

Digital Hate Speech Prevention Act (DHSPA)

Preamble:

Recognizing the growing threat of online hate speech and the need to protect vulnerable communities, this Act seeks to replace and expand upon the protections previously provided by Section 13 of the Canadian Human Rights Act. The Digital Hate Speech Prevention Act (DHSPA) aims to create a balanced framework that addresses hate speech in online spaces while upholding freedom of expression within reasonable limits.

Part I: Definitions and Scope

1. Definitions:

- Hate Speech: Speech that promotes violence, discrimination, or hostility against individuals or groups based on race, ethnicity, religion, gender, sexual orientation, disability, or any other protected characteristic under the Canadian Charter of Rights and Freedoms.
- Digital Platforms: Websites, applications, and services that host user-generated content, including social media platforms, forums, and any other online communication medium.
- Host: Any person or company responsible for providing a platform for online communication.

2. Application:

- This law applies to all digital platforms operating in Canada or accessible to Canadian users, regardless of the platform's country of origin.
- It includes individuals, private companies, and public institutions that operate, manage, or regulate these digital platforms.

Part II: Prohibitions on Hate Speech

3. Prohibition of Hate Speech:

- It is unlawful for any person or entity to use digital platforms to disseminate content that constitutes hate speech as defined in this Act.
- Digital platforms must not knowingly host, store, or allow the spread of hate speech on their services.

4. Duty of Hosts:

- Digital platforms must actively monitor and remove hate speech, within 24 hours of receiving a complaint or detecting such content.
- Platforms must implement reporting mechanisms, accessible to all users, for the reporting of hate speech and hateful conduct.

5. User Responsibility:

- Users who post or disseminate hate speech are subject to civil penalties, including fines or, in severe cases, criminal prosecution under relevant laws such as the Criminal Code of Canada.

Part III: Reporting and Enforcement

6. Digital Hate Speech Monitoring Agency (DHMA):
 - Establish a Digital Hate Speech Monitoring Agency (DHMA) under the Canadian Human Rights Commission to oversee the enforcement of this Act.
 - The DHMA will be responsible for monitoring compliance, issuing fines, investigating complaints, and ensuring that digital platforms meet their obligations.
7. Complaints Mechanism:
 - Any individual who believes they have been subjected to or have witnessed online hate speech may file a complaint with the DHMA.
 - The DHMA is obligated to investigate complaints and issue rulings within 30 days.
8. Fines and Penalties:
 - Digital platforms that fail to comply with their responsibilities may be fined up to \$500,000 per incident of hate speech not removed within the specified time frame.
 - Individuals found guilty of posting hate speech may face civil fines ranging from \$1,000 to \$50,000, depending on the severity and scope of the speech.
 - Repeat offenders or individuals inciting violence may face criminal penalties, including imprisonment, under the Criminal Code of Canada.

Part IV: Transparency and Public Accountability

9. Transparency Reports:
 - Digital platforms must submit quarterly transparency reports to the DHMA, detailing:
 - The number of hate speech complaints received.
 - The number of instances of hate speech removed or sanctioned.
 - Any changes to their hate speech monitoring and removal policies.
 - Failure to submit accurate or timely reports will result in a fine of \$100,000 per instance.
10. Public Education Campaign:
 - The government will fund a national campaign aimed at educating Canadians about the dangers of hate speech and their rights under this law, promoting digital literacy and respectful online engagement.

Part V: Safeguards for Freedom of Expression

11. Protection of Freedom of Expression:
 - This Act seeks to balance the protection of individuals from hate speech with the right to freedom of expression as guaranteed under the Canadian Charter of Rights and Freedoms.

- Legitimate expression, including criticism of governments, political parties, and policies, or artistic and academic debate, shall not be restricted unless it incites violence or hatred against protected groups.

12. Appeals Process:

- Individuals or digital platforms found in violation of this Act have the right to appeal decisions made by the DHMA to the Federal Court of Canada.

Part VI: Amendments and Repeals

13. Repeal of Conflicting Legislation:

- The Digital Hate Speech Prevention Act repeals any sections of previous legislation that conflict with its provisions, including any parts of the Canadian Human Rights Act that no longer apply to online spaces.

Conclusion

The Digital Hate Speech Prevention Act addresses the serious and growing issue of online hate speech, providing a modern legal framework that balances the right to freedom of expression with the need to protect vulnerable groups from discrimination and violence. With clear mechanisms for enforcement and accountability, this law aims to curb the spread of hate online while promoting respect and dignity for all Canadians.

References:

1. Canadian Human Rights Commission - Understanding Section 13
2. Parliamentary Report on Online Hate
3. Government of Canada: Combating Online Hate

This draft provides a modern solution to address the rise of online hate in Canada, drawing from the lessons of Section 13 and reflecting current challenges posed by digital platforms.