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Thursday, March 6, 2008

—
Chair

Mr. Gary Schellenberger

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• (1530)

[Translation]

The Vice-Chair (Hon. Mauril Bélanger (Ottawa—Vanier, Lib.)): Ladies and gentlemen, we'll begin this 20th meeting of the Standing Committee on Canadian Heritage, which today, pursuant to the Order of Reference of Tuesday, October 16, 2007, concerns Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts).

We welcome our witnesses, Women Against Violence Against Women and the Media Awareness Network. We ask you to introduce yourselves, and we grant you about 10 minutes each.

Are you all going to make a presentation?

[English]

There are two presentations, so you have 10 minutes each. Then we'll proceed to a question and answer session where you'll have five minutes each.

Who will be first?

Mrs. Irene Tsepnopoulos-Elhaimer (Executive Director, Women Against Violence Against Women): Thank you, and good afternoon. My name is Irene Tsepnopoulos-Elhaimer from the WAVAW—that's Women Against Violence Against Women—Rape Crisis Centre. I would like to thank you all for the opportunity to provide input to your deliberations and tell you how thrilled we are to be invited to the House of Commons to share with you some of the knowledge we have gained from doing anti-violence work at Women Against Violence Against Women Rape Crisis Centre in Vancouver for the past 25 years.

We're not here to engage in a discussion about censorship. When we have material that needs to be censored because it is deemed violent, we've already crossed a boundary. Instead of looking at censorship and boycotts as a means of creating social change, we need to examine the source of the violent imagery and not the media through which it is disseminated.

It is difficult to determine whether media violence helps to create violence or if it is a representation of the values and the very real violence in our society. In addition, it is a very difficult task to determine what messages are portrayed by the depiction of violent acts, as the context in which they are presented changes their impact, nor is it a given that reducing the depiction of violent acts actually addresses the real root causes of violence.

We do know that open dialogue can change attitudes and minds, and the media can be used to great effect to generate this kind of

dialogue if the will and the support are there. What we need are more messages that promote a positive, empowered view of women and the relationships we have, as well as messages that provoke questions and dialogue about what we as a society continue to allow as acceptable behaviour. Many of the most insidious gender stereotypes that can lead to violence seem innocent and even desirable to many. There is plenty of room in the advertising world to provide a contrast to violence as usual, but those who would create and distribute those messages are competing with the corporate dollars that pay for sexy and sexist ads to sell anything, and with ad standards—in the case of our public broadcaster, CBC—that are stricter and more limiting toward advocacy advertising than they are toward product ads.

We must remember that we are having this conversation while Canada and the U.S. are waging war and killing other human beings. We are here with a firm grasp of the climate in which Canadians are living and the reality of violence against women in Canada.

What is violence against women? Violence against women is defined as any act that results in or is likely to result in physical, sexual, or psychological harm or suffering—including threats of such acts—as well as coercion or arbitrary deprivation of liberty, whether in public or private life.

Why does violence against women happen? Violence against women could be attributed to a number of socio-cultural factors, including historically unequal power relationships between men and women; differentiated socializations of boys and girls; women's unequal access to the political, economic, and legal sectors of society; unequal symbolization of women's and men's bodies; and the use of violent means to solve interpersonal conflict.

Violence in Canada looks like this. In 2002, 69 women were killed by a current or former spouse or boyfriend. That's one to two women per week. A minimum of one million Canadian children have witnessed violence against their mothers by their fathers or father figures. In 52% of these cases the mother feared for her life, and in 61% the mother sustained physical injuries. Children who witness violence against their mothers often exhibit signs of post-traumatic stress disorder, and their social skills and school achievement are adversely affected. One-half of all Canadian women have experienced at least one incident of sexual or physical violence.

In 2002, 27,100 sexual assaults were reported to police. That number represents approximately 10% of all sexual assaults that year. One in six women are abused during pregnancy. Between April 1, 2003, and March 31, 2004, more than 95,000 women and children were admitted to 473 shelters across Canada. Forty percent of women in Canada have been sexually assaulted. Aboriginal women aged 25 to 44 are five times more likely than non-aboriginal women of the same age to die of violence, and more than 500 aboriginal women have gone missing or have been murdered over the past 30 years.

• (1535)

The estimated cost of violence against women in British Columbia, including policing, incarceration, health care, transition houses, sexual assault centres, lost work time, child services, and court proceedings is approximately \$1 billion. In Canada, the cost is over \$4 billion per year.

Kofi Annan, the former United Nations Secretary General, said:

Violence against women is perhaps the most shameful human rights violation. And, it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.

Violence against women is the barometer of the status in which women are held in our world, indeed our country. While Canada has implemented some formal equality measures, we've clearly not achieved substantive equality.

What this committee and all levels of government should be focusing on is how to change social attitudes and power-based structures of oppression that perpetuate this violence. Instead, we've seen all levels of government entrenching inequality for women, people of colour, and the poor.

In the words of Zara Suleman, a gender equity equality activist lawyer:

In Canada we have the language of equality. We're signatories to conventions, declarations and treaties that promote equality. We have the Canadian Charter of Rights and Freedoms, whose purpose is to protect and enshrine our equality rights. Our leaders speak freely and proudly of our equality in a way that assures the world that we've figured it out.

Or as the website on Foreign Affairs says and highlights, "We are the world leaders on gender equality."

In Canada we say one thing and we do another. Last year we saw 12 of the 16 Status of Women Canada regional offices closed, including the one in Vancouver. We also saw the word "equality" removed from the mandate for funding for Status of Women Canada grants. In Vancouver we can invite the world to Canada for the Olympics and build within very tight deadlines expensive accommodations and facilities, but within the downtown east side of Vancouver the poorest and most vulnerable of our communities are left homeless, with disregard from our federal, provincial and municipal governments.

In B.C. we saw drastic cuts to legal aid funding in poverty law, immigration, and family legal aid services, mostly used by women, people with disabilities, poor and working class communities, people of colour, and aboriginal communities.

In 2005 and 2006, Stephen Harper committed to support women's human rights by taking concrete steps to uphold Canada's

commitments, recommended under the United Nations Committee on the Elimination of Discrimination Against Women. One of these recommendations was to make resources available for equality test case litigation in all jurisdictions. In September 2006 the Harper government announced it would end all funding to the court challenges program of Canada, which had its mandate to provide resources for test case litigation regarding equality rights.

Without the court challenges program of Canada, key cases that have argued women's equality rights, sex discrimination cases, pay equity, and a host of other cases involving human rights would not have been able to go forward.

• (1540)

The Vice-Chair (Hon. Mauril Bélanger): You have one minute.

Mrs. Irene Tsepnopoulos-Elhaimer: Yes.

Women in Canada continue to make less money than men. If women were indeed equal, we would not be dealing with real-life or TV violence and we'd certainly not be here discussing this bill.

It's of no use to control images of violence on television without eliminating inequality of women and marginalized groups in reality.

As I said earlier, what we need more of is messages that break the spell of "violence as usual", and to this end WAVAW is currently launching a youth-driven, web-based awareness campaign to end violence against women by busting gender myths and stereotypes.

Through our superpower project, we recognize that the medium of television is not the only influential broadcast avenue with which we can address the issues of violence, especially with youth. When youth are engaged and educated, they become leaders in social change. They become active agents in shifting paradigms that will contribute to ending violence. We're starting to see this happen both with the multicultural youth in Vancouver and aboriginal youth in Kitimat village who are collaborating on this project.

We'd like to see similar programming on television in support of an integrated strategy to end real-life violence.

The Vice-Chair (Hon. Mauril Bélanger): Madam Tsepnopoulos-Elhaimer, I apologize, but I have to interrupt you. We are going to stick to the 10 minutes. I've gone slightly over.

Mrs. Irene Tsepnopoulos-Elhaimer: It's done.

Thank you very much from all of us at WAVAW Rape Crisis Centre and from the women we work for.

The Vice-Chair (Hon. Mauril Bélanger): We'll go on to Ms. Wing, for the Media Awareness Network, for 10 minutes as well.

Ms. Cathy Wing (Co-Executive Director, Media Awareness Network): Thank you.

My name is Cathy Wing. I'm the co-executive director of the Media Awareness Network, Réseau Éducation-Médias.

I'm very pleased to be here today to present this submission to the Standing Committee on Canadian Heritage as it debates Bill C-327, An Act to amend the Broadcasting Act.

We laud the motivation behind this bill protecting the health and the well-being of Canadian children. And we welcome this opportunity to illustrate the critical role that media education plays in supporting the healthy development of children, and in giving Canadian citizens—adults and children—the tools they need to effectively manage media content issues.

Media violence is an issue that educators, broadcasters, parents, and academics have been debating for many years in this country. Throughout this long-standing debate, media education and the fostering of media literacy skills in young people have always been recognized as key elements in any effective strategy to address the issue.

Indeed, the CRTC's 1996 public notice on TV violence stated that although industry codes, classification systems, and technology would play a role, public awareness and media literacy programs represented most of the solution to the issue.

Our organization was born out of a CRTC round table on TV violence in 1995. It was initially formed under the auspices of the National Film Board of Canada. Since that time this national, bilingual, not-for-profit education organization has firmly established itself nationally and internationally as a leading centre in media education. Since our inception we've been fortunate to have had the long-standing support of Canadian media industries and the Government of Canada, both through financial contributions and participation on our board of directors.

Our vision is to ensure that Canadian children and youth possess the necessary critical thinking skills and tools to understand and actively engage with media.

Belief in the importance of media literacy in the education of young people is growing in this country. It is now a mandated area of curriculum in every province and territory, and our resources and programs are used in every jurisdiction in Canada by school boards, faculties of education, libraries, and community organizations.

Young people today often are spending more time interacting with media than they are in school. When they're using media—watching television, listening to music on their iPods, surfing the web—they're absorbing a large part of their knowledge about the world and themselves and others. And this informal learning is generally taking place without critical reflection or guidance.

For this reason, it is essential that young people are taught critical thinking skills in order to be thoughtful and engaged users of all media. A media-literate individual has the critical thinking skills to interpret and value media content and to understand media's cultural, political, commercial, and social implications.

One of the primary lessons of media education is that media productions are not reality, but they are deliberate constructions and the result of a series of choices. Media education encourages young people to consider the role of violence in media. Is it essential to the plot of a movie? Is it factored in just for drama or excitement? What are the differences between real-world violence and media violence? Is the violence shown to have realistic consequences or does it trivialize the psychological and physical trauma of real-life violence? How is it used to sell films to international audiences? What is the role of violence in news programming? What are the impacts on

society? And how do factors such as age, gender, race, religion, and cultural background affect how we interpret violent media?

The media education curriculum also teaches students that they have a voice and a role to play as active media consumers who can talk to the entertainment industries and express their opinions through the mechanisms we have in place in Canada to address media content issues.

There is a body of research emerging that is examining media literacy as a health promotion strategy. Several studies point to its effectiveness in mitigating potential negative media influences on the physical and mental well-being of children and youth. For example, research has indicated that media literacy lessons incorporated into standard curriculum can help reduce potentially harmful effects of TV violence on very young viewers.

One U.S. study of third and fourth graders who were given a course in media literacy decreased their time spent watching TV, playing video games, and reduced their use of verbal and physical aggression as judged by their peers.

Another study of a year-long media literacy curriculum found children in early grades watched less violent TV and identified less with aggressive characters after the intervention.

● (1545)

Other studies have concluded that media literacy can help high-risk youth develop more responsible decision-making skills. An evaluation of a media literacy intervention program implemented by the Massachusetts juvenile justice system showed that learning to deconstruct media messages helped juvenile offenders think critically about the consequences of risky behaviours and helped them develop strategies to resist these impulses.

Helping to support the healthy development of children and youth through the acquisition of media literacy skills has become more critical than ever as our young people turn to the Internet as their main source of entertainment, information, and communications.

Our media environment has changed considerably since Canada's broadcasting initiatives were introduced to address TV violence. The convergence of media platforms and the availability of wireless communications technologies mean that rating and classification systems and legislation and industry codes and guidelines are no longer enough to protect children, particularly as they increasingly use the Internet to access video games, television, movies, and music.

We were born at the same time as the World Wide Web and we've grown with the Internet. We've watched its potential being realized and we've monitored the risks and concerns associated with its use. It was clear from the start that the Internet would bring new challenges to many of the media issues of concern we were dealing with, particularly media violence.

In 2005 we conducted a national survey of more than 5,200 Canadian students about their Internet use. One-third of kids' favourite websites contained violent content, and 34% of Grade 9 boys said they had visited a violent gore site on purpose. New research from anti-racism organizations shows that violent and hateful content is growing in interactive web environments such as social networking sites and user-generated video sites.

In this new media landscape where our young people are moving beyond geographic and regulatory borders to access media content, responsibility for protecting children is shifting to individual households, schools, and communities. There is no question that media violence is and will continue to be an area of concern to Canadians, as evidenced by the proposed legislation from the honourable member for Rosemont—La Petite-Patrie. As media violence continues to be debated in our public institutions, Media Awareness Network encourages all Canadians to support the practice of media literacy as a key response to media content issues of concern.

Thank you.

The Vice-Chair (Hon. Mauril Bélanger): Thank you very much. We'll now proceed to the questions.

Madam Fry.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thank you very much.

I want to thank both groups for coming and sharing your experience and some of your knowledge with us. My first question is directed to WAWAW. I gather either Irene or Dalya could answer it.

You talked a lot about the need to change social attitudes to the power imbalance that creates that violence in society, in spite of the laws we have. Have you been able to do any research, or do you think that research on the impact of the increasing amount of gratuitous "sex" and the very young prepubescent girls who sell things on the media has made a difference to violence against women, in younger and younger women? Have you done that research? Do you think that research is necessary? How have you been impacted by the lack of money for research due to the closing down of the research arm of Status of Women Canada?

That's for you, and then I will ask Cathy one question, if you don't mind, Cathy.

You made a very important point that Internet use is obviously.... If we talk about violence in television, it may be useless if we don't look at the other platforms, because those platforms could be there for people to watch just as well as television. You're suggesting that if we did some education and media awareness and gave media literacy skills to young people, it would help them deconstruct the violence they see on TV. How do you propose to go about doing that? Does that mean if they have the skills to deconstruct, it doesn't matter what they see, that they would be able to filter it and understand it and put it into perspective?

The other piece that attaches to that is that we talk about it in terms of fantasy TV, movies, film, etc., but then the news shows us violence against women and young people, especially in war zones,

and the inability to differentiate between the two becomes increasingly difficult for young people.

If you could answer those questions for me, I would be pleased. Thank you.

• (1550)

Mrs. Irene Tsepopoulos-Elhaimer: Research is very important. It's an important factor that allowed us to gather all of these statistics that have brought us to the substantive knowledge that we have up to this point. Of course, the front-line workers, the activists, and the women who are working with women and children who experience violence need to be able to work together so that we can continue to get a really clear picture of where we're going.

Research is always important, and it's important that the organizations that work in the anti-violence field are working with the researchers. I think that's one of the very important pieces to looking at ways of ending violence in real life.

Of course, for television it's the same. I think we've all realized that what we see on TV is an expression of what we're living, and it's very important to have strategies that deal with the images that are being portrayed. We'd like to see financial incentives that promote attitudinal and social change towards equality. I think that's the way to tackle the same old business as usual, the violence, here we go again. The support is very important—this financial support—in giving air space for public service announcements from social justice and equality-seeking organizations.

If we had opportunities to use their space and to provide alternatives, I think that's a space that we would also like to be supported in, especially with the youth. Not only do we want them to have education and critical thinking abilities—in understanding how media plays itself out—but we also want them to be active agents. We want them to be able to participate and make messages that are about social change. We see a clear role for youth in internalizing it and then actually being able to make the difference instead of being passive and receiving information around what media is. We want them to be able to participate and to help shape the future, a future without violence.

The Vice-Chair (Hon. Mauril Bélanger): Ms. Wing, I'll give you a minute. We'll be over time, and I'll make sure that we get equal time.

Ms. Wing, you have a minute.

Ms. Cathy Wing: Thank you.

Yes, we don't think of media literacy as a magic bullet. Of course there are many other people who have to play a role in this. Broadcasters have to play a role—they have to adhere to the broadcasting code for violence—and parents have a very important role to play. We all have a role to play in protecting our most vulnerable citizens from disturbing and age-inappropriate content. So there is more than media literacy that we can do.

Half of children in Canada have a television set in their bedrooms, and 30% have their own Internet-connected computer. We need to do a better job in reducing access, and access is the huge issue. More and more Canadians are accessing the Internet through their cell phones. We have to be more active in protecting young children from age-inappropriate content, and hand in hand with that, we have to teach them the media literacy skills that will mitigate any negative influences of content, which they will come across.

• (1555)

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Madame Mourani is next.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you, Mr. Chairman.

Good afternoon, mesdames. I'd like to ask Ms. Wing a question.

We recently met with the CRTC, which explained to us how the present system worked. It's essentially a system based on self-regulation and, consequently, on the willingness of the industry and broadcasters to comply with and enforce the code. It is also very much based on complaints.

The CRTC is not used to going to see whether there is a problem, but rather to waiting for complaints. We were told that the present system was working very well. My big question is the following. Do you, who work in this environment and who see the impact of television violence on young people, really believe that the present self-regulatory system, the codes and rules of which were first governed by the industry, then validated by the CRTC, and which works through a complaints system, is sufficient?

[English]

Ms. Cathy Wing: I'm sorry. One role of media educators is to make sure we have a well-formed populace who understands the mechanisms in place in Canada. I think they are not well understood. That's what we try to teach young people. We try to teach them the role of the codes of the Broadcast Standards Council and of the CRTC. Those are important mechanisms in place in Canada that Canadians, especially young people, need to know about.

We have teaching lessons on our site where kids develop their own television code, where they mentor and talk to younger kids about the impact of violence on them. We teach them about the different mechanisms that exist.

Also, I have to come back again to the whole idea of access. A watershed hour in a country with several time zones is not as effective as it could be. We have satellite television, we have Internet access, we have many things in the homes that mean children will be accessing content inappropriate to them, regardless of the best efforts of the industry. As parents, I think we need to take up and play an active role.

[Translation]

Mrs. Maria Mourani: I agree with you that parents, and even young people, have an active role in this regard. I myself have worked with youths, and I would tell you education and awareness still need to be done. Don't you believe that the government has a

shared responsibility through its agencies, such as the CRTC? That's the CRTC's role, in my opinion.

I was considering the following question. In a way, the bill asks the CRTC to establish regulations to reduce violence in television for children. What do you think of the way it currently operates, which is very much based on self-regulation—so it's a question of will—and on a complaints system? As a result, the CRTC controls the entire system, but, in a way, doesn't interfere in it too much. Don't you think the CRTC has a fundamental role to play, an active role, not a passive one, that is to say waiting for complaints? It's more than awareness that must be done with families, children and society in general; you're entirely right on that point. The CRTC's role in this matter lies at another level.

• (1600)

[English]

Ms. Cathy Wing: I have to say, as an educational organization not an advocacy organization, that we do advocate for education only. We look at the systems that are in place in the country. We educate people about them. We show them the debates. As a matter of fact, we have a very interesting media violence section on our site. Those materials have been the most downloaded materials on our website since we went online. We show the studies that show there is a causal effect with aggressive behaviour. Then we show the studies that show there is no causal effect. We lay out all the information and let people educate themselves. We let them bring those debates into the classroom.

That is what we advocate for: education and critical thinking.

[Translation]

The Vice-Chair (Hon. Mauril Bélanger): Thank you. Your time is up.

Mr. Siksay, go ahead, please.

[English]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair.

I want to thank the witnesses for being here today.

I want to say that I'm particularly happy that WAVAW is here today. I want to thank Ms. Tsepnopoulos-Elhaimer and Ms. Israel for their presentation. WAVAW has made a huge difference on the Lower Mainland of British Columbia in supporting women who've been victims—victims is probably the wrong word, you'd probably correct me—who've experienced violence. You've supported them through that experience but also sought social change that really has had a positive effect on our community. Whenever WAVAW has been invited to a meeting, the clarity of the challenge that comes from WAVAW has been helpful to me, both as a man and also as an elected official. You've done that again today, so thank you.

I wanted to ask a couple of things. They're probably more specific than I want to be, but you did mention the importance of advocacy advertising and the difficulty or impossibility of getting that on the public broadcaster, in particular the CBC. Could you talk a little bit more about how you perceive that and the importance of that, particularly with regard to the Canadian Broadcasting Corporation and Radio-Canada?

Mrs. Dalya Israel (Victim Service Medical Support Worker, Women Against Violence Against Women): I think this particular topic was brought up in conversations with colleagues of ours who have done work in the past with companies like Adbusters, where popular media has been taken and shifted into attending to more social justice-based ideals and starting to challenge and support people to think critically about the continuous perpetuation of very specific stereotypes in society.

I think, in particular, those types of subversive ways of getting people to start thinking critically are seen as advocacy-type projects or images, and they've been stopped from being in the mainstream. They've been relegated to a special interest grouping. I think that was specifically around images like that.

Mr. Bill Siksay: So it's been impossible to get that kind of counter-message on public broadcasters, and on the airwaves generally?

Mrs. Dalya Israel: Right.

Mr. Bill Siksay: I think Adbusters has a court case that's proceeding. I think they just had a setback with that court case recently, but I know they're continuing to pursue it. I appreciate the importance of needing to get that kind of message on the airwaves.

You mentioned in your presentation financial incentives to attitudinal change. I wonder if you had any specific suggestions. I think at the end of your presentation you were getting into some of the specific project work that you were actually doing, but the time ran out. I wonder if you might tell me a bit more about what you had in mind there.

Mrs. Irene Tsepnopoulos-Elhaimer: First of all, we'd like to have money to be able to do advocacy. Advocacy is forbidden. It's dangerous for the survival of organizations. We can't do that. And it's impossible to do social change without advocating for change. So that's a conundrum.

Our organization has been around for 25 years, and we don't even think about being able to have a spot on TV to do any educational awareness or any kind of commercial, any access. It's not even in the realm of the imaginary at this point.

So what we do is work with male and female youth. We work with them not only for awareness and education, but actually to get them to make and create stories. With this particular superpower project, they get to put out their own commercial, their own talk show. So they really get to be actors. We've seen how that changes them. Once those male youth, those female youth, get an idea of what that looks like, creating their reality instead of passively accepting what's on TV, they're ingrained for life and they have a new sense of being actors in the world. And they're actors who then go on to make social change.

We'd like a national strategy, a strategy to end the violence against women. We have an idea of using a feminist gender budgeting framework that supports full human rights and equality for all women and peoples in Canada. So we need to be really focused on a comprehensive strategy for how to do this work, including youth and media.

• (1605)

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Mr. Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for appearing here today.

We're studying a bill here today called Bill C-327, whose purpose is to reduce violence on TV. So this obviously touches on the issue of censorship and the like. On the other hand, we also live in a liberal democracy in which a fundamental principle is that citizens are free to act as they so wish and are free to express themselves as they so wish, provided that this expression or those acts do not harm others or harm others in a way that's unacceptable to society at large.

So we have free expression in this country. That being said, this free expression is limited by libel and slander laws, by the potential harm this expression could cause to others, and so on. There is a lot of jurisprudence around this regarding books and film. Over the years, the Supreme Court's interpretation of this area of law has evolved from one of meeting a community standard involving public decency and public morality to one involving harm—the harm test—whereby what is acceptable or not acceptable is decided on the basis of whether the materials cause harm to others. My question concerns this harm test.

Now, we're studying the issue of television in this bill. Television is satellite, cable; it's not the same as books and film. Books and film are in the private domain, and television and cable and satellite are in the public domain, but I think there are parallels between the jurisprudence that has been developed in the Supreme Court's rulings on books and film and what goes on in television.

So my question for the panellists is whether you can point this committee to any empirically based studies that have been undertaken that make definitive links between violence on TV and harm to others in society.

Mr. Chair, through you, could we start with Madam Wing and hear her response on that?

Ms. Cathy Wing: Well, you will have to check out our media violence section, because we have a very good research section there.

There have not been a lot of longitudinal studies on the impact of media violence on aggression. One of the only ones, which came out of the U.S., didn't look at the context of the violence or at the television the participants were watching. Quite often in the longitudinal studies there is no contextualization of the violence, or it's just television in general. As I said, there are a lot of studies that will show you that there is no causal effect.

One thing that has been shown, and this has been shown with violent cartoons, is that children will act out immediately after viewing a violent cartoon. So they tend to have more aggressive behaviour immediately after viewing. That has been shown in several studies. But as far as longitudinal changes in behaviour go, there's very little out there.

• (1610)

Hon. Michael Chong: Ms. Israel.

Mrs. Dalya Israel: I was going to say that I find it difficult to determine what causes harm. I think that if you're consistently socializing children and youth in how they're supposed to behave in society, and intrinsically, in our current binary system, men are shown to be aggressive and women are shown to be passive, then what is the true harm? Are we then teaching children to reproduce these stereotypes? And what does that look like in the public and private domains, right?

There are tonnes of studies out there, and I've read several, you know, from ones on R-rated and X-rated movies and how they translate into intimate relationships to ones on violent cartoons. There are tonnes of studies out there, but what you're measuring is really the question. Are you measuring whether people are able to walk in the world and have substantive equality relationships with each gender? Are you measuring whether somebody gets physically assaulted after they watch this? I think that's the bigger question. What are we actually measuring? Are we measuring for a better and just society, or are we measuring for people not being abusive, verbally or sexually, towards one another? I think that's the bigger question for me.

Mrs. Irene Tsepnopoulos-Elhaimer: I would also like to add that on the research with children, and with the statistics that I presented about over a million children witnessing violence in their own homes—and perhaps you have some evidence of this—I don't believe they've ever asked whether or not these children were also in a violent home. So to measure the experience and then the reaction to something on TV that was also supported by their actual experience in real life, in schools, in playgrounds, I don't think those studies have been done. Research is a very important tool and it's very important to research reality in all of it.

The Vice-Chair (Hon. Mauril Bélanger): Colleagues, we could do a quick second round of three minutes each, so that would bring us to just about being ready to go to our second panel.

Mr. Scott.

Hon. Andy Scott (Fredericton, Lib.): Thank you very much.

Thank you. It's been very enlightening.

It seems to me that what we're discussing is whether or not the best approach to dealing with something that we all would like to do something about is to be prohibitive or more proactive in the context of education and media awareness and so on. For instance, is anybody here aware of what currently exists on the prohibition side—what the restrictions are, how you would access them? Have you ever filed a complaint? Has anyone here been aware on the limitations side and the restrictive side? I'd like to know if anyone has ever used it. Or do you know anybody who's ever used it?

So there's an awareness feature in terms of what the prohibitions are now. That's what I'm getting. Let the record show there's some head nodding going on that I'm sure is going to be difficult to put in the transcript. You can answer that question verbally in a second.

Secondly, is there a developmental issue here? I hear particularly from WAVAW that there's a broader issue. So I take the point that it's one thing to say whether or not television is causing the kid to go out and do something that's obvious and immediate and physical, perhaps, or verbal, but it's quite another...just generally what they're

growing up with. Maybe the better response in terms of a strategy is to deal with the developmental issues, to deal with the socialization issues, and maybe restrictions would even stunt some of the developmental issues. If you said, "No, we don't want anybody to be exposed to that", and then all of a sudden at some point they are... there's been no discernment, no critical thinking, no one has ever talked about it. I think these are legitimate questions as to how you approach solving this problem.

• (1615)

The Vice-Chair (Hon. Mauril Bélanger): There's general head nodding because there's one minute left.

Ms. Cathy Wing: First question. Were you referring to using the Canadian Broadcast Standards Council?

Hon. Andy Scott: Yes.

Ms. Cathy Wing: No. I do visit the site. I do read the reports. I know that Canadians do use it to lodge complaints.

The health component is really important and the developmental component is really important. It's too bad there aren't health experts here, because they could speak to this with more authority than we can.

There is a generally accepted theory that there are some children who are much more vulnerable to disturbing age-inappropriate media than others. So those would be children who were facing violence in their real life, who are more sensitive. There are definitely children who are at more risk.

[Translation]

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Mr. Malo, it's your turn.

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Thank you, Mr. Chairman.

Ms. Wing, in your comments, you said that the organization you work for had conducted a number of surveys in recent years. Do those surveys contain figures on the status of violence in the media?

[English]

Ms. Cathy Wing: No, the two main studies we've conducted are on children's Internet use. We conducted the largest study in Canada, funded by the Government of Canada, on children's Internet use. We did it in 2001 and 2005, when we spoke to over 5,000 students, and that's where we found out about their exposure to different types of age-inappropriate, offensive content on the Internet. We've also done market research with parents to find out what their concerns were, and with teachers to find out about their concerns and about media literacy in classrooms in Canada.

But as far as levels of violence are concerned, no; but we did work with the Canadian Teachers' Federation, who did a large-scale study in 2003 called, *Kids' Take on Media*, which really set out to look at what kind of violent media children were being exposed to. That's a very interesting study, because it showed that children in grades three to six were playing *Grand Theft Auto*, a mature-rated video game. It did show very high levels of exposure to violent media through video games, television, and movies, and it also showed there was a lack of parental involvement in children's media use.

[Translation]

Mr. Luc Malo: If I understand correctly, the organization you work for is more interested in the Internet and video games than television.

[English]

Ms. Cathy Wing: Certainly with the Internet there was not a lot of education happening as the country was being connected. There was a connectivity agenda to get all of our schools and libraries connected—which are two of our large stakeholder groups, so we did in fact end up doing a lot of research and a lot of work in this area, yes. And we were a partner in the study of the Canadian Teachers' Federation, which is probably the largest-scale study of exposure to media violence in Canada right now.

[Translation]

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Mr. Fast, it's your turn.

[English]

Mr. Ed Fast (Abbotsford, CPC): Thank you, Mr. Chair.

And thank you to the witnesses for attending today.

I'd like to address a question to Ms. Wing. You focus on the fact that your organization actually focuses on media literacy and education, on educating the public on media issues. Is that correct?

Ms. Cathy Wing: Yes.

Mr. Ed Fast: Now, I did also notice that you refer to two other parties that have a responsibility: the parents—whom I applaud you for acknowledging as having a critical role to play in making sure their children are aware of some of the dangers lurking either on television or the Internet—and the broadcasters. And I agree with you there as well.

The one party you didn't mention, which is the focus of this particular bill, is the government. If I might just read to you the actual operative section of the bill, or if you drill down, there's one operative section that says, "The commission shall make regulations respecting the broadcasting of violent scenes...." That's a very, very broad statement. It isn't restricted to viewing hours, but concerns the whole area of broadcasting violent programming.

I'm wondering if you feel the federal government has a larger role to play, as suggested by this bill, in regulating broadcast violence, or do you believe that the voluntary code—which is actually not voluntary but is part of the licensing scheme that the industry has agreed to—is sufficient to play the role the government typically would play?

• (1620)

Ms. Cathy Wing: I believe it is effective, and I think the fact that Canadians have not been lodging complaints to a huge degree since it's been in place is perhaps evidence of that. It could be evidence, of course, that they're not well educated about the mechanisms. But I think the government should be funding research, I think it should be funding NGOs, I think it should be funding educational organizations such as ours. I think there is a huge role for government to play.

Mr. Ed Fast: So you're saying that the current broadcast standards, which are made part of the licensing of the broadcasters,

are sufficient and are doing the job they are supposed to do. Is that correct?

Ms. Cathy Wing: We believe they are.

Mr. Ed Fast: All right. Thank you.

To the other two witnesses, perhaps one of you could answer that too. I didn't actually hear from you whether you supported the legislation or not. I posed a question to Ms. Wing. Perhaps you could answer the same one.

Do you believe that a greater government role in regulating violence on TV is required, or do you believe the current broadcast standards are sufficient?

Mrs. Irene Tsepnopoulos-Elhaimer: The broadcast standards, as I understand them, and the Criminal Code cover the material. That's my opinion, and although WAVAW has not come out with a position on this, I think those do it.

But then the other part of this is that the bill, from our perspective, is fundamentally flawed because it is a stand-alone measure. There isn't a comprehensive way of looking at the big picture of violence, and there aren't the other mechanisms that you want to have in place to support NGOs and research, and the activities that go along with making a difference, the difference that we think might be made here. We don't believe this bill is the way to do it.

Mr. Ed Fast: Thank you.

The Vice-Chair (Hon. Mauril Bélanger): Thank you very much, Mr. Fast.

I want to thank our witnesses this first hour for your respect for our time constraints. We thank you for helping this committee in coming to grips with the complexity of the issue before us.

We'll now change the witnesses for the second round.

- _____ (Pause) _____
-
- (1625)

The Vice-Chair (Hon. Mauril Bélanger): Colleagues, we'll undertake the second round. I need to remind folks that we're expecting bells convening us to a vote to start ringing at 5:15, so we have less than an hour. I'll try to keep us moving expeditiously.

Who wants to make a presentation?

Mr. Cohen, please.

Mr. Ronald I. Cohen (National Chair, Canadian Broadcast Standards Council): *Merci, monsieur le président.* Thank you very much, everyone.

My name is Ronald Cohen. I'm the national chair of the Canadian Broadcast Standards Council. With me today is John MacNab, the executive director of the CBSC.

[Translation]

I thank the committee for inviting us to express our views on the bill. We are also grateful that we have been accorded the opportunity to speak at the end of these deliberations. It gives us the opportunity to respond to issues raised during the appearance of other witnesses. And we will of course look forward to the additional questions you will have for us.

[English]

Let us begin by making our position utterly clear: we do not believe that Bill C-327 is either necessary or even moderately useful in dealing with the issue of violence on television.

We have filed a written presentation with the committee clerk that will hopefully provide a useful *tour d'horizon* of the issue. I will try to limit this oral presentation to the clarification of matters raised by witnesses and members of this committee.

The first issue is the nature and extent of the problem of exposure of our children to violence in the media. Is problematic violent content increasing or decreasing? The answer is that it is decreasing. The best evidence of this, as mentioned by Cathy Wing a few moments ago, is the level of complaints filed with the CBSC and the CRTC. Between 2000 and the end of February 2008, the level of complaints about violence on television fell by 22%. The statistics cited by Monsieur Bigras are neither recent nor appropriate. They do not extend beyond 2002, and even then they do not disclose what they cover or represent.

It is essential to acknowledge that not all violence is created equal. The original study of Mr. De Guise and Mr. Paquette, covering the period 1993 to 1998, made no distinction between appropriate and inappropriate violence. Monsieur Bigras referred to the eminent authority in the area, Professor George Gerbner, with great respect this past Tuesday. But what he did not acknowledge to you was that the Laval study did not follow Professor Gerbner's methodology.

The authors of the Laval study said:

[Translation]

Unlike Gerbner, who considers sequences of violence, we decided to count violent acts, such that, in this study, each separate gesture, action and event is considered as a separate act of violence.

•(1630)

[English]

Those are their words. They underscore that the numbers they report are exaggerated. Moreover, they make no distinction between our common goal of protecting children, on the one hand, and violence that may not be problematic or inappropriate at all, on the other. The bottom line is that there is simply no evidence that there is, in 2008, any problem that needs parliamentary intervention of any kind.

Second, the system is actually working.

[Translation]

When Mr. Scott observed on Tuesday that he knew that Mr. Bigras believed that the present system was failing, he added that he had not understood Mr. Bigras' explanation as to why he thought the system was failing.

[English]

Nor will the committee members have missed the response to the question put by Mr. Abbott regarding the absence of complaints about children's programming subsequent to the CBSC's *Mighty Morphin' Power Rangers* decision.

Monsieur Bigras was either unable or unwilling to cite a single example of problematic children's programming since the 1994 CBSC decision. It's because there hasn't been one.

Third, much justification for Bill C-327 has been placed on the fact that the violence code is voluntary. The only aspect, members of this committee, of the violence code that is voluntary is its title. As the CRTC chairman said on Tuesday, the code is obligatory: it is a condition of licence for every television broadcaster in this country. It could not be more involuntary.

Moreover, the statement by Monsieur Bigras that the adjudication is undertaken by industry peers, *les pairs qu'il a mentionnés*, is totally wrong. The adjudicating panels are all composed of at least 50% members of the public, including former CRTC commissioners, former members of Parliament and cabinet ministers, a former provincial premier, a former lieutenant governor, communications professors, the former head of the Vanier Institute of the Family, the head of the Centre de recherche-action sur les relations raciales of Montreal, the former head of Media Watch, and many other highly credible and committed Canadians who are devoted to public service.

Fourth, much emphasis has been placed on the fact that the violence code is a creation of the private broadcasters. I will not dwell on the notion that because broadcasters had something to do with its creation, they would have done so only to serve their own self-interest. That concept is outrageous.

Any one of you will readily confirm, on the basis of your own constituency experience, that local broadcasters devote considerable time, energy, resources, and promotional benefits to telethons and other local community initiatives. In good times and in bad, in ice storms, fires, and floods, broadcasters are there for the good of the public.

Leaving that aside, do not forget for an instant that as the CRTC chairman pointed out Tuesday, the commission vetted every word of the violence code before it was approved. Having participated in that process in 1993, I can tell you on an anecdotal basis that the wording went back and forth several times before all the CRTC's issues were resolved.

Moreover, the consultation process with stakeholders was substantial. During the development of the code, comments were invited from many public representatives, a list of which is appended to the CBSC's written presentation that the clerk has distributed to all of you.

The public organizations included Media Watch, Owl Centre for Children's Film and Television, the Alliance for Children and Television, l'Association nationale des téléspectateurs et des téléspectatrices, le Groupe de recherche sur les jeunes et les médias pour la coalition contre la violence dans les émissions pour enfants, le Conseil du statut de la femme, Canadians Concerned About Violence in Entertainment, and the Animal Alliance of Canada, among others.

• (1635)

Fifth, Monsieur Bigras is not satisfied by the present complaints-driven system. He proposes a monitoring system of some unspecified description. I fully expect that Monsieur Bigras was surprised, if not shocked, to learn that both the CRTC and the CBSC operate on the basis of complaints made to them by members of the public. That was unequivocally confirmed by the CRTC chairman on Tuesday, and that is as it should be, for two reasons.

First, censorship is anathema to Canadians. When Mr. Abbott asked Monsieur Bigras whether the bill's proposer was not talking about censorship, Monsieur Bigras was at pains to avoid such a characterization, understandably. He admitted that he did not favour censorship, yet that is essentially the effect of Bill C-327. Let us not mince words. That is exactly what a monitoring system not based on public complaints is: censorship, nothing more or less.

The Vice-Chair (Hon. Mauril Bélanger): We'll have to conclude, Mr. Cohen.

[Translation]

Mr. Ronald I. Cohen: Should I shorten my presentation?

The Vice-Chair (Hon. Mauril Bélanger): You have one minute left.

[English]

Mr. Ronald I. Cohen: Oh, *une minute*.

Second is the cost issue. I won't go into that in detail. You have it in my.... Well, you don't have it in my oral presentation, but you can.

Any system, as Mr. von Finckenstein said, would be very expensive and intrusive. I should add, of course, that the present system is paid for by the private broadcaster, so not a bad way to go. It's not the general public.

Sixth, is the system really tough enough? There is not the slightest doubt. It is, thanks to the CBSC all by itself. The *Power Rangers* left Canadian airwaves, so too did Howard Stern, Laura Schlessinger, Stéphane Gendron, and Doc Maillioux. In the children's television area, no inappropriate violent programming has ever replaced the *Power Rangers* in the last 14 years.

[Translation]

Mr. Bigras also suggested that the American system is superior.

[English]

In fact, it's a curious conclusion, since the Americans have no code, since the FCC does not deal with violence on television, and there is no equivalent body to the CBSC that deals with violence on television.

In conclusion, the question for the standing committee is whether there is any need for a regulatory rather than self-regulatory framework, a statutory amendment or a government regulation rather than an industry code. If there were a problem that the present system could not deal with, of course there would be. But there is not a shred of evidence that the present system does not work.

Thanks to the private broadcasters and the CRTC, Canadians have the best codified protections for children's programming in the world, and thanks to the CBSC, those standards are rigorously enforced.

Thank you for the little bit of extra time as well, *monsieur le président*. We will be pleased, of course, to answer your questions.

[Translation]

The Vice-Chair (Hon. Mauril Bélanger): Thank you, Mr. Cohen.

Mr. Scarpaleggia, it's your turn.

[English]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Chair.

Thank you, Mr. Cohen.

I find it's a very hard topic to get a handle on, when you talk about what's on the air, what should be on the air, what shouldn't be on the air, and how we should govern what's on the air.

There was one distinction you made that I didn't quite fully understand, and maybe you could explain. You were referring to a study by some professors or by a professor and you were making the distinction between a sequence of violent acts and measuring violence as the number of discrete or individual violent acts. Could you explain briefly the distinction? I didn't quite understand that.

Mr. Ronald I. Cohen: Monsieur Bigras has relied in considerable measure on the fact that there was a Laval study in 2004. That's the study that has indicated a very significant increase in the number of violent acts. The trouble is that study—first of all, it's a little bit older than that—counts every individual act. No wonder the numbers are big. In other words, it's not a sequence. It's not saying, well, there was a fight sequence between two people—

• (1640)

Mr. Francis Scarpaleggia: The number of gun shots.

Mr. Ronald I. Cohen: It's the number of gun shots, the number of arm swings, and so on and so forth. It's a really poor way to do it.

Mr. Francis Scarpaleggia: Right.

Now, for the purpose of the code or even for the purpose of discussion, how does one define violence and make comparisons between one year or one period of television history and another?

I'm just thinking about violence in the 1960s. When you look at it today, maybe in those days it seemed pretty violent, but when you look now at the violence that was on the television sets in the 1960s, it's almost laughable—the cartoon violence that one would see or even the *GunsMoke* kind of violence. Now, if you look at that and compare it to the graphic violence of today, there might be less of it, but it's perhaps more shocking or damaging.

So how do you control for that, and how do you define violence for the purposes of the code?

Mr. Ronald I. Cohen: We define violence in the broadest possible way, which is to say that if the complainant says it's violent, we accept that it's violent. Our assessment is basically of two kinds. We need to determine, first, whether the violence is gratuitous. You have to bear in mind that under the code, any gratuitous violence cannot be aired on television at any time of day or night—not at four in the afternoon, not at nine o'clock at night, not at three in the morning—no gratuitous violence.

The second thing we do is look at the violence that has been the characterization of the individual complainant, and we ask, is it violence that is intended for adults or not intended for adults? If it's intended exclusively for adults, it has to play after nine o'clock. If it does, then it falls into the acceptable category of violence.

So there's no need to define it. We let the complainant say whether it is or not.

Mr. Francis Scarpaleggia: Then how do you decide who's right and wrong? It seems very subjective. I'm not suggesting that I disagree with you about the merits of the bill; I'm just talking about the ideas we're discussing. The word “gratuitous” is a very elastic term. If I understood correctly, you're saying television broadcasters never show any gratuitous violence. That's a pretty categorical statement.

Mr. Ronald I. Cohen: Not exactly. What we said is that they're not allowed to show any gratuitous violence at any time of the day or night.

Mr. Francis Scarpaleggia: That brings me to my next point. You said at the beginning of your presentation that violence is down, because you've had fewer complaints. Maybe people have just given up complaining. That could be part of it. Then in your brochure here, you say, “Panel decisions are released to the media and remain open to the public. If a broadcaster has breached any of the codes, it must announce that decision on air during prime time television hours or peak radio listening times.”

I've watched a lot of television in my time, and I've never seen a broadcaster admit to violating the code.

The Vice-Chair (Hon. Mauril Bélanger): We need a quick question and quick answer here.

Mr. Ronald I. Cohen: We can show you the tapes. We get the tapes from the broadcasters as part of the system. We have them. Any time you want to look at them—

Mr. Francis Scarpaleggia: How often in a year would a broadcaster have to apologize?

Mr. Ronald I. Cohen: That varies with the year, but let's just say about 70% to 75% of the formal decisions that we render—and I mentioned this during the CBC hearings when we were here testifying, as well—go against broadcasters. We can give you the precise numbers.

[*Translation*]

The Vice-Chair (Hon. Mauril Bélanger): Ms. Mourani.

Mrs. Maria Mourani: Thank you, Mr. Chairman.

Thank you for being here to present your viewpoint to us. You said that the present system was paid for by private broadcasters and that the introduction of a system that would be managed more by the CRTC, and would thus be more proactive and less complaints-based, would be very costly and intrusive.

Is this only a matter of cost for you? If, for example, the government gave the CRTC the necessary means and resources to do its job, would that also be fine with you?

• (1645)

Mr. Ronald I. Cohen: No, not at all. The president, Mr. von Finckenstein, also gave you a very clear answer on Tuesday: like me, he isn't in favour of censorship at all. It's the public that decides whether there are problems. If it doesn't see a problem, who are we to say there is one?

Mrs. Maria Mourani: How do you go about determining that there isn't a problem? Is that related to the number of complaints you receive?

Mr. Ronald I. Cohen: It's related to the fact of receiving no complaints. A single complaint is what it takes for us to start an investigation. It doesn't take 15, 20, 50 or 100: a single complaint can trigger the process. If no Canadians complain about a program, are you claiming that the government or our organization is responsible for telling the general public that there is a problem, simply because it has decided there is one? That makes no sense in Canada.

Mrs. Maria Mourani: What is your basis for saying there isn't a problem? I'm telling you there is a problem because 1.3 million persons signed a petition demanding a change.

Mr. Ronald I. Cohen: The change was made.

Mrs. Maria Mourani: I'd like to know your basis for saying that there isn't a problem. Is that related to the number of complaints? Have you conducted a survey?

Mr. Ronald I. Cohen: I explained that to you, madam. You just gave me the contrary example by mentioning the 1.3 million complaints.

Mrs. Maria Mourani: A petition was signed by 1.3 million persons.

Mr. Ronald I. Cohen: I understand. Should Virginie Larivière have told Prime Minister Mulroney that she couldn't find a single person in Canada who was prepared to say that there was a violence problem and nevertheless have made her presentation? No. She came in 1991, supported by 1.3 million signatures. All I'm telling you is that, if we receive not one million signatures, but a single complaint, we are prepared to start an investigation. That's very reasonable. It's not reasonable to start an investigation if the public doesn't see a problem.

Mrs. Maria Mourani: I heard you mention censorship a number of times. I heard you use that word a number of times. The bill, as I understand it, provides that the CRTC would establish regulations. I didn't hear any mention of prohibiting production or broadcasts, but, rather, ultimately, of delaying broadcast. So I'm trying to understand why there would be censorship because we would be requesting regulations?

Mr. Ronald I. Cohen: It's not because of that. It's because you asked that the government take action, through either regulations or a self-regulatory system, depending on your preference, even in the absence of any complaints. That's censorship.

Mrs. Maria Mourani: Like the CRTC.

Mr. Ronald I. Cohen: Yes.

We've already done a lot about delaying programming when it isn't at all appropriate to broadcast it before the later time slot. We don't need to change the act in order to operate in that area.

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Mr. Siksay.

[English]

Mr. Bill Siksay: Thank you, Chair.

Thank you for joining us this afternoon, gentlemen.

I have to say that I do share a little of the skepticism about the definitiveness of your statement that violence is decreasing just because we don't have the number of complaints. It would be helpful, I think, to see some other way of backing up that statement. But it leads me to a couple of questions.

The broadcast council only deals with broadcasters that are members of the council. Can you tell me how many broadcasters wouldn't be members of the council?

•(1650)

Mr. Ronald I. Cohen: I'm not sure we know the answer to that.

Do we know the answer to that, John?

Mr. John MacNab (Executive Director, Canadian Broadcast Standards Council): I think there are in the neighbourhood of 900 or so licensed broadcasters. That's not necessarily all broadcasting, though; so I don't know exactly how many broadcasters are actually broadcasting, as opposed to how many are licensed.

We have 629 members. So we have the vast majority of the private broadcasters.

Mr. Bill Siksay: So in that sense, it is voluntary.

Mr. Ronald I. Cohen: Absolutely.

Mr. Bill Siksay: And a large number still aren't members of this process?

Mr. Ronald I. Cohen: Not a large number of large-market broadcasters, if I may characterize them that way. The bulk of the licensed broadcasters who are actually functioning and who are not members would include very small-market radio broadcasters who are obviously not working in the area of television violence. But in terms of large markets, there would be very few broadcasters who aren't members—apart, of course, from the public broadcasters. We're talking about the private broadcasters.

Mr. John MacNab: From a television perspective, there are almost no private broadcasters who are not members.

Mr. Bill Siksay: The other day when Mr. von Finckenstein was here, he said that one of the problems he saw with the current situation was that there were very light penalties and what he called

very heavy or excessive penalties. He called for administrative monetary penalties that would allow the imposition of fines.

Do you folks have a response to that? How do you feel the penalty system works in terms of the broadcasters you deal with?

Mr. Ronald I. Cohen: There are two things.

First of all, you just characterized Mr. von Finckenstein's statement as having suggested that there was a problem with very light fines. He didn't say that. What he said was that there is a range of possible recourses that go from the light end—that is, statements or announcements that are required to be made—to the very heavy end, which he described as the blunt instrument, which would be the removal of a licence.

He sought the instrument that he described as an AMP, and I must say we don't have a view on that, because we don't need it. If he comes here and asks for that, then I suppose it's up to you to determine whether it's relevant or isn't relevant. It truly has nothing to do with us. Our instrument works very effectively. We don't have a fining ability; we don't want a fining ability. If you said to me this afternoon that we could have one, I would ask why. We simply don't need it.

So for us it's irrelevant, and we can't speak to what he may or may not find relevant for his circumstance.

Mr. Bill Siksay: Of the broadcasters on which you've imposed a penalty, how many are repeat offenders in the sense that they have been disciplined more than once for a positive finding on a complaint?

Mr. Ronald I. Cohen: First of all, we don't keep tables like that, but the information, like everything we do, is entirely transparently available. Anyone who wished to look at our website could dig it up, but we don't keep anything like that.

Let me, however, get to what I think you want out of this. That would be to say, not to be presuming, to the extent that you're looking for information about broadcasters who repeat the same kind of offence—because there's a critical difference—if they repeat, if they do that three times, what happens is that, as Mr. von Finckenstein said in talking about us, we give them 30 days to explain how they will eliminate the problem in the future, and if they don't, they're gone as members.

In regard to the solutions that they have adopted in the past, among other things, very recently they got rid of Stéphane Gendron and Doc Mailloux in Quebec. They're off the air, because it would appear the broadcasters were of the view that they would not be able to deliver the kind of programming that the codes require. That's the step that has been taken.

The Vice-Chair (Hon. Mauril Bélanger): *Merci.*

Mr. Fast.

Mr. Ed Fast: Thank you, Mr. Chair.

Mr. Cohen, you're a film producer by profession, are you not?

•(1655)

Mr. Ronald I. Cohen: I have certainly done that in the past. Yes, absolutely.

I'm not sure, when you're talking to me, having had legal training long before I was a producer, that I would be entitled to say that I'm a film producer by profession.

Mr. Ed Fast: You certainly segued nicely into my next question.

So you are a lawyer.

Mr. Ronald I. Cohen: Yes.

Mr. Ed Fast: And you have been a law professor at McGill University, correct?

Mr. Ronald I. Cohen: Yes.

Mr. Ed Fast: So I'm asking the question of the right person.

I want to refer you to clause 3—in fact, the first paragraph of clause 3, which is essentially the operative provision of this particular bill.

You had a chance to listen to Mr. Bigras' intervention. Mr. Bigras went to great pains to try to restrict the ambit of this bill to the viewing hours when children would be viewing programming. Yet I'm looking at this clause, which he drafted, and to me it's much broader than what he led this committee to believe.

In fact, I'll read that clause: “The Commission shall make regulations respecting the broadcasting of violent scenes, including those contained in programs intended for persons under the age of 12 years.” As a lawyer, would you agree with me that in fact this provision is much broader than simply restricting viewing hours?

Mr. Ronald I. Cohen: It would, clearly. This has nothing to do with viewing hours at all.

Mr. Ed Fast: Exactly.

Would you agree with me that this clause, although it references children, is actually much broader and actually gives the CRTC the right to regulate violence in general?

Mr. Ronald I. Cohen: Clearly, because it only includes those contained in programs intended for persons under the age of 12.

It says, “The Commission shall make regulations respecting the broadcasting of violent scenes...”. That's the operative provision, and it goes so far as to say that it even includes this limited category. But yes, it clearly is a broader statement.

Mr. Ed Fast: So it's a very broad regulatory power, correct?

Mr. Ronald I. Cohen: Yes, it appears to be.

Mr. Ed Fast: Right.

Would you agree with me that under this kind of regulatory power, it would be open to the CRTC—although I'm not suggesting it would—to prohibit the showing of the movies *The Patriot* and *Gladiator*? In fact, it would be open to the CRTC to actually prohibit the showing of hockey games in which there's violence. From time to time, hockey games have violence; they have fights, people break their noses, they might get cuts on their brows. You might get a Bertuzzi incident or a Wayne Maki incident, from many years ago. And the CRTC—under this regulatory provision—would have the right to actually prohibit that kind of programming.

Mr. Ronald I. Cohen: Needless to say, one of the problems with—if I may call this—a blunt regulatory instrument is that you may also run into difficulties with the charter. That's another whole

issue. But it certainly appears to be a very broad endorsement that would be given to the CRTC. There's no indication of where these violent scenes may occur.

I suppose you could look at this and say that violent scenes could occur in the news as well, and that they could be anticipated to be included here. I mean, it does seem like a very broad power, yes.

Mr. Ed Fast: Yes. And would you agree with me that the way this bill is drafted, it could lead to censorship on television?

Mr. Ronald I. Cohen: Well, I might have agreed with that statement even before you started asking those pointed questions, just from reading it, yes.

Mr. Ed Fast: All right.

I want to also refer you to one portion of the preamble. As you know, preambles typically aren't operative within bills, but in this case the preamble says, as follows:

AND WHEREAS the number of violent scenes broadcast on television during the hours when children watch television, namely, before 9 p.m., has nevertheless increased;

Do you agree with that portion of the preamble?

Mr. Ronald I. Cohen: I totally disagree. As we've indicated in our written document and in the oral presentation, we don't believe that there's any justification out there—any studies—that would support that statement.

Mr. Ed Fast: Those are all my questions.

Thank you.

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Colleagues, might we consider doing the same, a second round of three minutes? That's fine?

Madam Fry, go ahead.

Hon. Hedy Fry: Thank you very much.

Of course, at the heart of all of this is the concern of where censorship starts and freedom of expression ends. This is a very difficult bill, in that you don't know where to draw this fine line. However, I do have some concerns with something that the CRTC told us at the last meeting, and that you are saying. So I'm going to ask the question again, and hopefully I can find an answer.

If complaints are the only indicators you use to decide whether there is too much violence, it could be—and I think my colleague Mr. Scarpaleggia asked it—that maybe the public is so inured to violence now that they don't notice it. It could be that people feel that they possibly don't get the kind of response they want and that they stop writing. I don't know. It could be those reasons; it may not be those reasons. But surely to goodness there are other indicators that we could use, or that a self-regulatory body like yours could use, to define whether or not violence is unacceptable or violence is escalating. I mean, there are the Criminal Code definitions that we could look at.

But is there any other way you think than simply...because for me, complaints are such a poor indicator. It's very nebulous, at best. I just don't know whether there is something else that will not become censorship, but will find a way of tracking, find a way of giving us the data we want, find a way of giving us the information we want. Could you suggest something else? I'm really struggling with this issue as to what are the other indicators we could use that would allow for self-regulation and make it effective.

• (1700)

Mr. Ronald I. Cohen: I think, Ms. Fry, that Ms. Wing actually provided a very good answer in the last appearance of witnesses. I think we need to distinguish between the trending-type information—to which you're really referring—and what it is that we do.

We at the CBSC are tasked with the responsibility of responding to individual complaints. We're not tasked with the responsibility of trying to measure how much violence there is or isn't in society or, indeed, on television or in the newspapers. That's not our job.

So she suggested that research and research funding might be a very good thing to do. The Media Awareness Network, MNet, might be the very kind of body to supervise something like that. Our job is different and this bill is different. This bill proposes that the responsibility that we exercise—I believe very effectively—should be transferred over to another body, where incidentally, of course, it will cost more money.

But that's the difference, I think, between the two situations.

The Vice-Chair (Hon. Mauril Bélanger): Thank you, Mr. Cohen.

Monsieur Malo.

[*Translation*]

Mr. Luc Malo: Thank you, Mr. Chairman.

Mr. Cohen, thank you for being with us this afternoon. In view of the fact that not all broadcasters are members of your association, how do you react to the fact that this voluntary code can apply to all broadcasters, whether or not they are members of your association? Do you think this approach is a good one?

Mr. Ronald I. Cohen: You said that the code was voluntary. That's inaccurate; it's not voluntary at all. The code is mandatory for every broadcaster in Canada.

The CBC, CPAC and Télé-Québec must comply with our code; they don't have a choice. Even broadcasters who are not members of our association have an obligation to comply with the standards contained in the code.

Mr. Luc Malo: If I understand correctly, when the CRTC grants a licence, the code applies to all broadcasters.

• (1705)

Mr. Ronald I. Cohen: It applies to every broadcaster in Canada.

Mr. Luc Malo: A little earlier, you seemed to tell Mr. Siksay that your association didn't think Mr. von Finckenstein's proposal to establish a scale of penalties for broadcasters who do not comply with the code was necessary.

Can you explain to us why you think it's not necessary?

Mr. Ronald I. Cohen: It's because broadcasters obey the decisions we render. It's as simple as that. It's not at all necessary to have some kind of gun in order to compel compliance with the standards contained in the four codes that we currently administer.

Doc Mailloux's program, which you must know well enough, is no longer broadcast on CKAC. Do you think the solution would be to punish him by assessing fines? Could that help, in view of the fact that our decisions resulted in Doc Mailloux leaving the airwaves?

The Vice-Chair (Hon. Mauril Bélanger): Thank you, Mr. Cohen.

Mr. Malo, you'll have to wait for the next round to answer that question.

Mr. Abbott, go ahead, please.

[*English*]

Hon. Jim Abbott (Kootenay—Columbia, CPC): It's Mr. Chong.

The Vice-Chair (Hon. Mauril Bélanger): Mr. Chong.

Hon. Michael Chong: Thank you, Mr. Chair.

I thank the witnesses for appearing in front of committee today.

First of all, I will say that we too are opposed to this bill, but I do share some of the concerns that some of the other members of the committee have brought up.

I don't think you can make a valid argument that just because complaints have declined, it necessarily means that children's health has not been negatively impacted over the last eight years. I make that point because the CRTC's policy framework on this issue is, as you mention in your submission here, not framed as a moral one but rather as one that is based on the harm test—in other words, harm to children's health. When we're talking about violence on TV, we have to make the connection between the two, violence on TV and whether or not it has a negative impact on children's health. I don't think it necessarily follows that because there's been a decline in complaints, there's not been a negative impact on children's health over that period.

Furthermore, I'd also add that I believe that television-viewing audiences in the last number of years have also declined, so that may in part account for the declining complaints, because of increased usage of the Internet and other recreational activities that people are now increasingly turning to.

It's just a comment I make. I don't have a question, Mr. Chair.

[*Translation*]

Mr. Ronald I. Cohen: Allow me to clarify one minor point.

[*English*]

It's not to take a position contrary to what you've just raised. It's interesting. You should be aware of the fact that the actual number of complaints that we are receiving at the CBSC is increasing. The actual number is increasing, although you're saying that there may be some migration of eyeballs and ears to the Internet. It's just to say that between the year 2000 and this year, the total number of complaints we're receiving has gone up. It's just to say that they're not disappearing. Maybe people are becoming more literate and conscious.

Hon. Michael Chong: Mr. Chair, maybe you'd clarify this, because in your report it actually says there has been a decline of about 22% in television violence complaints between 2000 and the end of February 2008.

Mr. Ronald I. Cohen: That's right, yes, because the percentage of complaints that related to television violence was, in 2000, 12.76% of the total complaints we had received. Even though the number of overall complaints we have received has gone up, the level of violence complaints in the current year has gone down to 9.95% of the complaints we've received. Hence, the 22% decline in that percentage.

• (1710)

[Translation]

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Ms. Mourani, do you have a point of order?

Mrs. Maria Mourani: Mr. Chairman, I hope I misheard. Earlier, when my colleague Mr. Malo was speaking, I thought I heard Mr. Cohen insinuate that our colleague Mr. Bigras perhaps has a disease.

The Vice-Chair (Hon. Mauril Bélanger): Perhaps Mr. Cohen wants to add a comment?

Mrs. Maria Mourani: I can understand that this bill makes Mr. Cohen react, but I nevertheless feel we can speak to each other properly.

The Vice-Chair (Hon. Mauril Bélanger): Your comment has been heard and noted.

Allow me to ask some questions, since I'm used to doing that, just as the regular Chairman does as well.

Mr. Cohen, perhaps you gave them to me, but do you have, not the percentages, but the absolute figures? Exactly how many complaints do you receive concerning violence?

Mr. Ronald I. Cohen: In 2000-2001, there were 140 complaints about violence on television. You must understand that that includes complaints against violence in the news, in sports and so on. We're not just talking about dramatic programs.

In 2007-2008, there have been 114 to the end of February.

However, you must understand that, in one program on Vision TV, an imam seated at a table was talking about the Koran and mentioned jihad, and that people concluded that that amounted to violence on television.

The Vice-Chair (Hon. Mauril Bélanger): If you have an analysis of those 114 complaints, please send it to the committee.

In response to a number of questions, you repeated that the code is mandatory and that it's only stated in the title that it's voluntary. The word "voluntary" in fact appears in the title, but it also appears in your folder where you refer to a voluntary code system for obtaining programming standards. You also refer to it on the back of your folder where there are a number of voluntary codes.

If you allow me to make a suggestion, I would say that, if the code isn't voluntary, perhaps that fact should be more clearly indicated.

Mr. Ronald I. Cohen: Thank you for that suggestion, Mr. Chairman.

[English]

The Vice-Chair (Hon. Mauril Bélanger): Thank you.

Colleagues, we will end this round.

Please stay. Within 30 seconds we'll go to a public meeting, but not broadcast, in order to do some committee business.

[Translation]

Thank you, gentlemen.

Thank you very much for being here.

• _____ (Pause) _____

•

• (1715)

The Vice-Chair (Hon. Mauril Bélanger): Ladies and gentlemen, as you will remember, last Tuesday, we agreed to defer the motions that Ms. Mourani presented to us until Thursday, that is today.

Do you want us to dispose of them now? I inform you, however, that, if the bell rings, we'll have to terminate the meeting.

Mrs. Maria Mourani: Mr. Chairman, I would like to withdraw one motion.

[English]

Hon. Jim Abbott: I'd just like to be helpful. I might suggest that we could probably very quickly dispose of the motion regarding the Internet, and then if we want to, we can deal with the other motion.

[Translation]

Mr. Luc Malo: We'll have to dispose of both quickly, in that case.

[English]

The Vice-Chair (Hon. Mauril Bélanger): You say one, that you're agreeing to the one on the CRTC and Internet?

Hon. Jim Abbott: The motion on the Internet could be disposed of very quickly.

[Translation]

The Vice-Chair (Hon. Mauril Bélanger): Does everyone support it?

[English]

The first one received is the motion on the CRTC and the Internet.

[Translation]

That's the one we're dealing with now.

Mrs. Maria Mourani: Mr. Chairman, I could solve your problem by withdrawing the motion on film production certificates.

The Vice-Chair (Hon. Mauril Bélanger): You're withdrawing it?

Mrs. Maria Mourani: Yes, since we had an opposition day on the subject.

The Vice-Chair (Hon. Mauril Bélanger): All right.

(Motion withdrawn)

The Vice-Chair (Hon. Mauril Bélanger): And there are no objections to the motion concerning the Internet?

Mrs. Maria Mourani: No.

[*English*]

The Vice-Chair (Hon. Mauril Bélanger): Mr. Siksay, are you comfortable with that one too—the first motion, the one dealing with the CRTC and the Internet? If there's no objection, it's carried.

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

[*Translation*]

Mrs. Maria Mourani: I want to thank my colleagues.

[*English*]

The Vice-Chair (Hon. Mauril Bélanger): I want to mention two things.

We have on schedule in the first hour on Tuesday, March 11, Mr. Patrone, who is appearing on his appointment to the CRTC. In the second hour we'll have a panel continuing on the bill that we're dealing with.

[*Translation*]

That would probably be the following Thursday. Depending on what the Chairman wants, we could do the clause-by-clause consideration of the bill when we come back.

[*English*]

Yes, Madame Mourani.

[*Translation*]

Mrs. Maria Mourani: Mr. Chairman, that's not a problem for me, but I would also like us to be able to hear our witnesses. We may need one or two additional meetings.

The Vice-Chair (Hon. Mauril Bélanger): That's fine.

Mrs. Maria Mourani: Let's not close the door to that possibility.

The Vice-Chair (Hon. Mauril Bélanger): We're not closing the door.

Mr. Scott.

[*English*]

Hon. Andy Scott: Has the committee taken a decision in terms of estimates?

The Vice-Chair (Hon. Mauril Bélanger): No.

Hon. Andy Scott: So we'd better today decide whether we want to deal with estimates.

The Vice-Chair (Hon. Mauril Bélanger): I would, as chair here, say that the committee's not having.... They will be deemed reported and adopted—today.

Mr. Ed Fast: When is the deadline?

The Vice-Chair (Hon. Mauril Bélanger): The deadline will be next week.

But Tuesday is already taken. If we don't deal with them, folks, they will be deemed adopted. But we're not going to deal with them right now. I'm going to pile this back into the chair's lap.

Hon. Andy Scott: What I meant was that if we don't decide we're going to deal with them, we will make a decision by default.

The Vice-Chair (Hon. Mauril Bélanger): That's correct. A decision by default is that they're deemed accepted. We can't deal with that right now, so the parties who wish to deal with them could bring this up on Tuesday, or in between.

Hon. Andy Scott: Or they could bring them up today.

The Vice-Chair (Hon. Mauril Bélanger): Or move that they be accepted.

Hon. Andy Scott: I don't want to deal with them today. I just want to bring up the subject as to whether or not we should...because by Tuesday it'll be decided for us.

Mr. Ed Fast: You just want to keep us from voting, that's what it is.

[*Translation*]

The Vice-Chair (Hon. Mauril Bélanger): Do you want to raise one final point, Ms. Mourani?

Mrs. Maria Mourani: Could we address this point on Tuesday? It could be done quickly.

The Vice-Chair (Hon. Mauril Bélanger): We'll have to see.

[*English*]

I'll mention it to the chair so he can get this ready in case we wish to deal with it.

Is there anything else?

The meeting is adjourned.

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