



BILL C-63: ONLINE HARMS

February 2024

Lac Laberge, Territoire du Yukon, Canada. Shutterstock

Why is this Bill needed?

Online platforms are Canada's digital public square

Canadians are exposed to harmful content at increasing rates*

Canadians want action; users and victims need better tools to have a safer online experience

Lack of accountability and transparency on how platforms protect users from harmful content



Objectives

- Reduce harmful content online
- Promote safety
- Protect children
- Empower users & victims
- Hold platforms accountable
- Inject transparency

* Between 2012-2013 and 2022-2023, RCMP National Child Exploitation Crime Center reports have **increased by 1,077%**

According to a recent study, **62% of women and girls in Canada** between age 15 and 25 have been harassed or abused online

4/10 Canadians are exposed to online hate speech on a monthly/weekly basis

Online Harms Bill would:

1

Reduce exposure
to harmful
content online

*New Online Harms
Act*

2

Better address and
denounce hate
propaganda and
provide recourse
to victims of hate

*Amendments to
the Criminal Code
and the Canadian
Human Rights Act*

3

Strengthen
reporting of child
pornography

Amendments to
reporting law

*An Act respecting the
mandatory reporting of
internet child pornography by
persons who provide an
internet service*

New Online Harms Act

Objectives:

- Reduce exposure to harmful content and empower and support users
- Put in place special protections for children
- Make online services accountable for and transparent about how they are reducing exposure to harmful content

Services covered

- Social media services
- Live streaming services
- User-uploaded adult content services

7 categories of harmful content

Content that sexually victimizes a child or revictimizes a survivor

Content used to bully a child

Content that induces a child to harm themselves

Content that incites violent extremism or terrorism

Content that incites violence

Content that foments hatred

Intimate content communicated without consent, including deepfakes

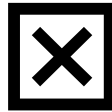
How will it work in practice?

Online services will be subject to three duties:

1. Duty to Act Responsibly



2. Duty to Make Certain Content Inaccessible



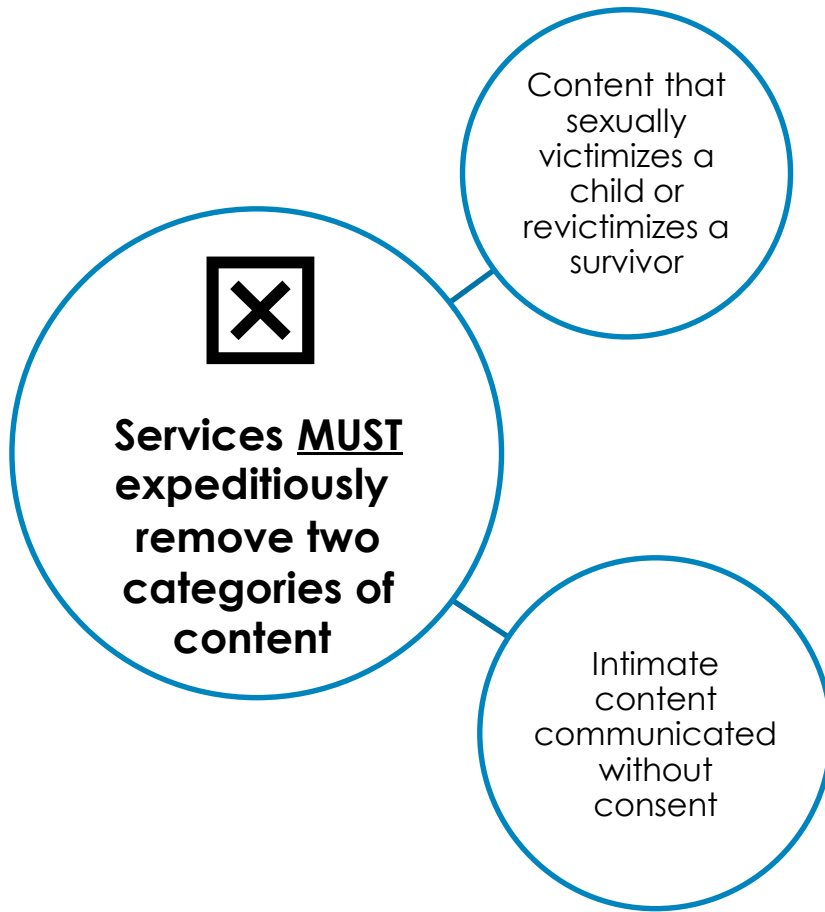
3. Duty to Protect Children



Duty to Act Responsibly



Duty to Make Certain Content Inaccessible



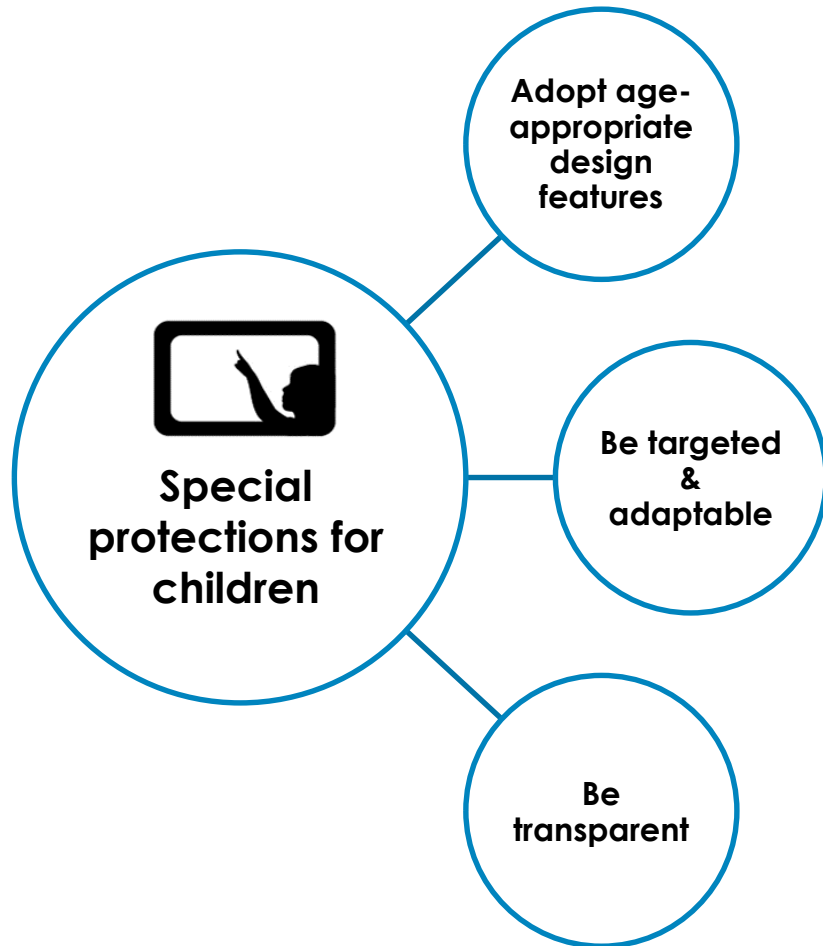
Users will be able to:

- 1. Flag the content** directly on the online service; and/or
- 2. File a complaint** to the Digital Safety Commission

Both channels would screen for frivolous flags/complaints

Both channels result in removal within 24 hours, subject to oversight and review

Duty to Protect Children



Age-appropriate design:

- **Put child safety first** when designing products and features
- A widely accepted concept internationally (ex: UK, Australia, EU)

Examples:

- Parental controls
- Content warning labels for children
- Safe search settings for children
- Rules around targeted content or ads directed at children
- Different data collection settings minimizing risk to children
- Default settings for who children can interact with
- Automatic disabling of certain features

What online services are covered?

Type of Service:

Social media, user-uploaded adult content, and live-streaming services



User Volume:

Above a **threshold of users** to be set out in regulation

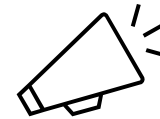
- ✓ The purpose is to capture social media services that **Canadians use the most**
- ✓ **Private and encrypted messaging services** are excluded
- ✓ The Governor in Council can **scope in additional social media services below the threshold when they pose a significant risk of harm**

New Organization

1. Digital Safety Commission



2. Digital Safety Ombudsperson



3. Digital Safety Office



Digital Safety Commission

5 Members appointed by the Governor in Council

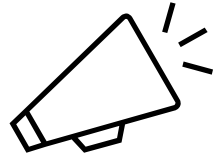


**Enforce rules & hold
services accountable**

**Order removal of content that
sexually victimizes a child or
revictimizes a survivor +
intimate content
communicated without consent**

**Build resilience and set
norms in online safety**

Digital Safety Ombudsperson



Independent Ombudsperson appointed by the Governor in Council

**Support and advocate
for users**

**Guide users towards
additional resources;
provide information on
complaints/recourse
options**

**Gather info from and
consult with users and
victims**

**Make
recommendations to
social media services, the
Commission and the
Government**

Criminal Code Amendments

Objective: better address and denounce hate crimes

- New standalone hate crime offence that would apply to every offence in the *Criminal Code* and in any other Act of Parliament, allowing penalties up to life imprisonment to denounce and deter this hateful conduct as a crime in itself, rather than as an aggravating factor to help determine and appropriate sentence
- Raise the maximum punishments for the four hate propaganda offences (sections 318 and 319), from 5 years to life imprisonment for advocating genocide, and from 2 years to 5 years for the others when prosecuted by way of indictment
- New peace bond designed to prevent hate propaganda offences and hate crimes
- Add a definition of “hatred” to section 319 of the *Criminal Code*, consistent with decisions of the Supreme Court of Canada to help people understand what hatred means and what it does not mean

Canadian Human Rights Act Amendments

Objective: ensure better recourse for victims of hate

- Specify that posting hate speech online is discrimination
- Empower people to file complaints against the person posting the hate speech at the Canadian Human Rights Commission
- Create a fair and efficient process for assessing hate speech complaints
- Allow the Canadian Human Rights Tribunal to adjudicate disputes and to order the poster:
 - to remove the hate speech
 - to compensate victims identified in the hate speech up to \$20,000

Amendments to An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service

Objective: strengthen reporting of child pornography to enhance criminal justice system response to this crime

- Ensure the Act is clear that it applies to social media platforms and other application-based services
- Create authority to centralize mandatory reporting of child pornography offences through a designated law enforcement body. This will permit designation of a body with relevant expertise.
- Extend data preservation from 21 days to one year to ensure data is available for criminal investigations of child pornography and extend the limitation period for prosecutions of an offence under that Act from 2 to 5 years for a longer period to prosecute failures to report.
- Enhance transparency by requiring that the designated law enforcement body make reports annually to Ministers
- Require the provision to police of transmission data that could assist in the investigation with required reports, where the content leading to the report is manifestly child pornography

What does it mean for Canadians?

Canadians will benefit from:

- ✓ Reduced exposure to harmful content
- ✓ Special protections for children & stronger reporting of child pornography
- ✓ Public oversight of and accountability from online services, including better data on how they protect their users
- ✓ Strengthened *Criminal Code* provisions against hate propaganda and hate crimes
- ✓ Improved safety over time – both online and in communities

The Bill will give Canadians the tools to:

- ✓ Flag harmful content + request the expeditious removal of content that sexually victimizes a child or revictimizes a survivor and intimate content shared without consent
- ✓ Submit complaints and report non-compliance to the Digital Safety Commission
- ✓ Contact Digital Safety Ombudsperson to receive support and be directed to the right resources
- ✓ File complaints with the Canadian Human Rights Commission when facing online hate

Annex 1: What we heard

Consultations with citizens, communities, experts, civil society, the industry, and Indigenous partners showed:

- Strong desire for the government to act and for platforms to be held accountable and be more transparent about how they protect their users
- Support for a framework that mitigates risk of exposure to harmful content
- Consensus that children are the most vulnerable online and need protection
- Significant harms have been faced by victims of child sexual abuse material and individual's intimate images and videos shared without consent
- Need for more support & resources for users and victims, including an ombudsperson function
- Support for the creation of an independent, credible and effective regulator
- Importance of digital literacy for users to know what to do when facing harmful content