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DES MUSULMANS
CANADIENS**

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ORAL SUBMISSIONS ON ONLINE HATE

**THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS
HOUSE OF COMMONS | MAY 9, 2019**

OPENING STATEMENT BY
MUSTAFA FAROOQ, EXECUTIVE DIRECTOR

- Check against delivery -

Introductions

Thank you Mr. Chair and members of the Committee for the opportunity to offer our thoughts on this committee's study on online hate. My name is Mustafa Farooq. I am the Executive Director of the National Council of Canadian Muslims. I am joined today by Leila Nasr, Communications Coordinator for the Council.

By way of background, NCCM was founded in 2000 as an independent, non-partisan and non-profit grassroots organization dedicated to defending the human rights and civil liberties of Muslim communities living in Canada.

The NCCM has a long-standing record of participating in major public inquiries, intervening in landmark cases before the Supreme Court of Canada, and providing advice to security agencies on engaging communities and promoting public safety. With the independently documented rise in racism, and Islamophobia faced by our communities, we are concerned about online hate. Since the Quebec Mosque massacre- and we are here with our friends, brothers, and sisters from the Quebec Mosque - many Canadian Muslims are on edge.

Justice Huot, in his decision on Alexandre Bissonnette, held that it was clear on the evidence that he consulted sources on the internet before carrying

out attacks on our Canadian brothers and sisters. Bissonnette was on Youtube, he was on Facebook, and he was consulting #MuslimBan on Twitter. There is no clearer evidence of the existential threat presented by the dangers of online hate to the Canadian Muslim community, but also to Canadians in general. Our brief goes into more detail in providing more empirical data, and summarizing some of these potential harms relating to the effects of online hate on other communities, including the rise of anti-Semitism, the growth of the incel community, and issues around democracy and misinformation.

My submissions before you today are squarely around three key recommendations. Firstly, we are asking that the government reopens the *Canadian Human Rights Act* - the CHRA - for legislative review. Secondly, we are asking that the government begins a specific parliamentary study on creating a new regulatory system that would include some form of penalizing social media companies for not taking down material that breaches the Criminal Code and human rights legislation. Such a study would focus on creating the framework for a regulator that is effective, does not limit freedom of expression, and does not overly burden industry. Thirdly, we are asking that the government considers combatting online hate through digital literacy grants so that industry and civil society actors can conduct research, and develop tools and programming to combat online hate.

Legislative Review of the CHRA

First, let us discuss reopening the Act. Many of our colleagues and friends have already made submissions before you on the question of the since-repealed section 13 of the CHRA. Indeed, in the invitation to the public from this Committee, the repeal of section 13 was specifically identified as a gap in the legislation in combatting online hate.

We take no position on the controversy that led to section 13 eventually being repealed. However, it is clear that many academics, activists, and policy makers believe that section 13, or a version of section 13, should be revisited by way of legislative amendment to the CHRA.

This is not our position. The case law around section 13 demonstrates that section 13's utilization was not in line with what we might deem to be best practice. Indeed, despite the controversy around section 13, complaints arising from the section constituted only 2% of the total number of complaints brought to the Canadian Human Rights Commission.

Rather, we recommend that government initiate a comprehensive legislative review of the CHRA. If we examine, for instance, the 181 page report in 2000 from the Canadian Human Rights Act Review Panel, the Review Panel put forward a robust and well considered analysis of the Act, which at the time, had not been comprehensively reviewed since 1977.

We believe that the CHRA is due for such a comprehensive review process, especially in the rise of modern forms of hate, violence, and discrimination that have arisen in the last two decades since the original review. Such a comprehensive review process would not only enable a panel to review the overall impact of a revised section 13, but would be able to review the impact of such a provision in light of the entire Act. Revisiting the Act would allow parliamentary study on other issues related to the Commission, including addressing the backlog of cases. I can answer more questions about that if questions arise.

A Study on Social Media Governance

Moving on to our next recommendation, it is clear that the current state of affairs, where online hate spreads rapidly through social media networks, is not healthy for democracy or safety in Canada. A number of jurisdictions, like Germany and Australia, have already acted to address these concerns.

However, we would not recommend that the government adopt a single model from a particular system. Rather, we recommend that a formal parliamentary study is begun on the question of regulating social media companies specifically. Such a study would generate the appropriate exploration it deserves through internal Government of Canada experts, as well as external experts in human rights legislation, academics, and industry.

The parliamentary study would explore how to create a new regulatory system that would include some form of penalizing social media companies for not taking down material that breaches the *Criminal Code* and human rights legislation. The study would ensure that the new regulatory system is effective, does not improperly limit freedom of expression, and does not overly burden industry.

Education and Prevention

Lastly, as alluded to above, we recommend that government adopt changes to provide further digital literacy training to Canadians, so that Canadians, and especially young Canadians, can deal with hate and misinformation online.

The UN Report of the Special Rapporteur on minority issues in 2015 held that education and building resilience were key elements to combatting online hate targeting minority communities. Our recommendation to the government is to consider creating a special grant program to develop digital literacy programming. Such a grant program would be available to academics, entrepreneurs, anti-racism organizations, and NGOs who have expertise in thinking about digital literacy, democracy, and online hate. It would also allow the government to foster further innovation in Canada. It would provide grants to everything from psychologists conducting research, to funding programs directly addressing anti-Semitic beliefs amongst a given population.

I also note in closing that we expand significantly on the submissions before you today in our full brief that has been submitted.

Subject to your questions, that concludes my submissions.