



# DEBATES OF THE SENATE

---

1st SESSION • 44th PARLIAMENT • VOLUME 153 • NUMBER 10

---

## **DECLARATION ON THE ESSENTIAL ROLE OF ARTISTS AND CREATIVE EXPRESSION IN CANADA BILL**

SECOND READING—DEBATE ADJOURNED

Speech by:  
The Honourable Patricia Bovey

Thursday, December 9, 2021

## THE SENATE

Thursday, December 9, 2021

### DECLARATION ON THE ESSENTIAL ROLE OF ARTISTS AND CREATIVE EXPRESSION IN CANADA BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Patricia Bovey** moved second reading of Bill S-208, An Act respecting the Declaration on the Essential Role of Artists and Creative Expression in Canada.

She said: Honourable senators, I speak from the unceded territory of the Algonquin and as a Manitoban from the territory for the as-yet-unfulfilled Treaty No. 1, the traditional lands of the Anishinaabe, Ojibwa, Cree, Oji-Cree, Dene, Dakota and the homeland of the Métis.

The root meaning of culture, as every farmer and chemist knows, is ‘preparation for growth’ – and in our communities we are ‘growing people.’

Those are the words of the esteemed Canadian playwright and former chair of the Canada Council for the Arts, Mavor Moore, in his introduction to *Creative Connections: Arts and Culture in British Columbia Communities*, the Union of British Columbia Municipalities handbook regarding civic policy development in the arts. The truth of his statement adds to the substance of John Ralston Saul’s comment that “culture is the motor of every successful society.”

This declaration respecting the essential role of artists and creative expression in Canada, which I am putting on the floor of the Senate today, gives action to those statements. Its preamble recognizes “the vitally important role played by artists and the arts in every dimension of Canadian society” and

... emphasizes the need to respect and promote the role of artists and the arts in order to ensure that all Canadians and residents of Canada have equal opportunity to access and enjoy the fruits of artistic expression.

Further, the preamble notes that:

... any measures to implement the Declaration in Canada must take into account the diversity of Indigenous peoples and, in particular, the diversity of the identities, cultures, languages, customs and practices of First Nations, the Inuit and the Métis and of their relationships to the land and their Indigenous knowledge, all of which find expression in rich artistic traditions.

During the past year, I have consulted with over 600 artists and arts workers, singly and in focus groups. Those consultations included people from every region of Canada and from multi-creative disciplines, all ages and diversities. The responses and inputs were positively overwhelming and enriching. Discussions, in English and French, were stimulating and substantive, and participants’ suggestions unquestionably strengthened the document. Creative expression and creative processes are paramount to us as a nation, and in Canada we are truly blessed

with the commitment and substance of artists and their work, the dedication of arts workers and engagement of audiences. I thank all who participated in my discussions for their candour, commitment and creative courage in these truly inspiring national conversations.

I also want to thank my colleagues in every group in this chamber for their support and interest in this initiative. Many of you gave me advice and names of those you felt I should contact. I did so, and I can only say that your input is very much appreciated and truly renders this declaration one with wide involvement. It is with great pleasure that I finally present it to you.

[Translation]

Art is a universal language, and the arts certainly are a lever for social and cultural change. They hold a mirror up to society and examine multiple problems. Arts and culture are at the heart of all communities and diversities, defining the spirit of place, our individual and societal humanity. They are transportative by nature and embody social inclusion, social cohesion as well as our roots and historical experiences.

[English]

One participant in these rich focus groups aptly said, “The power of the arts is increasingly being recognized as a non-negotiable fundamental principle as to who we are.”

Colleagues, the arts are holistic. I want everyone across this country to realize and respect the essential contribution of creative expression to every aspect of society.

Bill Ivey, former chair of the National Endowment for the Arts in the U.S., spoke of three categories of human behaviour, commenting that, “Expressive life is a category of human behaviour, along with work life and family life.” Further, national and international scientific, medical and social humanities research have all proven that “The Act of Participation in, and with, the creative spirit is essential for human and societal growth.”

It is, therefore, to both societal and individual ends that I present this Declaration Respecting the Essential Role of Artists and Creative Expression in Canada.

Why, you might ask? Why now? Who does it affect and what are its goals?

[Translation]

Each of the many focus groups unequivocally stated, with passion and realism, that the arts infuse our quality of life with meaning and direction. Quality of life was central to many of our recent discussions in the Senate on COVID-19 and medical assistance in dying.

[*English*]

A number of seminal milestones in Canada's arts development were referred to by participants as key base points. One of the most important, I think — can you believe it? — was the 1941 Kingston conference, the first-ever national meeting of artists and arts supporters. Travel funds, donated by the American Carnegie Corporation, enabled participants to come to Kingston by train from east and west. Many met each other for the first time.

Their conclusions led to the 1949 Massey Commission for the arts which, following extensive national consultations, reported in 1951. The commission's conclusion was the call to establish the Canada Council for the Arts — a recommendation made in 1951 and finally realized in 1957, only 10 years before Canada's centennial.

Those centennial celebrations themselves showcased the arts of all disciplines in ways not seen before. Boundaries of creative expression were challenged, stretched, and new experiments led to entirely new modes of expression. Coupled with new ease of travel and innovative technologies, the times were heady and exciting — many of us remember them — just as societal norms were changing in multiple dimensions.

The 1980s witnessed a number of arts task forces, including the comprehensive Applebaum-Hébert task force. Other federal commissions studied specific elements in the arts, their impacts and needs.

Most recently, both the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls articulated critical cultural steps. Without cultural understanding, reconciliation will be impossible.

I have spoken in this chamber before about the importance of the arts in realizing the recommendations and ultimate outcomes of both these commissions. I am pleased that, at least in a small way, the work of the Senate's Artwork and Heritage Advisory Working Group has implemented some steps toward "reconciliACTIONS," including the rehang of the work in the Indigenous peoples room, improving regional representation of Indigenous work, and the installation in Committee Room B30 of the first Museums at the Senate — Inuit art from the Winnipeg Art Gallery and the Nunavut collection, representing communities across the Arctic. I can assure you that more will follow.

[*Translation*]

Canada must embrace change and societal realities. Many people of all backgrounds have expressed the very real need for society as a whole to accept and take action on decolonization issues, to ensure cultural democracy and to correct the narrative of Canada's history to include Indigenous peoples, Black people and diverse historical perspectives. The term "excellence" in the arts must also be examined as a criterion for supporting artists. What does that word mean? Who defines it? I submit that the concept of excellence is not black and white, but varies by culture. Furthermore, the creative process is important, just like the product created, and it too must be recognized.

How then do we create an arts and culture "agency" in every Canadian region? It is essential to remember and express our past and present honestly. That is what artists do. They tell stories, through images, words, movements and music, stories of these lands that are thousands of years old and those of today. Without hearing, seeing, absorbing and respecting these stories, we cannot move forward the way we could and should. We must also take care not to create or perpetuate cultural creative ghettos.

[*English*]

Perceptions of the arts must move from being "frill" in contemporary life to that of "anchor." I hope this declaration will assist in balancing multi-needs and dimensions of society and will become the foundation for all arts and cultural policy frameworks, for the intellectual and economic rights of practising creative artists and arts workers, while simultaneously ensuring audiences' and practitioners' accessibility to creative spaces and places. My long qualitative and quantitative societal, anecdotal and empirical research categorically ascertains the core role arts and culture play in resolving and analyzing these societal concerns. Colleagues, the evidence speaks loudly.

For example, the arts anchor employment in Canada, being the country's third-largest employer. Pre-COVID, the arts contributed substantially to the national GDP — as I said the other day, as a result of COVID, not quite so much but significant nonetheless.

As clearly demonstrated this past year, the arts are a major contributor to the physical health, well-being and mental health of Canadians. They are an essential ingredient to learning, particularly for school-aged children and youth — music being a significant aid in learning math. The impact of the arts in crime prevention is also well known. The arts have proven to be a catalyst for rural revival and a voice for environmental threats. Indeed, the International Institute for Sustainable Development's northwestern Ontario Experimental Lakes Area — comprising 58 pristine lakes in Canada's boreal forest, set aside for a unique approach to scientific research — has aligned with the arts.

The institute provides artist residencies in all disciplines. I am told by them that the results are far beyond their original anticipation.

Furthermore, arts and heritage are at the heart of Canada's tourism industry. We must have healthy arts organizations to revive our tourism economy, and obviously, arts organizations cannot survive without artists and creators.

Honourable senators, I worry about the number of artists and arts workers who have left the field given the present crisis of COVID — 12%, according to the Hill Strategies Report of February 24. The inequity in employment and financial supports artists face are considerable. Living conditions and the post-pandemic economic and health security of creators and artists in all fields and dimensions of the creative gig economy must be addressed.

[Translation]

The realities facing Canada right now have created the perfect opportunity to make this declaration about the arts, artists and cultural engagement. We need to find ways to respect the important contributions made by the arts. Who didn't watch virtual events and concerts or take virtual tours of art galleries and museums when we were living in isolation, without performing arts?

Who isn't moved and touched by the creative gifts of artists when communities experience traumatic events? In troubled times, we turn to the arts and artists. Who among us was not preoccupied with quality of life issues as we studied and explored the issue of medical assistance in dying? We know that arts and culture have stimulating, comforting and beneficial effects on health.

[English]

Yet, the arts and artists still seem bound in silos, regarded as leisure-time activities and seen as a privilege rather than as essential for the growth of community, people and our nation. Unfortunately, the arts have been classified as part of the voluntary sector, likely because so much person power in the field is voluntary. This classification is not a proper reflection of the value of the sector. Why? Because this essential sector is led by the passion and insights of professional artists and arts workers who in turn engage volunteers, students and emerging professionals in their work and visions.

Throughout my career, I have worked closely with professional artists and arts workers of all diversities and at all stages of their careers. I thank them for their insights, truths, risks and unwavering questioning and experimentation. This declaration is about honouring and respecting Canada's creators and arts workers, who forge truly meaningful relationships throughout society. It aims to underline that comprehensive understanding of, and for, the creative process.

[Translation]

This declaration respects practising artists, people who work in the arts, and the public and helps them support themselves, whether they are Indigenous, non-Indigenous, immigrants or born in Canada, in every region of Canada. It honours the creation, presentation and distribution of their work and calls for the fair and equitable treatment of artists in their working and contractual relations, guaranteeing a basic standard of living, copyright protection, access, and freedom of expression and association.

[English]

This includes all practising artists of all diversities, throughout their careers, as well as the arts workers who present that creativity and engage audiences. In recent discussions, I was challenged by a university professor to select three artworks symbolic of my goals as a senator. It was tough. I did!

The first was Winnipeg artist, Don Proch's 2019 grain elevator sculpture *From Asessippi to Altona*. He links past traditions to new realities: the lush, rural prairie, new and old technologies and today's environmental threats from acid rain.

The second is Métis artist Val Vint's 2020 poignant public sculpture *Education is the New Bison*. Installed at the Forks in Winnipeg, this 12-foot bison is created from steel books by Canadian Indigenous authors.

The third is by B.C. Indigenous artist Arthur Vickers from Cowichan Bay — his 2011 *Intangible Heritage*. Made of clears, lacquers and gold powder, and sized and gilded with hand-layered gold leaf, it portrays his cultural and ancestral roots. With arms reaching to future generations, it looks forward. While his complex imagery is traditional, his technique and vision are truly innovative and groundbreaking.

Together, these three works reflect the key premises of this declaration for artists, arts organizations and audiences as they herald the past, present and future, tradition and innovation, respect and support, and honour and engagement.

Scholars define the four pillars of sustainable communities as social capital plus human capital plus natural capital plus cultural capital. Without that fourth pillar, society is an unbalanced, three-legged stool. Australia's Jon Hawkes, author of *The Fourth Pillar of Sustainability: Culture's Essential Role in Public Planning*, has said:

Creativity equals light from the dark.

Art equals fire from the light.

Culture equals warmth from the fire.

This declaration is the platform and vision for that creativity, light, art, fire, culture and warmth. It sets out guiding principles, vision and core values for artistic and creative expression and access, and those for policy and legislative development.

More than 10 years ago, long before I was a member of this chamber, I set out a case for a Canadian cultural bill of rights giving access to arts and culture to all, ensuring intellectual property and benefiting everyday life.

Honourable senators, I feel the Senate is the appropriate body to launch this initiative and make our country a better place for all. Basic human rights are enshrined in the 1948 United Nations Universal Declaration of Human Rights and the subsequent International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the 1980 UNESCO Status of the Artist and the Universal Declaration on Cultural Diversity. Canada is a signatory.

However, we have not yet acted fully or sufficiently.

Focus-group participants in the past year deemed with me that intersecting our philosophy and affirmation of the arts with the relevant UNESCO declarations and documents is fundamental. They collectively and strongly underlined that Canada must clearly position the arts and culture at the centre of policy and delivery in, with and for the arts and wider society.

[Translation]

What's more, the declaration draws on other reports and objectives of the Senate. Paragraph 8 seeks to ensure that:

Canadian artists have the right to be represented to the rest of the world, and the public has the right to know about and explore art through the ages from all parts of the globe.

This is based on the 2019 Senate report entitled *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy*. Canadian Heritage is developing strategies to implement the study, and Global Affairs Canada and the Canada Council for the Arts have adopted its objectives and principles.

Canada is made up of communities and cultures, of federal, provincial, municipal and First Nations governments. Each has its own mandate and frame of reference. There's often a lack of connection and understanding among them. I worry that this reality is only exacerbating siloing.

In times of prosperity, the arts benefit from a certain level of financial support. In times of want, they are often sidelined, their funding programs slashed without prior analysis or consideration for the negative impact on individuals' physical and mental health or society as a whole.

Cuts may balance a budget in the short term, but they can cost society as a whole dearly in the long term. We forget, at our peril, that it is wise to invest in the arts. Arts and culture pay us back in both tangible and intangible ways. For years, I have observed that the arts provide governments with tax revenue worth over three times what they receive in total arts funding from all three levels of government. That is in addition to the hope, vision and comfort the arts provide.

[English]

Therefore, the declaration states:

The essential role and contribution of the arts, culture and heritage to the health and the social and economic well-being of everyone in Canada, including all aspects of social justice and reconciliation, is hereby recognized and affirmed.

And:

Artists have the right to the intellectual property in and copyright for their work; to be free from cultural appropriation; to equity in employment and to economic security; and to be accorded recognition for the value of their work, which is integral to our nation's economic health.

On a practical level, Indigenous artists are losing significant income from the illegal international appropriation of their images and symbols and the unauthorized taking of crests and icons for the tourist trade. I hope this declaration will support the strengthening of copyright and tax provisions.

COVID has been devastating for practising artists, arts workers and arts organizations. The sector has been all but shut down for creators and audiences. As it restarts, the road is tough, as I hear daily.

Testimony at the October 30, 2020, Standing Committee on Canadian Heritage revealed that:

Real GDP in the arts, entertainment and recreation sub-sector stood at \$7.3 billion in July 2020 against \$15.6 billion in February 2020. This is a decrease of more than 50% in just four months.

Other studies have substantiated the crisis. For instance, the first finding of a poll released by Abacus Data on Feb 8, 2021, was that "85% of Canadians believe that the pandemic will have a negative impact on arts and culture." It has.

The February 24, 2021, Arts Research Monitor reported on two surveys: one with individual artists and the other on arts organizations. Both conveyed alarming news. One in four arts workers lost their jobs; and between 2019 and 2020 "there was a 37% decrease in hours worked in arts, entertainment, and recreation industries." The performing arts and heritage institutions subsectors registered a 35% decrease. In other words, the report cited, "these cultural workers lost more than one in every three hours worked . . ." Of the 1,273 artists and arts workers who responded to the survey:

. . . 71% of respondents were working less in the arts and culture sector in November than before the COVID-19 pandemic, including 12% who are no longer working in the sector. . . . 68% of individuals reported a lower expected income than what they were originally projecting . . . .

We know in good times the largest percentage of people working and earning below the poverty line are artists. That number has now magnified manyfold. Therefore, respect must include the human rights of fair contracts, fair wages and fair benefits.

Knowing the data documenting the essential integration of the arts throughout society, we have the responsibility to connect the dots of access with and to creative expression in all fields. Paragraph 7 of the schedule notes:

Artists in all disciplines have the right to earn a prominent presence in public life through their art — including public art presentations — and to the incorporation of their voices and artistic visions in democratic debate.

It is also important, as the declaration states in paragraph 9 of the same schedule:

Artists, arts organizations and production companies in Canada have the right — and should have the arm's-length support and capacity — to take risks and invest in creative innovation while serving communities and the public interest.

And at paragraph 10:

Everyone in Canada, including artists, has the right to be free from discrimination, including racism, ageism and all stigmas, and artists, including those with disabilities or those who are deaf, have the right to barrier-free physical access to places and spaces to create, perform and present their work in both behind-the-scenes spaces and on stages and in galleries, museums, studios and practice spaces, and through online and digital opportunities.

My goal is that this declaration will be the foundation for ongoing policy development in multiple ministries, including the museum policy articulated in the former Heritage Minister's mandate letter; the Black cultural policy recently called for by the Parliamentary Black Caucus; the means to realize the goals of reconciliation with real reconciliATIONS; and the addressing of hallway medicine, mental health, global affairs and much more. In other words, to be the vision for improving society by ensuring the arts and creative expression are recognized and affirmed.

[Translation]

There are some big underlying questions that I have been ruminating on for decades now. To whom does culture belong? Who gets to determine one's future? Where does policy come from, from the top down or from the bottom up? What is the right balance between governments' philosophies and the needs of the public?

The questions involving the need for public participation and creative education for people of all ages are addressed in paragraphs 2 and 3 of the declaration, which appears in the schedule to Bill S-208. It states that:

Everyone in Canada, including artists, has the right to freedom of expression and association, especially on issues and at times of public debate.

Canadians and residents of Canada of all ages, cultural diversities and backgrounds have the right to know and participate in their artistic memory and collections and in their material and built heritage, which together define our histories and experiences and our individual and community traditions.

[English]

And that:

People in Canada of all cultural diversities and backgrounds have the right to take part in the arts through access to and attendance at artistic events, including music, literature, drama, visual arts, film, dance, theatre and all performing arts.

And also:

People in Canada of all ages, including children and youth, have the right to engage in artistic creativity and the expressive arts, including the right to learn and acquire the

knowledge and the creative processes and skills needed to play a musical instrument, draw, dance, compose, write, design or otherwise live a life of creative innovation.

Honourable senators, valuing creative talent values all Canadians — their voices, well-being, sense of identity and sense of belonging — while simultaneously enriching our economy and enhancing our international profile and understanding. I had high school students to people in their nineties, and one young focus group participant opined that, "The role of the artist as the storyteller is key to humanity and society."

Youth participants, however, also talked about discouragement, stress and fear of the economic aspects in entering their art careers. I know they will change and improve the system, but they need help as they find new ways of creating and engaging. Those who may not be art stars, but who have much to say and contribute, need encouragement.

In closing, let me quote some recurring opinions that ran through our sessions. One participant said, "This is ambitious and historic. It will be a milestone." Another said that:

The multi-faceted nature of the arts and the many diversities and First Nations it reaches has its own tensions and complexities. It is important, and time, to address the breadth of issues it involves for artists, arts workers and audiences.

Finally, a third felt that, "It is a form of cultural democracy recognizing history, tradition, now and the future."

Honourable senators, artists are rightly regarded as thought leaders. They are visionary and honest in their work.

[Translation]

The arts have close ties to both the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

They were a major theme of our discussions. Participants said that the Declaration on the Essential Role of Artists and Creative Expression in Canada provides a basis for honouring the creative community, recognizing Indigenous languages as a key part of Indigenous culture, and promoting understanding of and protections against cultural appropriation.

[English]

It also touches on the rights of future generations. Richard Hunt, Kwakwaka'wakw artist, has said over many years, and again last month that:

When I make something, I am claiming rights to it for myself, and at the same time for our children and all Kwakwaka'wakw people. They are the ones who really own it.

In our sessions, musician and writer Tom Jackson articulated this so aptly:

Art is not power; it proclaims truth, history, memory and future vision simultaneously. It is a reality and at times a tension between what is and what should be.

He added, “Art saves lives.” Such a powerful truth. He noted art embraces compassion, empathy and hope, and “. . . talks to us, moves us through its tools of change.” Why? He said, “People must understand emotion — from the heart and not just dollars.” I agree wholeheartedly.

The 10 short points in this declaration respecting the essential role of artists and creative expression in Canada provide the base for cultural recognition in Canada’s social, developmental,

innovation and international policies. Giving access to the past and present, it will contribute to a vibrant future, and be an important element in reconciliation, in addressing racism and many critical concerns through society. As I have written in other contexts, artists’ voices raise critically important societal concerns. We must listen to those voices in all their creative media. They tell us so poignantly who we are, what we must cherish and what we must address as a society.

Honourable senators, you know I believe we are all better off when we are all better off. This declaration gives the opportunity to make many situations better and Canada’s creators and communities better off. I ask for your support of this declaration respecting the essential role of artists and creative expression in Canada. Thank you.

---