

Liberals' "online hate" bill contains \$70K fines for speech and life imprisonment for hate crimes



Cosmin Dzsurdzsa writes in [True North](#):

In a move aimed at curbing the spread of what it terms "online hate," the Liberal government of Canada has revealed its plan, including hefty fines for online speech and stringent punishment including up to life imprisonment for hate crimes.

The centrepiece of this initiative is the proposed Online Harms Act, details of which were unveiled during a technical briefing released to reporters on Monday.

Among the categories of harmful content identified in the act are materials that incite violent extremism or terrorism, promote violence, or foment hatred.

The bill will include amendments to the Criminal Code aimed at

addressing hate crimes more effectively. The Online Harms Act, also known as Bill C-63 was tabled by Liberal Minister of Justice Arif Virani in the House of Commons on the same day.

These amendments include the introduction of a standalone hate crime offence applicable across all criminal offences, with penalties extending up to life imprisonment.

Maximum punishments for existing hate propaganda offences are also set to be increased substantially.

“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,” the technical briefing explained.

The bill would also raise “the maximum punishments for the four hate propaganda offences from 5 years to life imprisonment for advocating genocide and from 2 years to 5 years for the others when persecuted by way of indictment.”

Also, the bill would add a definition of “hatred” based on the past decision of the Supreme Court of Canada to the Criminal Code.

The text of the bill defines “content that foments hatred” as any content “content that expresses detestation or vilification of an individual or group of individuals on the basis of a prohibited ground of discrimination, within the meaning of the *Canadian Human Rights Act*, and that, given the context in which it is communicated, is likely to foment detestation or vilification of an individual or group of individuals on the basis of such a prohibited ground.”

“For greater certainty and for the purposes of the definition content that foments hatred, content does not express detestation or vilification solely because it expresses disdain or dislike or it discredits, humiliates, hurts or

offends," adds the government.

Additionally, private messaging and communications like WhatsApp and other platforms are excluded from the scope of the legislation.

Anybody will also be able to file complaints against others for "posting hate speech online" that is discriminatory against protected categories such as gender, race, disability and others.

Amendments to the Canadian Human Rights Act will let anybody file complaints against persons posting so-called hate speech with the Canadian Human Rights Commission. If found guilty, the Canadian Human Rights Tribunal can order those found to violate the government's definition of hatred with fines up to \$70,000 and takedown orders for content.

According to the text of the bill, the Tribunal has the power to order payments of up to \$20,000 for victims of so-called online hate, as well as an order to pay the government \$50,000 "if the member panel considers it appropriate."

In 2014, a similar provision under the Act dealing with online hate messages was repealed by former Prime Minister Stephen Harper after it was found to have violated the freedom of expression rights of Canadians.

The Liberals have pledged to reintroduce Section 13 which deals with "communication of hate speech" over the internet.

"It is a discriminatory practice to communicate or cause to be communicated hate speech by means of the Internet or any other means of telecommunication in a context in which the hate speech is likely to foment detestation or vilification of an individual or group of individuals based on a prohibited ground of discrimination," Bill C-63's text reads.

The Tribunal will also have powers to hide the identity of

those who bring complaints against anybody whom they deem to have posted online hate speech. Additionally, it can compel those who face complaints to not reveal the identity of those involved upon discovery.

“The Commission may deal with a complaint in relation to a discriminatory practice described in section 13 without disclosing, to the person against whom the complaint was filed or to any other person, the identity of the alleged victim, the individual or group of individuals that has filed the complaint or any individual who has given evidence or assisted the Commission in any way in dealing with the complaint,” Bill C-63 reads.

To enforce rules surrounding harmful online content, including materials that sexually victimize children and deepfakes, the government plans to establish a new organization. This body, comprising the Digital Safety Commission, the Digital Safety Ombudsperson, and the Digital Safety Office, will work to ensure compliance with regulations and protect users from online harm.

Meanwhile, the role of the digital safety ombudsperson will extend to advocating for users’ rights and interests in the digital realm, serving as a watchdog for online safety issues.

Prior to the bill’s unveiling, Conservative leader Pierre Poilievre said he would [oppose the law](#), accusing the government of using the issue to legislate censorship and infringe Canadians’ free speech.

“We will oppose Justin Trudeau’s latest attack on freedom of expression,” Poilievre responded to a question from True North’s Andrew Lawton last week.

“What does Justin Trudeau mean when he says the worst hate speech? He means speech he hates.”