

**SUBMISSION TO THE
HOUSE OF COMMONS
STANDING COMMITTEE ON JUSTICE & HUMAN RIGHTS
REGARDING BILL C-13**

BY:

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A society is to be measured and judged
by the protections it offers to the
vulnerable in its midst.¹

EXECUTIVE SUMMARY

1. This submission relates to three aspects of Bill C-13:

- (i) clauses 20, 23, 29, 33-35, 37 and 41 “lawful access provisions”;
- (ii) clause 12 “hate propaganda provision”; and
- (iii) clause 3 “non-consensual distribution provision”.

2. It is respectfully submitted that:

- (i) the lawful access provisions should be rejected or, at minimum, separated from the remainder of the Bill. It would be unfair, inappropriate and counter-productive to make consideration and resolution of the substantive hate propaganda and non-consensual distribution provisions conditional upon acceptance of the unrelated and privacy-invasive lawful access provisions;
- (ii) the hate propaganda provision should be accepted because without it, those against whom genocide is advocated and hatred incited due to their national origin, age, sex and mental or physical disability will continue to be unjustifiably excluded from the protection of federal law (in light of the unfortunate repeal of s. 13 of the *Canadian Human Rights Act* last year); and
- (iii) while the non-consensual distribution provision expresses community disapprobation for egregious trust and privacy violations that appear disproportionately likely to affect women and girls, this reactive criminal law response falls short of the multi-pronged proactive strategy needed to address the underlying inequalities that render women and other vulnerable groups

particularly susceptible to online attacks (sometimes referred to as “cyberbullying”).

I. REJECT OR SEPARATE THE UNRELATED LAWFUL ACCESS PROVISIONS

3. The substantive amendments on hate propaganda and non-consensual distribution should not be held hostage by the lawful access provisions. The lawful access provisions should be removed from the bill to allow for full and expeditious consideration of the hate propaganda and non-consensual distribution provisions.
4. Ironically, as currently framed in this omnibus bill, enhanced privacy protections for those targeted by non-consensual distribution would come at the cost of expanded privacy invasive powers for law enforcement and others.

II. ACCEPT THE EQUALITY-ENHANCING HATE PROPAGANDA PROVISION

5. The hate propaganda provision should be accepted because:
 - (i) hate propagation undermines equality and democracy;
 - (ii) expansion of the list of protected groups recognizes the inherent dignity and equality rights of those groups and their members; and
 - (iii) protections against hate propagation are particularly important at this socioeconomic and technological moment, particularly for women.

A. Hate propagation undermines democracy & equality

6. Hate propagation poses two issues of pressing concern in a constitutional democracy committed to equally valuing and protecting freedom of expression, equality, Aboriginal rights and multiculturalism:
 - (i) it gives rise to “grave psychological and social consequences to individual members of the targeted group from the humiliation and degradation caused by hate propaganda”; and
 - (ii) it creates “harmful effects on society at large by increased discord and by affecting a subtle and unconscious alteration of views concerning the inferiority of targeted groups”.²
7. Hate propagation effects these results through “[r]epresentations vilifying a person or group ... [that] seek to abuse, denigrate or delegitimize them, to render them lawless, dangerous or unworthy or unacceptable in the eyes of the audience.”³ In addition to the immediate effects of this form of discrimination, the vilification and dehumanization of target groups and their members that are often hallmarks of hate propagation can work to pave the way for future discrimination, intolerance and violence.⁴

8. Moreover, hate propagation undermines the ability of targeted groups and their members to

respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy. Indeed, a particularly insidious aspect of hate speech is that it acts to cut off any path of reply by the group under attack. It does this not only by attempting to marginalize the group so that their reply will be ignored: it also forces the group to argue for their basic humanity or social standing, as a precondition to participating in the deliberative aspects of our democracy.⁵

B. The hate propaganda provision would recognize the inherent dignity rights of currently excluded equality-seeking groups

9. Section 318 of the *Criminal Code* criminalizes advocating genocide against certain identifiable groups, while s. 319 criminalizes inciting hatred against these same groups. Bill C-13, clause 12, would expand that list of identifiable groups to include those distinguished by national origin, age, sex or mental or physical disability.
10. Expansion of the list of identifiable groups is particularly important in light of the repeal of s. 13 of the *Canadian Human Rights Act* last year. Since the repeal of s. 13, equality-seeking groups such as women, persons with disabilities and those targeted on the basis of intersections between these and other axes of discrimination have been left unprotected by federal legal restrictions on hate propagation.
11. The protections of s. 318 and 319 were extended in 2004 to groups identifiable on the basis of sexual orientation,⁶ and an amendment to extend protections on the basis of gender identity is currently before the Senate.⁷ Both of these are important equality-enhancing initiatives that recognize the inherent dignity rights of members of these groups. Moreover, as MP Megan Leslie noted during parliamentary debate with respect to the gender identity amendment, express inclusion of an equality-seeking group means that that group is no longer forced “into the margins” by having to stake its legal claim on some other ground:

It is meaningful to look at rights and see ourselves there. It is important to know that we are protected.⁸

12. Similarly, s. 318’s historic exclusion of groups distinguished by national origin, age, sex and mental or physical disability forces members of these socially vulnerable groups into the margins, signals that their dignity and equality before the law are somehow less relevant and less worthy of protection. Moreover, last year’s repeal of s. 13 of the *Canadian Human Rights Act* has stripped socially vulnerable groups, including women and members of the LGBTQ community of *remedial* federal responses to internet hate propagation.
13. Neither ss. 318 and 319, nor the proposed hate propaganda provision represent a panacea for resolving group based hatred and discrimination. As reactive criminal law

approaches, their prosecution can be characterized by “a deeply entrenched prioritizing of liberal values” often at the expense of substantive equality concerns.⁹ Moreover, prosecution of these offences is conditional upon Attorney General consent.¹⁰ Nonetheless, inclusion of national origin, age, sex or mental or physical disability within their ambit is a way of expressing community concern for the dignity and equality of these equality-seeking groups and their members.

C. Protections are particularly important at this socioeconomic and technological moment

14. Over the last decade Canada, like many other nations around the world, has experienced significant economic and political upheaval likely to leave many who are suffering as a result of these dislocations grasping for explanations. These are the kinds of conditions in which empathy and respect can too easily be eclipsed by scapegoating “other” identifiable groups as the source of the problem.¹¹ Manifestations of hatred against identifiable groups are evident both offline and online.
15. In 2011, 1,332 hate crime incidents were reported to police, although it is estimated that only about one-third of incidents perceived by targets to be motivated by hate are actually reported to police.¹² Over half of all of the incidents reported in 2011 were motivated by race or ethnicity, while 25% were based on religion and 18% on sexual orientation.¹³ While the total number of reported hate crimes declined from 2010 to 2011 and the majority reported in 2011 involved non-violent offences, the proportion involving violent offences grew by 5% from 2010 to 2011, with hate crimes motivated by sexual orientation (65%) and ethnicity (41%) being the most likely to involve violent offences.¹⁴ Self-reported victimization by hate-motivated crimes increased from 3% of all incidents to 5% of all incidents reported in the General Social Survey between 2004 and 2009.¹⁵
16. Concern around hate-motivated crime is not isolated to Canada, but is also an issue in many other countries around our increasingly interconnected globe.¹⁶
17. Hate motivated behaviours, however, are not isolated to “real space” as any distinction between our offline and online worlds increasingly begins to blur, if not disappear. In many ways the internet and other digital communications technologies offer us an unprecedented and often public window into the heights and depths of our own humanity.¹⁷
18. Online hate propagation includes both generalized attacks on identifiable groups¹⁸ and attacks targeted at individuals on the basis of their actual or perceived membership in an identifiable group or groups.¹⁹ Lesbians, Black women, Aboriginal women, and Muslim women are among the targeted groups at issue in reported human rights cases in Canada.²⁰
19. Sixteen percent of the respondents to the 2009 General Social Survey reported having come across promotion of violence or hatred against an identifiable group on the

internet, with those aged 15-24 more than twice as likely to report finding hate content than those 25 and over.²¹ Fifty-seven percent of reports involved targeting ethnic or religious groups, 21% targeting gays and lesbians, 16% targeting women, 15% targeting Aboriginal people and 14% targeting immigrants.²²

20. Online attacks grounded in group-based hatred and discrimination impose very real harms on targeted groups:

On social networking sites, blogs and other Web 2.0 platforms, destructive groups publish lies and doctored photographs of vulnerable individuals. They threaten rape and other forms of physical violence. ... They flood websites with violent sexual pictures and shut down blogs with denial-of-service attacks. These assaults terrorize victims, destroy reputations, corrode privacy, and impair victims' ability to participate in online and offline society as equals.²³

21. The social networking site AutoAdmit (self described as the "most prestigious law school discussion board in the world")²⁴ has included discussion threads entitled "if God didn't intend men to rape women then", and "reminder: [individual woman's name] deserves to be raped". Individual women have been targeted through postings such as "I want to brutally rape that [individual woman's name] slut", and "maybe you'd have to kill her afterward", as well as being discussed in threads such as "Official [individual woman's name] RAPE thread".²⁵

22. Similarly, those involved in "cyberbullying" research have emphasized the degree to which membership in a minority ethnic group, the LGBTQ community or being disabled exposes youth to a greater risk of being targeted.²⁶ As noted in the Nova Scotia Task Force Report on Bullying and Cyberbullying:

Bullying often results from, and reinforces, discrimination. Marginalized groups may be targeted for issues of racism, sexism, able-ism, xenophobia, and homophobia, among other identities, and are generally considered to be at a higher risk for bullying.²⁷

23. Moreover, an EGALE study released in 2011 showed that 30% of female sexual minority students, 23% of gay male students and 40% of transgendered students who responded to their survey said that they had been targeted online, as compared to only 5.7% of the heterosexual students who responded to the survey.²⁸

24. Online harassment research suggests that the ability to operate anonymously or pseudonymously while interacting with others through certain forms of digital communication assists in explaining the growth and vitriol of these forms of online targeting:

Online, bigots can aggregate their efforts even when they have insufficient numbers in any one location to form a conventional hate group. They can disaggregate their offline identities from their online presence escaping social opprobrium and legal

liability for destructive acts.²⁹

25. Research in these areas also emphasizes the heightened impact that online attacks can have on targets related both to the breadth of dissemination and to the pervasive presence of online media in everyday life.³⁰ As Keats Citron describes it with respect to targeted women:

Such harassment has a profound effect on targeted women. It discourages them from writing and earning a living online. It interferes with their professional lives. It raises their vulnerability to offline sexual violence. It brands them as incompetent workers and inferior sexual objects. The harassment causes considerable emotional distress. Some women have committed suicide.³¹

26. Our evolving socio-technological context strongly suggests that legal recourse for online hate and harassment may be more important than ever. As Keats-Citron notes with respect to the US context:

[T]he Internet's impact on civil rights has gone largely neglected to date. As a result, something with the potential to be a great engine of equality has all too often reflected and reinforced the offline world's power imbalances. The brutality of online mobs is an important part of that story, but it is only a part. Scholars and activists need to devote the same attention to online threats to civil rights that they have to civil liberties.³²

III. THE NON-CONSENSUAL DISTRIBUTION PROVISION IS NOT ENOUGH

27. The non-consensual distribution provision targets a very specific form of online harassment and could be understood to:

(i) express community disapproval of this form of harassment's privacy and dignity invasive impacts; impacts of especial concern for women and girls, who appear disproportionately likely to be targeted in light of systemic misogyny and its complex intersections with other axes of discrimination such as race, Aboriginality, sexual identity, gender identity and ability; and

(ii) provide a response better tailored to addressing the privacy and dignity harms occasioned by this form of online harassment in situations where:

(a) an adult is targeted, but the specific elements of criminal harassment or offences such as voyeurism do not provide adequate protection,³³ or

(b) a person under 18 is targeted, but the gravamen of child pornography offences – child sexual exploitation - is not present (e.g. cases involving similarly aged young people).

28. However, the provision falls far short of the multi-pronged proactive strategy needed to address "cyberbullying". The blunt, reactive tool of criminal sanction is no substitute for

proactive responses aimed at addressing the systemic forms of discrimination and corporate practices that render equality-seeking groups, such as girls and women, vulnerable in the first place.

A. Non-consensual distribution of intimate images violates targets' privacy and autonomy

29. The nonconsensual distribution provision could apply to a variety of situations in which targets' autonomy is at stake; either because the image was taken and circulated without the target's authorization or because the circulated image though taken consensually, was distributed without permission.
30. The capacity to consent to a particular act in a particular context without being presumed to consent to such an act for all time or in all situations is essential to autonomy. Nonconsensual distribution of intimate images violates targets' autonomy and privacy by effectively stripping them of their capacity to choose to consent to share an image in one context, without consenting to share it in other situations or with other people.³⁴
31. Nonconsensual distribution of intimate images can have profound emotional, physical and financial effects and open targets up to the risk of further harassment and physical attacks, particularly where personally identifying information, such as a target's name, address and/or phone number, is posted along with nude images of them.³⁵

B. Women and girls are disproportionately affected

32. While studies vary in terms of whether females are "bullied" more than males,³⁶ it would appear that girls are more likely than boys to be targeted sexually, whether through threats of sexual violence or being "coerced through pressure to send out a picture" or "receiving sexual pictures".³⁷
33. Results from the Young Canadians in a Wired World survey indicate that boys are more likely to be mean or cruel online than girls, including being more likely to make fun of someone's race, religion, ethnicity or sexual orientation, and more likely to sexually harass someone. Further, girls are twice as likely as boys to see online threats as a serious problem.³⁸
34. Nonconsensual distribution of intimate images is disproportionately likely to affect and have "far more serious consequences for" girls and women, compared to boys and men,³⁹ due at least in part to pervasive discriminatory practices and beliefs that:
 - (i) consistently disrespect or minimize women's sexual autonomy,⁴⁰ and
 - (ii) persistently communicate that girls' and women's social success depends upon emulating a stereotypical, heteronormative version of "sexy", while simultaneously exposing women and girls to humiliation, embarrassment and reputational ruin for expressing their sexuality or simply for exposing

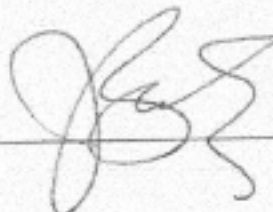
their bodies.⁴¹

C. A multi-pronged proactive strategy is needed

35. While the non-consensual distribution provision would express community disapproval of egregious privacy and autonomy violations that are disproportionately likely to affect women and girls, it falls far short of the multi-pronged proactive strategy needed to address sexual harassment specifically and “cyberbullying” more generally, especially among young people.
36. Parliament, during House of Commons debate and hearings specially convened by the Senate Standing Committee on Human Rights, has had the benefit of a wide array of expertise about “bullying” and “cyberbullying”, with respect to their meaning, their underlying causes and how best to respond to them.
37. As noted above, a number of experts advised of the intimate connection between familiar grounds of discrimination – gender, race, ethnicity, ability, sexual orientation, gender identity – and the likelihood of being targeted.⁴² Attacks on these grounds, which are intimately connected to one’s sense of self and personhood, can be especially destructive to a target’s self-esteem.
38. Nonetheless, numerous experts have advised that criminal sanctions on their own are unlikely to materially change youth behaviour in positive ways because:
 - (i) they don’t address developmental and behavioural issues underlying “cyberbullying” among youth;⁴³
 - (ii) they don’t address underlying issues, such as sexism, education about which could assist in breaking the cycle of “cyberbullying”;⁴⁴
 - (iii) youth ignore or are unaware of the law⁴⁵ and/or do not expect to be caught or punished;⁴⁶ and
 - (iv) they risk re-victimizing former targets who bully in retaliation for past attacks.⁴⁷
39. As a result, many do not support criminal sanctions for certain kinds of behaviours labeled “cyberbullying”. Many who *do* support criminal sanctions also strongly support development of a multi-pronged, proactive strategy incorporating restorative, human rights based approaches.⁴⁸ Particularly with respect to “cyberbullying” based on discriminatory grounds (such as the sexism that disproportionately exposes girls and women to nonconsensual distribution of intimate images), recommendations focus on familiarizing youth with human rights,⁴⁹ rewarding teachers and schools who exercise and model best practices on human rights, sexuality, digital literacy and multiculturalism in schools,⁵⁰ initiatives designed to foster a culture of respect for diversity and equality⁵¹ and holding industry accountability for structuring online interaction in ways that compel unnecessary disclosure of personal information and inadvertently promote “cyberbullying”.⁵²

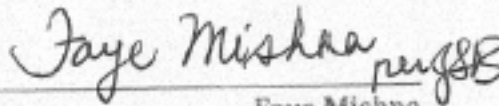
40. While the nonconsensual distribution provision may make an important community statement about this form of sexual harassment, unless incorporated into a more comprehensive strategy its impact is likely to be more symbolic than real. We ought to address the reasons why it is that displays of women's sexuality or even recordings of acts of sexual violence against women are understood as a way of shaming women. This is particularly perplexing given the mediatized culture that surrounds us with the message that girls and women need to be "sexy", but only in a limited, predefined way – basically in a way designed to sell them everything from diet pills to cosmetics to plastic surgery and more. Perhaps this too is an activity upon which we should proactively intervene. For example, we might consider what role the online business model that uses our personal information to profile us and then market to that profile plays in perpetuating myths and stereotypes about women and girls, as well as other social groups.

All of which is respectfully submitted,

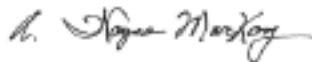


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- ¹ *R v Zundel* [1992] SCJ No 70, [1992] 2 SCR 731 at para 212, per Gonthier, Cory and Iacobucci JJ (as they then were) (dissenting).
- ² *Saskatchewan Human Rights Commission v William Whatcott* 2013 SCC 11 at para 73 [Whatcott].
- ³ *Ibid* at para 41.
- ⁴ Alexander Tsesis, *Destructive Messages: How Hate Speech Pave the Way for Harmful Social Movements* (New York: New York University Press, 2002).
- ⁵ *Whatcott*, *supra* note 2 at para 75.
- ⁶ R.S. 1985, s. 318; 2004, c. 14, s. 1 [*Criminal Code*].
- ⁷ Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity) received second reading in the Senate on 17 October 2013: <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C279&Parl=41&Ses=2>.
- ⁸ Speech of MP Megan Leslie during parliamentary debate on Bill C-279, online: <http://www.wayves.ca/node/82>.
- ⁹ Rosemary Cairns Way, "Incorporating Equality into the Substantive Criminal Law: Inevitable or Impossible?" (2005) 4 JL & Equality 203 at para 38.
- ¹⁰ *Criminal Code*, *supra* note 6, ss. 318(3) and 319(6).
- ¹¹ Jane Bailey, "Twenty Years Later *Taylor* Still Has It Right: Section 13 of the *CHRA*'s Continuing Contribution to Equality" *The Supreme Court of Canada and Social Justice: Commitment, Retrenchment or Retreat*, Sheila McIntyre and Sanda Rodgers, eds. (Markham, Ontario: Supreme Court Law Review and LexisNexisCanada, 2010 at 3-4 [Bailey, 2010].
- ¹² Statistics Canada, *Police-reported Hate Crime in Canada, 2008* (Juristat article) by Mary Allen & Jillian Boyce (Ottawa: Minister of Industry, 2013) at 3, 4 [Statistics Canada 2013].
- ¹³ *Ibid*.
- ¹⁴ *Ibid*.
- ¹⁵ *Ibid* at 4.
- ¹⁶ Leadership on Civil Rights Education Fund, *Confronting the New Faces of Hate: Hate Crimes in America 2009* (Leadership in Civil Rights Education Fund, 2009), online: <http://www.civilrights.org/publications/hatecrimes/>.
- ¹⁷ Bailey, 2010 *supra* note 11 at 3.
- ¹⁸ League for Human Rights of B'nai Brith Canada, "2012 Audit of Antisemitic Incidents" (B'nai Brith Canada National Office, 2012), online: <http://www.bnaibrith.ca/audit2012/> at 16; Douglas MacMillan, "Twitter Aids Rise of Web-Based Hate Forums, Report Finds" *Bloomberg News* (7 May 2013), online: <http://www.bloomberg.com/news/2013-05-07/twitter-aids-rise-of-web-based-hate-forums-report-finds.html>.
- ¹⁹ Danielle Keats Citron, "Cyber Civil Rights" (2009) 89 Boston University L Rev 61-125 [Keats Citron].
- ²⁰ See, for example: *Schnell v Machiavelli and Associates Emprize Inc.* 2002 CanLII 1887 (CHRT) at para 94-98; *Warman v Guille* 2008 CHRT 40 (CanLII); *Association of Black Social Workers v Arts Plus* (1994), 24 CHRR D/513 (NS Bd Inq); *Warman v Western*

Canada for Us, 2006 CHRT 52 (CanLII); *Warman v Kouba*, 2006 CHRT 50 (CanLII); *Warman v Beaumont*, 2007 CHRT 49 (CanLII); *Warman v Northern Alliance*, 2009 CHRT 10 (Can LII).

²¹ Samuel Perreault, 2011. "Self-reported Internet victimization in Canada, 2009." *Juristat*. Statistics Canada Catalogue no. 85-002-X, online: <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11530-eng.htm#a6>, Table 6.

²² *Ibid*, Chart 5.

²³ Keats Citron, *supra* note 19 at 64.

²⁴ www.xoxohth.com

²⁵ Danielle Keats Citron, "Law's Expressive Value in Combating Cyber Gender Harassment" (2009) 108 Mich LR 373 at 381-2 [Keats Citron 2009].

²⁶ See, for example: UNICEF Innocenti Research Centre, "Child Safety Online: Global challenges and strategies" (Florence: UNICEF, 2011) at 3, online: Unicef Canada <http://www.unicef.ca/sites/default/files/imce_uploads//TAKE%20ACTION/ADVOCATE/DOCS/Child_Safety_online_Globa_challenges_and_strategies.pdf>.

²⁷ Nova Scotia, Task Force on Bullying and Cyberbullying, *Respectful and Responsible Relationships: There's No App for That: The Report of the Nova Scotia Task Force on Bullying and Cyberbullying* (29 February 2012) at 16.

²⁸ See evidence presented by Helen Kennedy, executive director of Egale Canada, before the Senate Standing Committee on Human Rights (Senate, Fifth meeting on: Issue of cyberbullying in Canada with regard to Canada's international human rights obligations under Article 19 of the United Nations Convention on the Rights of the Child, 41st Parl, 1st Sess, No 14 (4 June 2012) at 37-42).

²⁹ Keats Citron, *supra* note 19 at 63. With respect to the impact of online anonymity on bullying behaviours, see also: Senate, Standing Committee on Human Rights, *Cyberbullying Hurts: Respect for Rights in the Digital Age* (December 2012) (Chair: Hon Mobina SB Jaffer) [Senate Committee Cyberbullying Report] at 21.

³⁰ Senate Report, *ibid* at 17.

³¹ Keats Citron 2009, *supra* note 25 at 375.

³² *Ibid*.

³³ For further discussion in the US context, see: Danielle Keats Citron and Mary Anne Franks, "Criminalizing Revenge Porn" (2014) 49 Wake Forest L Rev 345 [Citron & Franks 2014].

³⁴ *Ibid* at 348.

³⁵ Natalie Webb, "Revenge Porn By the Numbers" (3 January 2014), online: <http://www.endrevengeporn.org/revenge-porn-infographic/>.

³⁶ While men and women were equally likely to report having been cyberbullied on the 2009 General Social Survey, responses to the same survey indicated that in approximately 70% of reported instances of cyberbullying of children, the targets were girls: Perreault, *supra* note 21.

³⁷ Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 11 (30 April 2012) (Faye Mishna, Dean and Professor, Factor-Inwentash Faculty of Social Work, University of Toronto).

³⁸ Valerie Steeves (2014) *Young Canadians in a Wired World, Phase III: Cyberbullying: Dealing with Online Meanness, Cruelty and Threats*: MediaSmarts, online: http://mediasmarts.ca/sites/default/files/pdfs/publication-report/full/YCWWIII_Cyberbullying_FullReport.pdf at 4.

³⁹ Citron & Franks 2014, *supra* note 33 at 348.

⁴⁰ *Ibid.*

⁴¹ Jane Bailey, “Sexualized online bullying’ through an equality lens: Missed opportunity in *AB v. Bragg?*” (2013) 59 McGill LJ [forthcoming]; Jane Bailey, Valerie Steeves, Jacquelyn Burkell and Priscilla Regan. “Negotiating with Gender Stereotypes on Social Networking Sites: From ‘Bicycle Face’ to Facebook” (2013) 37 *Journal of Communication Inquiry* 91-112.

⁴² Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 13 (14 May 2012) (A. Wayne MacKay, Jennifer Shapka, Justin Patchin); Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 12 (7 May 2012) (Elizabeth Meyer, Helen Kennedy).

⁴³ Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 14 (4 June 2012) (Marvin Bernstein); Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 15 (11 June 2012) (Stan Davis); Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 6 (12 December 2011) (Wendy Craig).

⁴⁴ Alisha Virmani at Senate Ctte (4 June 2012), *supra* note 43.

⁴⁵ Mariel Calvo at Senate Ctte (4 June 2012), *supra* note 43; Sloane Anderson at Senate Ctte (4 June 2012), *supra* note 43; Alisha Virmani at Senate Ctte (4 June 2012), *supra* note 43

⁴⁶ Justin Patchin at Senate Ctte (14 May 2012), *supra* note 42; House of Commons, Standing Committee on Justice and Human Rights, *Evidence*, 41st Parl, 1st Sess, No 61 (27 February 2013) (Bill Belsey) at 1603.

⁴⁷ House of Commons, Standing Committee on Justice and Human Rights, *Evidence*, 41st Parl, 1st Sess, No 60 (25 February 2013) (Wendy Craig) at 1649.

⁴⁸ A Wayne MacKay at Senate Ctte (11 June 2012), *supra* note 43.

⁴⁹ Senate, Standing Committee on Human Rights, *Evidence*, 41st Parl, 1st Sess, Issue 11 (30 April 2012) (Shaheen Shariff); Elizabeth Meyer at Senate Ctte (7 May 2012), *supra* note 42; Alisha Virmani at Senate Ctte (4 June 2012), *supra* note 43.

⁵⁰ Elizabeth Meyer at Senate Ctte (7 May 2012), *supra* note 42.

⁵¹ Scott Hirschfeld at Senate Ctte (4 June 2012), *supra* note 43; Marvin Bernstein at Senate Ctte (4 June 2012), *supra* note 43.

⁵² Alisha Virmani at Senate Ctte (4 June 2012), *supra* note 43. It was also suggested that the kinds of applications referred to by Ms. Virmani ought to be assessed in terms of their compliance with Article 17 of the UN *Convention on the Rights of the Child*: Christian Whalen at Senate Ctte (4 June 2012), *supra* note 43. See also: Stan Davis at Senate Ctte (11 June 2012), *supra* note 43.