OP-ED: ***Social Media Regulation: Canada's No Man's Land***

The Internet and social media have been one big grey area in international legislation. With Japan's controversial new legislation punishing "online insults" to France's Constitutional Council finding it unconstitutional to force general users to delete hate speech, countries have been scrambling to figure out ways to regulate social media activities. The laws imposed by these federal governments have sat on a spectrum of overregulated and underregulated.

It wasn't until 2020 that Canada tried to push for social media legislation with Bill C-10, which was recently updated and deemed as Bill C-11. The infamous Bill C-36 was eager to propose the regulation on online hate speech, only to be tabled in July 2021. The main issue with passing legislation like this is figuring out the line between inhibiting one's constitutional rights while also preventing harmful rhetoric from spreading like wildfire. In addition to this, who gets to regulate it? Much to our dismay, the Canadian government has yet to provide the public with such answers.

Bill C-11, also known as the Online Streaming Act, sheds some light on who gets jurisdictional powers over social media. Bill C-11 expands the Canadian Radio-television and Telecommunications Commission's (CRTC) jurisdiction to content-based platforms like TikTok, YouTube, Spotify, and other podcasting platforms. Their powers are only limited to content regulations on user consumption. In terms of which programs the CRTC gets to regulate, it is based on revenue and whether it has a "unique identifier under an international standards system". They do not have direct jurisdiction over general users on social media platforms. This makes determining who gets jurisdiction over social media an unattended grey area.

Switching gears briefly, it is important to understand why regulation is necessary in the first place. Under section 319(1) of the Criminal Code, "communicating statements in a public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace" is a punishable offense. It tackles the mode of expression and the effect these statements have on a specific group.

Now, social media is a tricky subject in this regard. Social media is deemed a public hotspot for individuals to express private opinions. With platforms like Twitter, Reddit, and TikTok, niche topics can spread as long as the algorithm allows it. Before social media existed, finding communities that harbour similar beliefs was often an arduous task. Especially if someone were to live in a small town, finding a community that fits them can be difficult. In the era of social media, it has become easier, though not without its downfalls. Communities like incels, far-right white supremacists, and antisemitic groups can find spaces to thrive and exist within a bubble. This leads to enabling hatred for targeted groups that can turn into real violence. Canada, unfortunately, has not found a way to regulate these groups from festering in the depths of the Internet.

Bill C-36 was the closest form of legislature that could regulate extremist groups. It was meant to go against "bias, prejudice, or hate" specifically hate groups targeting race, sex, or gender identity. It was most likely that these cases would be under provincial courts. Though this

bill seems like a solution, it has yet to tackle the discourse surrounding fake news. Cases like Ernst Zundel, an infamous Holocaust denier, can easily be prosecuted, but other forms of fake news could easily slip through the cracks. This is not the Canadian government's fault. Proving minute falsities in social media platforms that are littered with implicit sarcasm and trolls is a much more complex social issue that even I would feel guilty to burden the Canadian government with. But it is the reality that we live in.

The social media age is still in its early stages of development but is rapidly developing as a massive part of everyone's lives. The Canadian government's failure to impose legislation to inhibit the influence of extremist groups feels counterintuitive to section 319 of the Criminal Code. Social media has become the largest and most influential public platform in recent years, and it will be catastrophic without regulation. One suggestion I have is that the federal government should create another independent regulator, like the CRTC that deals with cases regarding internet hate speech and extremist groups. But for now, we can only wait and see how Canada chooses to act in response to the ever-developing Internet era.