

Copyright 2024. Toronto Star Newspapers Limited. Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission. All Rights Reserved. The present document and its usage are protected under international copyright laws and conventions.

PubliC Certificate issued on April 28, 2024 to English Account NG C3 for personal and temporary display.
news:20240301-TTA-20240301-70779766

Source name	Friday, March 1, 2024
Toronto Star (ON)	Toronto Star (ON)
Source type	
Press • Newspapers	• p. A14
Periodicity	
Daily	• 686 words
Geographical coverage	
Provincial	
Origin	
Toronto, Ontario, Canada	



Online harms legislation a good start

It's an unfortunate reality that it is often hate, not love, that unites different groups. Or more precisely, uniting to combat it. For proof of this truth look no further than this week's Ottawa press conference where federal Justice Minister Arif Virani took questions about the Liberal government's long-awaited and long-debated Online Harms bill.

The minister was flanked by child protection advocates, prominent Jewish and Muslim groups, as well as victims of online hate, all supporters of the bill, tabled this week, that aims to regulate hateful and dangerous content on the internet and protect children from sexual abuse.

"Bad actors target our most vulnerable: our children," Virani said, "and encourage impressionable people to commit violence."

Indeed, just last week a Superior Court justice deemed the 2021 murder of the Afzaal family in London, Ont. a "text-book" act of terrorism. The white nationalist terrorist responsible for the hate crime was radicalized online where he spent hours consuming Islamophobic content. It is precisely this type of content, as well as sexually explicit content

involving children and other harms that the bill seeks to regulate.

Considering its long, rather tortured development, expectations for the federal legislation were understandably low. But it is encouraging to see that what was revealed this week is a well-considered foundation upon which to tackle the serious and increasing harms of content posted online. Given the disturbing proliferation of those harms, new measures can't come soon enough.

The legislation would see the establishment of a Digital Safety Commission of Canada and a Digital Safety Ombudsperson of Canada. According to the federal government, "the commission would oversee and enforce the new regulatory framework and the ombudsperson would act as a resource and advocate for users and victims."

Additionally, the legislation would target seven types of harmful content, including that which sexually victimizes a child or survivor of sexual abuse, intimate content shared without consent, content that fomented hatred and content that incites violent extremism or terrorism. (Private messages would not be targeted).

The act would ensure that social media

services are obligated to wipe reported content containing child sexual exploitation from their sites within 24 hours or face a potential fine of several million dollars. Bill C-63 also proposes changes to the Criminal Code and the Canadian Human Rights Act that would establish a new hate crime offence enabling a penalty of life imprisonment for the crime of inciting genocide.

Though we believe many elements within the legislation are a long time coming, we think elements need further discussion.

For example, we are concerned that some of the proposed penalties are excessive. The possibility of house arrest to pre-emptively stop hate speech - despite the promise of checks and balances - needs to be carefully weighed.

The broad authority of the Digital Safety Commission to conduct investigations and levy penalties risks being too broad in the eyes of some. "The breadth of powers is remarkable... questions about Commission oversight and accountability will be essential," Michael Geist, a law professor at the University of Ottawa, wrote in a blog about the legislation.

There are concerns about the precision

of the definitions for some of the harms and whether an overly broad interpretation could chill free expression.

The legislation would allow individuals and groups to file human rights complaints against people who post hate speech online. While seen as one potential remedy to curb the spike in online hate, it's easy to envisage the Canadian Human Rights Commission getting overwhelmed.

Overall, the legislation is a welcome package that holds the promise of reigning in an online world replete with hate speech, bullying, harmful sexual images and extremist threats. The measures it proposes are good and certainly far better than the status quo. However, it is incumbent on all political parties to fine tune the legislation so that it is not open to abuse. For while there is immense danger in an online world free of regulation, there is also danger in an online world that is overly regulated. Now it is up to our politicians to strike the right balance.