

# CANADIAN COMMISSION ON DEMOCRATIC EXPRESSION: TERMS OF REFERENCE

## PREAMBLE

The Internet was once envisaged as the greatest democratizing force since the printing press. A public square accessible to all. A medium that would bolster communities, belie institutional gatekeepers and give voice to the marginalized. Individuals have, in fact, secured historic access to information and expression. But it has also exposed them to new degrees of disinformation, misinformation and hate. Women and minorities, in particular have been chased from the new digital public square by disproportionate online harassment and bullying.

This new age of networked communications has produced an unexpected trade-off between more freedom and less commonweal, between people being connected and polarized, between the masses being able to tell the state how they feel and the state enjoying unprecedented new powers of surveillance over those masses. It has enabled the unprecedented scale of growth by digital corporations that collect vast amounts of personal data on where a person goes, what they buy, with whom they speak. Traditional boundaries of privacy have been breached. Regulatory regimes have been rendered moot.

Our collective understanding of this new information order, or sometimes disorder, challenges individuals, governments, and non-state entities to rethink everything from private business models to public policy. The Canadian Commission on Democratic Expression is being instituted to bring a concerted and disciplined review of the state of our democracy and how it can be strengthened. Key to the initiative, is a seven-member Commission that will draw on available and original research, the insights of experts and the deliberations of a representative Citizens' Assembly in assessing what to do about online harms and how to buttress the public good. The Commission is designed to offer insights and policy recommendations that support the cause of Canada's democracy and social cohesion.

The Commission is inspired in part by the 1960s Special Committee on Hate Propaganda in Canada, chaired by McGill University Law Dean Maxwell Cohen. It confronted a period marked by an upsurge of hate, studied the issue, deliberated, and issued recommendations. These issues now need to be revisited in light of the digital age.

## MISSION STATEMENT

To research public challenges posed by the interposition of the digital economy with Canada's democratic institutions, practices, and culture; to explore and detail the inherent tensions and trade-offs within these challenges; and to develop and propose policy scenarios and, ultimately policy recommendations to address these challenges.

## SUPPORTING WORKSTREAMS

The Commission will be informed in its work by a complementary Citizens' Assembly. Chosen from a 'Civic Lottery' of 12,500 Canadians, the Assembly will comprise 42 volunteers that are demographically representative of Canada, including in age, gender, and geography. Over two weekends, the Assembly will deliberate and, ultimately, respond to a specific policy issue determined by the Commission. The Commission's deliberations are independent of the Citizens' Assembly.

The Commission will also be able to draw on a dedicated research program. This will include commissioned research in the area of technology and democracy, a rapid response function providing quick turn-around research at the request of the Commission, and a digital platform for the dissemination and discussion of the research.

Lastly, the Commission will also have the capacity to consult with students, experts, and other key stakeholders through a broader engagement program to be worked out with the Executive Director of the Canadian Commission on Democratic Expression. In order to minimize travel demands, efforts will be made when practical to time these engagements to coincide with the meetings of the Commission. This workstream will also include an open call for submissions via an online digital platform hosted on the Commission's webpage.

## VALUES AND OPERATING PRINCIPLES

The Commission is a non-elected body that seeks to advance public policy solutions outside the elected legislative space; in a sense, its aim is to take the resolution of complex public issues away from the constraints of party politics and partisan discourse. It does not pretend to replace but to supplement deliberations of elected officials. To succeed, the Commission must establish its legitimacy differently from that of an elected mandate. Beyond its general commitment to the public interest, the Commission's legitimacy and influence will be founded on the credibility of its members, the quality of its analysis and the relevance of its recommendations. Deliberations will not proceed from self-interested agendas but be nourished by the identification of public needs and purpose and oriented towards practical solutions. Further, the Commission's legitimacy will build off the values that guide its work and its capacity in communicating its objectives and conclusions to the public.

The workings of the Commission and its supporting partnerships will be informed and guided by the following values:

- pursuit of the public interest,
- independence, inclusivity, diversity of persons and opinion,
- transparency and accountability.

## COMPOSITION

Each annual Commission will comprise seven Commissioners, including one Chair, co-Chairs, or no Chair (in this case, the Executive Director will assume Chair responsibilities). All Commissioners will have equal voice in deliberations and decisions. The Commissioners will have diverse yet complementary backgrounds, allowing for different inputs and the probability of achieving consensus. While some members may have direct experience in digital matters, the Commissioners primary competency is their commitment to open inquiry and the public good; their ability to situate decisions within broader, social, economic, and political contexts; and their judiciousness.

The Commissioners undertake to represent the overall interests of the Commission, to maintain confidences and to strive to find common cause with their other Commissioners. Dissenting opinions are, of course, permissible, though not preferred. Although comprised of just seven members, efforts will be made to ensure the Commission is broadly representative of Canadian society in terms of such attributes as gender and geography.

The Commissioners will be appointed on an initial one-year term from April 2020 to March 2021. Should a Commissioner not be able to serve his or her full term, the Chair, co-Chairs or Executive Director, together with Public Policy Forum (PPF) and its partners, will have the option of appointing a suitable individual to complete the remaining portion of that term or to leave the post vacant. The project Advisory Board will review the composition of the Commission on an annual basis and renew it, as necessary. The project Advisory Board consists of the PPF President and CEO, the Executive Director, and Project Manager plus one representative from each of PPF's project partners: MASS LBP and the Max Bell School of Public Policy at McGill University.

Membership is voluntary. Commissioners will commit a minimum of 10 business days per year to the work of the Commission.

## ROLE OF THE CHAIR(S)

The primary role of the Chair or co-Chairs or Executive Director will be to ensure that the Commission adheres to its mandate and the Commissioners fulfill their roles. In addition, the Chair will:

- Ensure that all Commissioners are heard, engaged, and respected in the work of the Commission.
- Ensure, where reasonably possible that the Commissioners are brought to consensus on issues where they may hold alternative views.
- In consultation with the Commissioners and with the support of the Executive Director, develop meeting agendas as well as facilitate the Commission deliberations and lead Commission discussions more broadly.
- Oversee the preparations of the Commission's annual public report and ensure that it is published in a timely manner as per the agreed schedule.
- Serve as spokesperson of the Commission.

## MEETINGS

Where possible, the Commission will meet in-person four times annually. The locations of these meetings may vary by year. In addition, virtual meetings may take place throughout the course of the year. Working with the Executive Director, the Commission will be responsible for defining a work plan to inform its deliberations and for preparing its annual report.

## SECRETARIAT

The Commission will be supported in fulfilling its annual mandate by a dedicated Secretariat led by a part-time Executive Director, who will assume overall responsibility for programming the deliberative process at the direction of the Commission and serving as the principal liaison between the Commission and the Secretariat.

The Secretariat will be based at the Public Policy Forum in Ottawa, with research based at the Max Bell School of Public Policy at McGill University in Montreal. The Secretariat will include Project and Research Managers plus logistics, communications, and finance support staff.

## FUTURE YEARS

Each year the Commission's terms of reference will be refreshed by the Public Policy Forum in consultation with its partners and incumbent Commissioners. The subject matter of the succeeding Commission's examinations will continue to relate to issues affecting on the state of Canadian democracy and associated with the digital public square.