

Question 1: How does Bill C-63 define "online harms," and what specific types of content are targeted?

Answer: The premise of Bill C-63 is to transfer existing protections from the real world onto online spaces, which is so important as we are currently seeing a rise in hate. Too often, online aggression, bullying and harassment turn into real-world violence and fatalities, and we must root it out at the source. We have a duty to act responsibly, a duty to protect children, and a duty to make certain content (e.g., content that sexually victimizes a child or revictimizes a survivor) inaccessible.

The *Online Harms Act* identifies seven categories of harmful behaviour:

- Content that sexually victimizes a child or revictimizes a survivor;
- Intimate content communicated without consent;
- Content that incites violent extremism or terrorism;
- Content that incites violence;
- Content that foments hatred;
- Content used to bully a child; and
- Content that induces a child to harm themselves.

Question 2: The bill includes amendments to the Canadian Human Rights Act. Can you elaborate on these amendments and their implications for online interactions?

Answer: We took time with this bill because we desperately wanted to get it right. We wanted to learn which countries took it too far, and which countries did not take it far enough.

We have included provisions that are speech-empowering. So much civic engagement occurs online in 2024 and we want to make sure that everyone has access to that discourse – unfortunately, we have found that it is not open and safe for everyone due to the kind of harmful content this bill is targeting.

The amendments to the Canadian Human Rights Act include the creation of a stand-alone hate crime offence, an increase in the penalty for advocating and promoting genocide, as well as the creation of a peace bond to prevent individuals from committing hate crimes or hate propaganda offences.

The definition of hate under Bill C-63 would be the Supreme Court's definition of hate. This includes expressions of detestation and vilification – not simply expressions of disdain or dislike. There is a lot of speech that is "awful but lawful" – this is not what we are targeting.

We are also not targeting private communication. People fear that because of this bill, everything they say online will be subject to a broad regime. However, as an example, emails between two people are not within this bill's purview and will not be the subject of any vetting whatsoever.

Question 3: The Bill proposes to amend the Criminal Code to create a peace bond to prevent individuals from committing hate crimes or hate propaganda offences. So, a peace bond can be issued when a crime has not been committed. How is this not infringing the presumption of innocence?

Answer: Peace bonds are a well-established way of minimizing the risk of harm to vulnerable individuals. Typically, a successful application results in an order for an individual to stay a certain distance away from the applicant. There is a high threshold required for a peace bond to be granted, and they are often time limited.

Question 4: What is to stop the government from appointing partisan operatives at the Digital Safety Commission? What mechanisms will be in place to appeal or contest decisions made under the Online Harms Act?

The person overseeing these decisions will be voted on by all House of Commons representatives. The objectives of this bill (for example, the protection of children online) should not be partisan issues.

There will be all sorts of safeguards and procedural fairness guarantees to ensure that the system is not abused. There will be three different opportunities to clarify the meaning of any online content that is flagged, and on top of that, the Attorney General will need to greenlight any investigation.

Question 5: Bill C-63 proposes to amend the Mandatory Reporting Act. What is this Act and what are the changes?

The changes to the Mandatory Report Act under Bill C-63 make it clear that large social platforms must report to the RCMP if they suspect there are child sex predators engaging online.

The current requirement for data preservation is 21 days, and this bill would expand it to one year. The bill would also ensure that we preserve evidence in police investigations for five years rather than the current two-year standard.