on whether we want to adjourn debate on Mr. Moore's motion to allow the minister to answer our questions about the estimates and other matters, right?

The Chair: Yes, that's right.

Mr. Rhéal Éloi Fortin: If the minister refuses to answer, can we return to Mr. Moore's motion?

The Chair: Ha, ha! No.

The first hour of the meeting, which we are spending with the minister, isn't over yet.

[*English*]

Would you like a recorded vote?

[*Translation*]

(Motion agreed to on division: Yeas 6; Nays 5)

• (0905)

The Chair: We will therefore continue with the minister.

Mrs. Brière, you have the floor for five minutes.

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Madam Chair.

Good morning, Minister. I'd like to thank you and your entire team for being with us this morning.

We are living in an increasingly divided world. Even though everyone is entitled to their own opinion, people are either for or against different issues. We are quick to put people into categories, to see them as being on one side or another and slap labels on them. In this increasingly complex world, and perhaps as my previous role taught me, I think it would help if people were more caring, attentive and open to each other.

In your opening remarks, you referred to Bill C-63, which aims to protect children online. We have been hearing a lot about this bill. I have two questions for you.

First, do you believe that the definition of “hate speech” in Bill C-63 will really make it possible to achieve the goal of protecting children online?

Second, the bill seems to apply pre-emptively, even before a person has said or done anything. I wonder if you could tell me your thoughts on that.

Hon. Arif Virani: Thank you, Mrs. Brière.

I would like to underscore one thing, since you've raised the same topic as Mr. Moore.

[*English*]

Online hatred has real-world consequences. Again, talk to the Afzaal family and to the families of the six men who were killed at the Quebec mosque. Talk to them in terms of those real-world consequences.

Second, Conservatives seem to be operating in this make-believe world where hatred isn't already regulated in Canada. We have sections 318 and 319 of the Criminal Code. Those have been upheld in Canada as reasonable limitations on speech because hatred is not protected in this country.

The proposition we are bringing forward is this: If hatred is not protected in the real world, why should it be protected in the online world? That is where we have a difference of opinion, Mr. Moore, and I think it's something that you need to address for yourselves in terms of trying to understand why groups like the NCCM and CIJA are behind this bill. It's because they want to see a curb on that very hatred.

With respect to your question, Madam Brière, of whether the hatred definition will help to protect children, absolutely it will. Again, this is not my definition. This is the definition entrenched by the Supreme Court of Canada. I didn't make it up. The Prime Minister didn't make it up. The courts have already established this definition. That's the definition that we use, and it will keep kids safe as they move into adulthood because we need to keep everyone safe. It's not just about targeting children.

I'll point out for Mr. Moore's edification that Australia moved on children alone in 2015. Nine years later, it's moved much beyond that. That's important to understand—that the whole world is moving in that direction, including Conservatives in Britain. I'm just puzzled why Conservatives here are afraid to do so.

Lastly, Madam Brière, you asked me about prevention and the notion of prevention assisting against hate. This is a very important question. We already have, in certain defined circumstances where reasonable grounds can be made, the ability to effect a thing like a peace bond to prevent harm against a woman facing domestic violence. That includes preventative restrictions on speech, prior restraint of speech.

What am I talking about? I'm talking about a man estranged from his former wife who cannot, because of a peace bond, post revenge porn about her. In certain circumstances, we allow this. We know this is significant. That's why we've injected in this legislation the safeguard of getting the local attorney general's consent. That is critical because it serves as that safeguard to ensure that this is not used in a manner that is overly restricted, and that it will be found constitutional.

Thank you.

[*Translation*]

Mrs. Élisabeth Brière: Thank you very much.

I would like to discuss a completely different topic—the appointment of judges—even though I know you answered a question along those lines earlier.

In my riding, we are still awaiting the appointment of certain judges. I'd like you to tell me what work you're going to accomplish on this matter in the coming weeks or months.

● (0910)

Hon. Arif Virani: Mrs. Brière, the work is still ongoing. I've added people to my team and I'm working closely with my deputy minister, the departments and the Privy Council. As I mentioned, I've already contacted the judicial advisory committees and sent a letter saying that this was one of my top priorities.

I'd like to point out that, in seven months, I've already appointed over 64 judges, and that other appointments will be made in the coming days. Because the matter is extremely important, I'll keep working hard on this file, with two objectives in mind. First, we have to appoint the most intelligent lawyers possible, who also have an excellent knowledge of the law. Second, we must ensure that the judiciary reflects our nation's diversity, particularly by appointing women, like you, Mrs. Brière.

Mrs. Élisabeth Brière: Thank you.

The Chair: Thank you very much, Mrs. Brière.

I now give the floor to Mr. Fortin for two and a half minutes.

Mr. Rhéal Éloi Fortin: Thank you very much, Madam Chair.

Minister, with all due respect, you didn't have time to answer my question earlier. I'll just ask it again. I'd like a quick answer, ideally yes or no, because we only have two and a half minutes.

Are you for or against a bilingualism requirement for the nine commissioners to be appointed to the miscarriage of justice review commission under Bill C-40, that this committee has just passed?

Hon. Arif Virani: I support the bill and I agree that people must be understood in the official language they use during such a process. Translation will make this possible.

Mr. Rhéal Éloi Fortin: Saying that people must be understood in their language is a rather vague statement.

My question is simple: Are you for or against these nine members being bilingual?

Hon. Arif Virani: I support the bill. I'm against the Conservatives' filibustering—

Mr. Rhéal Éloi Fortin: Why are you refusing to answer my question?

Hon. Arif Virani: I support bilingualism and the fact that people must be understood when they make a speech or appear before the commission.

Mr. Rhéal Éloi Fortin: I'm in favour of apple pie too, Minister. There's no doubt about that.

However, I think my question is simple enough. I have to admit that I was very surprised to find myself in a situation where your Conservative colleagues supported my request, which is clearly a matter of a common sense, to use an expression that's become a little tired these days. Indeed, common sense dictates that the nine commissioners should speak and understand French and English. I don't think it's unreasonable to find nine bilingual commissioners among tens of millions of Canadian citizens.

You're dancing around my question. Furthermore, one member of your party has opposed my request, as basic as it is. Everyone in Quebec agrees with this proposal, and the same is probably true for most people elsewhere in Canada.

Minister, before my time expires, I'm going to ask you my question about bilingualism within the commission one last time. Do you agree, yes or no, that the nine commissioners should speak and understand French and English?

Hon. Arif Virani: We are strongly support bilingualism. We enacted new legislation on official languages in Canada—

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair. Unfortunately, the minister's sales pitch—

Hon. Arif Virani: We want people—

Mr. Rhéal Éloi Fortin: —with all due respect, doesn't interest me this morning.

Thank you.

Hon. Arif Virani: We want everyone to be properly understood by the commission.

Mr. Rhéal Éloi Fortin: My time is up, and I'd like the minister to stop there.

Thank you.

The Chair: Thank you very much, Mr. Fortin and Minister Virani.

[English]

Mr. Garrison, you have two and a half minutes, please.

Mr. Randall Garrison: We are eagerly awaiting the passage of the miscarriage of justice act because of its disproportionate impacts on some communities, including indigenous communities, in Canada.

What Mr. Fortin continues to ignore is that an absolute requirement of bilingualism is in place for the commission. Imposing that on all nine commissioners would mean that well-qualified people who speak a first nations language plus one of the other official languages in Canada would be excluded from appointments, if his hard and fast rule were applied.

I want to ask more generally on that question about the progress being made on the recommendations—the calls to justice—about the missing and murdered indigenous women. There are 231 calls in the areas for which you're responsible as a minister. There has been some criticism that the result has been mostly committees and very little hard action to address those concerns.

Can you speak about the progress that's being made in the area of justice?

• (0915)

Hon. Arif Virani: Thank you, Mr. Garrison, for the question highlighting a very important subject.

With respect to MMIWG, those 230-plus calls to action are being worked on, particularly the ones in our jurisdiction. We are working diligently on all aspects of it. The UNDA action plan speaks to that. I think the work we're doing with respect to intimate partner violence and reverse onus on bail also speaks to that.

On the issue of the miscarriage of justice commission, I would return to what I said when I was here. We have a situation where we've overturned about 27 cases in 20 years. The Brits have done 500 cases in the same time span. That's statistically improbable. It's not because their system is inferior to ours; it's because we're not finding the cases.

Twenty-two of those 27 cases were white men. We know that statistically there is overrepresentation of indigenous and Black

persons in our justice system. We're going to find those cases and we're going to find them with a robust commission.

Mr. Randall Garrison: Once again, I want to draw attention to real-world consequences. The delays we've had in getting this up and running mean that people who are likely not guilty of anything are continuing to serve sentences, whether that's in custody or in the community. By the delays we're having with passing legislation and getting it set up, we're perpetuating injustices. I wonder if you would agree with me that this is a serious concern.

Hon. Arif Virani: I think it's an extremely serious concern. I find it quite flabbergasting that it has become a partisan matter about keeping an innocent man or woman in prison. That should never be partisan. Again, I would say to you that, if other countries are able to overcome partisanship on such a basic fundamental premise, we should be able to as well. It's unfortunate that we are not able to.

The Chair: Thank you very much.

Do you have any concluding remarks, Minister?

Hon. Arif Virani: My concluding remarks would be, with respect to Bill S-210 proposed by Senator Miville-Dechéne, that there are very legitimate questions that relate to privacy interests. We need to understand that age verification and age-appropriate design features are entrenched in Bill C-63, something that Monsieur Fortin seemed to misunderstand.

Second, the idea of uploading the age-verification measure such as one's government ID is something that has been roundly criticized, including by people like law enforcement, who'd be concerned about what that kind of privacy disclosure would do in terms of perpetuating financial crimes against Canadians.

What we need to be doing here is keeping Canadians safe by ensuring that their age-appropriate design measures have been informed by a conversation between law enforcement, government and the platforms themselves. There are examples of how to do this, and we're keen to work on those examples and to get this important bill into this committee so we can debate the best ways forward.

Thank you.

The Chair: Thank you for those concluding remarks.

As the chair, I'm especially looking forward to having that bill come before me, particularly as a previous, I guess, justice minister who dealt with it in Nova Scotia when a young girl committed suicide because of exactly what we will be dealing with here.

Thank you very much for those concluding remarks.

Thank you to the staff.

I'm going to suspend for a minute to allow you to take your leave, and then we will continue with our motion.

• (0915) _____ (Pause) _____

• (0920)

The Chair: As we're getting ready to start with the motion, I just want to let all members know that, following up on the meeting with the Norwegian standing committee on justice members, the suggestion is that we meet them the next time we meet on Monday, which is the date they wanted, Monday, April 8, from 11:45 to 1:00. We will let you know which room that is taking place in.

If that is agreeable to you, we would have to adopt a hospitality budget, which reads as follows:

That the committee meet, in an informal meeting, with a delegation from the Committee of Justice of Norway on Monday, April 8, 2024, at 11:45 a.m.; and that the committee defray the hospitality expenses related to this meeting.

I remind you also that Ambassador Trine Jørnli Eskedal would like to invite all the committee to a reception in the Norwegian residence on Tuesday, April 9, in the evening.

Can I have somebody move the motion that I just read, if this is all acceptable to you all?

It is moved by Mr. Maloney and seconded by Mr. Van Popta.

(Motion agreed to)

The Chair: Thank you very much.

I'm now going to go to Mr. Housefather on the motion we have before us.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you so much, Madam Chair.

Thank you to my fellow committee members.

The motion I want to put forward is the one we have in front of us:

That pursuant to Standing Order 108(2) and in view of the alarming escalation of antisemitism in Canada, the committee undertake a study on the issue of antisemitism and the additional measures that could be taken to address the valid fears that are being expressed by Canada's Jewish community.

That the study include but not be limited to the issue of antisemitism on university campuses.

That the study should be at least three meetings and that the committee report its findings to the House.

Madam Chair, briefly, I had a chance on Monday to deliver a speech in the House that dealt very much with this issue. The Jewish community in Canada is feeling frightened to a level I have never seen. While, anecdotally, people are taking mezuzahs off doors and are afraid to send their kids to school, the vast majority of Jewish Canadians are affected in a broader way. Those are anecdotal, small incidents. I don't think that's happening much. What is happening is people expressing their fears to me and wondering if they're safe in this country and have a future in this country, which I never in my life believed would happen in Canada.

I don't see that anywhere near as much, frankly, when I'm in the United States. Something is happening here. Anti-Semitism is happening around the world, but the perception of the community in Canada is drastically different from what I find south of the border.

I think the committee needs to look into what is happening and what we can do.

I'm going to talk about two issues very briefly, which I think are the most poignant and important ones.

One of these is the demonstrations happening, and the lack of policing related to those demonstrations. People are blocking buildings, shouting things deemed to be hateful and intimidating people entering or leaving a building, and the police are not moving people back so that there's a safe line that allows for a differentiation between the people trying to enter or leave and the protesters. That's one thing. Why are Jewish buildings a target in Canada, and how is this making people feel? I would like the opportunity to hear from Jewish Canadians and Jewish organizations about how they feel and what they think we could do as federal legislators to better protect them from a public safety aspect, a justice aspect, etc.

The second issue is what's on campus. The biggest places where you find people feeling scared and intimidated are campuses. This is happening from Newfoundland to British Columbia. It's happening in my province of Quebec. It's happening in Ontario. It's happening everywhere. Some colleagues and I wrote a letter, in December, to the presidents of the biggest universities in Canada. We have received responses from all of them, which we can table. I think we need to hear from Universities Canada and the presidents of universities on what they're doing to protect Jewish students, and we need to hear from Jewish students regarding what they're experiencing on campus. Then we can opine on what solutions we might be able to recommend to the universities and the minister.

That being said, the most important thing is this: Symbolically, the Jewish community has failed to see leadership at the federal, provincial and municipal levels—from literally everyone. I think, if they see that our committee is interested in this issue, that there is a forum for them and that we are taking their concerns seriously and listening to them, it would be a morale boost because they will think that at least someone cares and there's hope.

I'm hoping that my colleagues will agree to do this study. Of course, I'm happy to listen to amendments and yield the floor.

Thank you, Madam Chair.

• (0925)

The Chair: Thank you, Mr. Housefather.

Mr. Mendicino.

Hon. Marco Mendicino: Madam Chair, thank you.

I obviously wholeheartedly support my colleague Mr. Housefather's motion. While he is true in all aspects of his remarks, I would add one important caveat, in that there has been a tremendous demonstration of leadership on the part of Anthony Housefather on behalf of his community in the face of some of the most vile hate that I have ever seen, certainly in my lifetime, in a way that I hope that his community will take some hope and inspiration from.

I would just add that in Toronto, my hometown, the police chief there, Chief Demkiw, just reported 48 hours ago that Toronto has seen a 93% increase in the number of reported hate crimes since October 7, 2023, and that compounds the ongoing rising tide of anti-Semitism, which I think parliamentarians, regardless of partisan stripe, have an obligation to deal head-on with.

I would also say that the anecdotes that Mr. Housefather referred to are the same stories that I hear from the community that I represent in Eglinton—Lawrence. The fear, the profound sense of anxiety and, most of all, the deep sense of abandonment that the Jewish community is feeling not only in Canada but around the world in the face of this hate should be a red flag and should sound the alarm for all of us.

There are many things that we need to do in order to push back against this, but I think that having a study that examines carefully some of the issues that Mr. Housefather has already highlighted is one way in which I believe this committee can contribute, and if we don't take this opportunity, I think it will see us take more steps backwards as a democracy.

I certainly hope that all members of this committee will see the value in putting some energy into this report so that we can come together to stem this trend and to reverse it and to continue to see Jewish Canadians and all Canadians live in a society that is free from hate.

Thank you.

The Chair: Next is Ms. Gladu, please.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Chair.

I just want to say that I also am extremely concerned about the rise of anti-Semitism in the country. We just had the justice minister here telling us that we already have hate laws, hate speech laws, but people are calling “death to Jews” across the country and not a single charge has been filed.

I'm quite alarmed, when I see the protests, the violence and the targeting of Jewish businesses, that the reaction from the police is not the same as it is in.... We've just seen a fishers' protest going on. The police are there making sure that the protest remains peaceful and are bringing in their horses, but here in Ottawa when we're having pro-Palestinian demonstrations and they're calling out things that are anti-Semitic and kicking in cars and breaking off mirrors, the police are standing by and doing nothing. What is the point of having federal law if you don't have the enforcement of law?

I think that this has come to a crisis point, and I'm very supportive of doing a study to figure out what exactly we can do to use the existing laws and enforce them, and what else we can add to that, because Jews don't feel safe in this country. I'm alarmed at the

demise of what was Canada: a free nation where people could feel safe and worship. I think people don't feel safe, and we need to address it.

• (0930)

[*Translation*]

The Chair: Thank you, Ms. Gladu.

[*English*]

Next is Mr. Van Popta.

Mr. Tako Van Popta: Thank you, Madam Chair.

Thank you to Mr. Housefather for your courage in standing up for the Jewish community and putting forward this motion. I think it's a very important study, and I support that we undertake that.

In my home province of British Columbia, at my university, the University of British Columbia, there was a referendum or a threat of one recently to terminate the lease that Hillel House has had on campus for many years. It's a very significant presence in the university. It is a haven for the Jewish student body there. Thankfully, the referendum didn't go ahead, with the good leadership of the student association; but just the fact that the referendum was even suggested, I think, has been very disturbing for not only people in my home province of British Columbia but throughout the country.

The motion also would have included BDS sanctions—boycott, divestment and sanctions—against Israel and anything to do with Israel, and that's just the newest form of anti-Semitism. I find it all very disturbing.

I'm very supportive of having this study to better understand what is going on here in Canada with anti-Semitism, which is something I never thought I would see in my lifetime, and also to demonstrate to the Jewish community that we stand with them and that they are an important part of Canadian culture.

Thank you.

The Chair: Thank you, Mr. Van Popta.

Mr. Moore.

Hon. Rob Moore: Thank you, Madam Chair. We've had this motion before us for quite some time, and I think it should be a concern for all Canadians and all parliamentarians.

I'll speak briefly on, as Mr. Housefather was mentioning, the lawlessness around some of these protests and the fear that that's instilling in many Canadians. I can't imagine the fear that it would instill in Canada's Jewish community. Every Canadian, every person, should feel safe in Canada, and there's no place in Canada or anywhere in the world for anti-Semitism.

I think this motion is timely and important. I certainly support Mr. Housefather's motion.

The Chair: Thank you very much, Mr. Moore.

[Translation]

Mr. Fortin, you have the floor.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

I'd like to begin by thanking Mr. Housefather for moving his motion. I think it expresses a concern that many of us share, more or less everywhere throughout Quebec and Canada.

Each and every person should be able to live out their religious beliefs in peace and freedom. I don't think that religious or moral beliefs, apostolic or otherwise, should divide people. Whatever the religion, it should be a set of values that brings people together, not divides them.

I have a great deal of respect, fondness and sympathy for members of the Jewish community, given what they're going through at the moment. I don't want to stray too far from the debate, but Quebec has a state secularism law. I've had discussions with many friends of the Jewish faith, as well as some of the Muslim faith. There are extremists in all faiths, but I would say that 99% of people agree that the state should be secular and that everyone should be able to practice their religion in peace, respect and solidarity.

I don't have anything to add to the debate, but I would like to say that I agree with what Mr. Housefather and Mr. Mendicino have said. These things are important.

You can count on the support of the Bloc Québécois on these issues.

• (0935)

The Chair: Thank you, Mr. Fortin.

[English]

Mr. Garrison.

Mr. Randall Garrison: Thank you, Madam Chair. I, too, would like to commend Mr. Housefather for his tireless work against anti-Semitism and bringing the attention of this committee and all of Parliament to the rise of anti-Semitism. I have seen the evidence of this in my own constituency and again on campus at two educational institutions that I've been long associated with in my community. Jewish students have approached me saying they no longer feel safe just being on campus, not in doing anything on campus, and I have an extreme level of concern about this. I am completely supportive of this study.

However, I take very seriously what Mr. Housefather said about leadership, and a necessity for providing leadership, so I am going to propose an amendment to his motion, not to diminish in any way the study of anti-Semitism, but for our committee to provide the same leadership with the parallel rise of Islamophobia in this country.

On my proposed amendment, I have a text in both official languages. I will read the technical...and we have a version as it would read. I think my staff will give it to the clerk at this point.

The Chair: Please proceed.

Mr. Randall Garrison: The proposal would expand the number of sessions from three to six, so that we can devote an equal amount

of time to the rise of Islamophobia in Canada and provide leadership on opposing all forms of religious-based hatred in this country.

The technical amendment has five parts. It would add "and Islamophobia" after each mention of anti-Semitism on line two. It would add "and" before "additional measures" on line three. It would replace the text on line four with "Canada's Jewish and Muslim communities." It would add "and Islamophobia" after "anti-semitism" on line five. Finally, it would replace the number of meetings from "three" to "six" on line seven.

We have the final version as it would read. I think that's easier for people to deal with. It's really only adding the parallel study of Islamophobia to the study of anti-Semitism.

With that, I move my amendment, Madam Chair.

The Chair: We're going to suspend the meeting for two or three minutes. That seems to be the best move, while everyone's reading it and taking a look at it.

Thank you.

• (0940)

(Pause)

• (0945)

The Chair: I call the meeting back to order.

We're now speaking on the amendment.

Mr. Housefather, I will commence with you.

Mr. Anthony Housefather: Thank you, Madam Chair.

I appreciate Mr. Garrison's amendment. Of course, Islamophobia is also a very important form of hate, but they are two very distinct and separate forms of hate, so I want to make sure that it is clear that the meetings that we're going to have on one versus the other and the report that we're going to do are going to be clear that we're doing something on anti-Semitism and something on Islamophobia and that they're not two tropes that are together. Too many times, people feel that one is equal to the other, and when an act of anti-Semitism occurs, they feel necessary to mention Islamophobia in the same breath and vice versa. In the same way, anti-Black racism is not the same as anti-gay racism. They are all different tropes, so my proposal would be to subamend Mr. Garrison's amendment to add the following words.

It would now read, in line two, "Undertake a study on the issue of anti-Semitism and", and add the words, "a study on the issue of Islamophobia". I'm adding the words "a study on the issue of" after the end of line two.

In line five at the beginning of the second paragraph, we would replace the word "study", the third word, with "independent studies". Then, on line seven at the beginning of the third paragraph, instead of saying "that the study", it should say "that each study". Then, instead of "that it should be at least six meetings", it would be "that each study should be at least two meetings". I've heard from colleagues that six meetings means that we're not studying anything else for a prolonged period of time, so instead of three meetings each, it would be two meetings each: two meetings on anti-Semitism and two meetings on Islamophobia.

Then, “that the committee report its findings on both studies”. So, after the word “findings”, it would be “on both studies to the House”.

Thank you, Madam Chair and Mr. Clerk.

• (0950)

[*Translation*]

Mr. Fortin, I apologize for not having drafted this in French, but I can give you the—

Mr. Rhéal Éloi Fortin: No, that's fine.

Mr. Anthony Housefather: Okay, thank you.

The Chair: Yes, we understand.

[*English*]

Mr. Rhéal Éloi Fortin: I calculate it as anti-francophonica.

Some hon. members: Oh, oh!

The Chair: Does anyone on the committee need to have it reread, or did you follow that?

[*Translation*]

Mr. Rhéal Éloi Fortin: It might be a good idea to reread the text, please.

Could you read it again, Mr. Clerk, to make sure we're all working from the same version?

The Chair: Okay.

Could you do that, Mr. Clerk?

The Clerk of the Committee (Mr. Jean-François Lafleur): Yes, of course, Mr. Fortin.

Thank you, Madam Chair.

I'll read it first in English, because that's the original language in which the amendment was drafted. I'll then try to read it in French.

Mr. Rhéal Éloi Fortin: It's Canada's official language, I think.

The Clerk: The subamendment would therefore apply at the end of the second line.

[*English*]

At the end of line two, if I start after the comma, “the committee undertake a study on the issue of antisemitism and”, and we introduce the subamendment here, “a study on the issue of Islamophobia”. Then we continue the text.

The second amendment is on line five. It says, “that the independent studies include but not be limited”. That's the second part of the subamendment. The rest of the second paragraph reads as is.

The third part of the subamendment—

[*Translation*]

Mr. Rhéal Éloi Fortin: I just want to make sure I understand the fifth line correctly.

[*English*]

It's “That the independent study include”, correct?

[*Translation*]

The Clerk: It simply adds the word “independent” before “study”, and changes “study” to the plural. That's what this does.

Mr. Rhéal Éloi Fortin: Okay, but it appears a little further on in the same sentence.

[*English*]

Is it “include but not be limited to the issue of antisemitism and independent study on Islamophobia”?

[*Translation*]

Are there any changes to the second time it's mentioned?

The Clerk: No. Now I no longer have it in front of me, but—

Mr. Rhéal Éloi Fortin: Okay. I thought that's where it was.

The Clerk: While we're at it, Mr. Housefather, when you say “independent studies”, you're talking about the fact that these two studies will be independent, not other theoretical studies, right?

• (0955)

Mr. Anthony Housefather: I'm talking about the fact that we're going to have two meetings on anti-Semitism and two completely separate meetings on Islamophobia. We'll prepare a report on anti-Semitism and a separate report on Islamophobia, and then table them in the House for a response.

The Clerk: So you're talking about the two studies that will be undertaken by the committee, and not about existing theoretical studies.

Mr. Anthony Housefather: Yes, I'm talking about the two studies mentioned here. This is just to clarify that they will be independent of one another.

The Clerk: Okay, perfect.

The Chair: I understand. Now we've written it down. I think everyone understands, right?

[*English*]

Mr. Maloney.

Mr. James Maloney: I would only add that maybe we should include the word “consecutive” so that they go one after the other. That way you don't complete one and then interrupt it with something else. They should go one after the other.

The Chair: There would be two meetings and two meetings.

Mr. James Maloney: There would be four consecutive meetings, yes.

The Chair: Yes, that's the intent.

Mr. James Maloney: It's the intent, but it doesn't say that as amended.

The Chair: Okay, “each study should be at least two meetings, for a total of four consecutive meetings, and that the committee report its findings on both studies to the House.” We're adding “for a total of four consecutive meetings”.

I'm receiving nods from everybody; everybody seems to be in agreement.

Ms. Gladu, you have your hand up.

Ms. Marilyn Gladu: Yes, Madam Chair.

I recognize that Islamophobia is certainly continuing to be an issue in the country, but I would like to just point out that there was a significant study on it after M-103. The Senate also completed a study. The Canadian government did a summit with many recommendations.

At the same time, I don't want to exclude other religions. We know there have been 80 Christian churches torched, pastors locked up without bail. The Hindu community has reached out to me to let me understand that they are receiving hate speech and death threats.

So, while all religions appear to be under attack, I don't want to dilute Mr. Housefather's original motion that talks about the crisis we're facing right now with the rise of anti-Semitism. You know, it's rising by as much as 700% in some places. There are violent crimes; people are unsafe.

I'll defer to the will of the committee, but I do think that has to be the priority.

The Chair: Thank you, Ms. Gladu.

Mr. Moore.

Hon. Rob Moore: Thank you, Madam Chair.

We have a number of studies that have been proposed by members around the table, one of which—and I think it's a very important one—is the study proposed by Mr. Housefather dealing with anti-Semitism.

I'm prepared to support his study without any amendment. I think the original motion is one that was brought to us some time ago. It's kind of in the queue with other studies that have been proposed. If other people want to have other studies on other issues, they're welcome to bring those forward for consideration by the committee.

In light of Mr. Housefather's willingness to get consensus around the table, I am happy to also support his amended version. I'll note that it gives us one less day to study anti-Semitism, but I think it's a goodwill effort for us to not monopolize all the remaining time left on studies when there are others that are in the queue that are also important.

I do want to make it clear that I'm happy to support Mr. Housefather's original motion that we study anti-Semitism, but I'm also willing to support this amended and subamended motion as currently written.

The Chair: Thank you, Mr. Moore.

Mr. Maloney, go ahead, please.

Mr. James Maloney: Thank you, Madam Chair.

I want to pick up on something Mr. Mendicino said earlier.

I want to add my voice and thank Mr. Housefather for being a strong, vocal leader on the issue.

An hon. member: Hear, hear!

Mr. James Maloney: I would add that I would also like to thank Mr. Mendicino for the same reason, because he's been right by Mr. Housefather's side, along with all of us on this issue.

I fully support the original motion proposed by Mr. Housefather. I also agree with Mr. Garrison's amendment. I think both issues need to be addressed by this committee. I think the proposed amendment—and I want to thank Mr. Housefather for his willingness to compromise on the number of meetings—is an elegant solution to address the concerns raised by all. The “four consecutive meetings” component eliminates any concern people have with respect to not being able to address both issues.

Thank you, Madam Chair.

● (1000)

The Chair: Thank you very much, Mr. Maloney.

I will just alert you all that it's 10:01. We want to conclude with this, but there are going to be three votes on this one. We have a bit of a steering committee scheduled, as well.

Mr. Fast, please go ahead.

Hon. Ed Fast (Abbotsford, CPC): Madam Chair, as a non-permanent member of this committee, I want to add my voice in support of the motion Mr. Housefather brought forward and the very legitimate concerns he's raised. I want to commend him for his passionate, appropriate speech in the House of Commons this week, where he articulated the fears and threats that are part of Jewish life in Canada today. This is not a Canada that I grew up with. It shouldn't be the Canada we have going forward. I hope this study will allow us to identify alternatives to address this very pernicious problem within our society.

I will also be speaking at an event in support of the Jewish community this Sunday in Vancouver. I want to assure Mr. Housefather that I will be sharing his concerns at that event.

I support the elegant solution Mr. Maloney suggested, which has been presented to this committee: Conduct, effectively, two studies—one on Islamophobia and one on anti-Semitism. However, I also want to articulate my strong support for the original motion Mr. Housefather brought forward.

Thank you.

The Chair: Thank you very much to all committee members. I very much appreciate the comments.

I'm now going to ask that we vote on the subamendment by Mr. Housefather.

Mr. James Maloney: Can we read it, so we understand perfectly what it says now?

The Chair: Yes. The subamendment is to say, “for a total of four consecutive meetings”.

Mr. Anthony Housefather: There's much more to it than that.

The Chair: How about I read the whole thing?

That pursuant to Standing Order 108(2) and in view of the alarming escalation of antisemitism and Islamophobia in Canada, the committee undertake a study on the issue of antisemitism and a study on the issue of Islamophobia, and the additional measures that could be taken to address the valid fears that are being expressed by Canada's Jewish and Muslim communities.

That the independent studies include but not be limited to the issue of antisemitism and Islamophobia on university campuses;

That each study should be at least two meetings for a total of four consecutive meetings; that the committee report its findings on both studies to the House; and that the committee request a government response to these reports.

Mr. Anthony Housefather: Mr. Garrison is suggesting we pass it on division.

(Subamendment agreed to on division)

The Chair: Now I'm going to ask for a vote on the amendment as amended.

Does it pass on division?

• (1005)

Mr. Anthony Housefather: I think everybody is in favour of that.

(Amendment as amended agreed to [*See Minutes of Proceedings*])

The Chair: It's unanimous.

Now we're on the main motion as amended.

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

The Chair: That is passed unanimously.

Thank you very much.

I do have to say the following. We request that witness names be sent as soon as possible, up to and including Thursday, April 4. This will allow enough time for the clerk in the weeks that we're not here.

Mr. Randall Garrison: I'm sorry, Madam Chair. This is predetermined by the steering committee—

The Chair: I guess now we'll deal with scheduling.

Okay, that's fine. I assumed that we would be scheduling it as soon as we return, but I suppose we could deal with that at the steering committee level.

Having no other committee business, I will now adjourn and wish everybody a safe rest of today, a safe tomorrow and a safe time when you all go back to your constituencies with your loved ones.

Happy Palm Sunday.

Happy Naw-Rúz.

Happy so many things that are going on and Happy Easter and everything else.

I would ask the members who are on the steering committee to please stay. We will have a 10-minute in camera meeting.

Thank you very much.

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