



THE SCHOOL OF PUBLIC POLICY

MASTER OF PUBLIC POLICY CAPSTONE PROJECT

To Regulate or Not to Regulate?
The Future of Disinformation in Canada

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August 30, 2021

Submitted in fulfillment of the requirements of PPOL 623 and completion of the requirements
for the Master of Public Policy degree



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Acknowledgements

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

To my family and friends.

Table of Contents

Executive Summary	2
1. Introduction	3
Defining Disinformation.....	4
Why is it a Threat?	5
2. Literature Review	12
The Inadequacy of Electoral Law	13
Canada Elections Act and the Elections Modernization Act	13
New Challenges, Old Rules	14
A Balancing Act.....	15
Reforming Electoral Law.....	18
Social Media Regulation	20
Potential Regulatory Solutions	21
The Need for Reform	23
3. International Governmental Efforts	25
The Introduction of New Laws	26
Other Tactics	28
Digital Media Literacy	29
4. Bill C-10 and the Future of Disinformation in Canada	32
What is Bill C-10?	32
Increased Powers for the CRTC	33
Freedom of Speech Concerns	34
The Future of Disinformation and Important Principles to Address it	36
5. Conclusion	40
6. References	42

Executive Summary

The rise in technology in recent years has ushered in massive contributions to social discourse and democratic expression by increasing accessibility through the Internet. However, at the same time, the advancement in online engagement has been met with a rise in disinformation.

Disinformation is defined as false or misleading information that is deliberately created and disseminated with the intent to deceive. This rapid spread of disinformation is troublesome as it has the ability to generate mass public disapproval, thereby accelerating instances of violence in society as well as increased political polarization. Moreover, increased disinformation harms social institutions such as the health care system which leads to decreased health outcomes. All in all, disinformation is an evolving threat that requires a comprehensive solution to address it.

Currently, regulation in Canada is outdated and holds social media platforms to minimal accountability. Electoral laws such as the *Canada Elections Act* and the *Elections Modernization Act* have been highly inadequate to deal with digitalization. Many academics and media specialists advocate for substantial changes. The most direct solution to date dealing with regulating the internet has been in the form of Bill C-10 which seeks to update the *Broadcasting Act*. This bill, as well as other government initiatives still do not effectively address disinformation directly meaning that electoral processes will still be negatively affected. Moving forward, the government needs to establish policies that directly tackle the factors that allow for the proliferation of disinformation on digital platforms. This includes greater transparency from big tech giants, the enactment of takedown laws of harmful content online as well as increased media literacy initiatives. Taken together, these steps could help in drastically reducing the impact of disinformation on online platforms.

1. Introduction

Communication has changed dramatically over the last two decades to become exceedingly digital. Social media sites such as Twitter and Facebook have superseded traditional media outlets, including broadcast television and radio, to become the primary sources of information on social, political, and electoral information for individuals (Geiger 2019). The advent of the internet has ushered in remarkable feats in the form of greater accessibility and expansive reach for smaller voices. However, social media platforms and digital spaces have continued to operate under regulation that is narrowly defined, allowing online activity to expand with little transparency. Existing laws in Canada that address disinformation in communication are highly inadequate as they either “do not apply to online politics or... the law has been under-enforced or exposed as out of date” (Pal 2020, 200). This has allowed online activity and communications to expand with ferocious speed and volume with minimal regulatory oversight from the federal government or external bodies such as *Elections Canada*. This prompts great concern for democratic processes, social institutions, as well as individuals in Canada as the dissemination of disinformation on digital platforms has continued to rise. In the wake of the storming of the United States Capitol in early 2021, as well as increased threats of foreign interference in Canadian elections, an important discussion has arisen on the threat of social media and the need for affirmative change to address this escalating problem. Academics, policymakers, and political actors have been hesitant to regulate social media and digital platforms citing concerns of potential violations to freedom of expression and freedom of speech. However, the danger that disinformation poses to the democratic process and electoral integrity in today’s increasingly polarized political climate requires for a comprehensive evaluation of current regulation.

Defining Disinformation

A variety of terms, such as misinformation, are used to describe the ways information is misused to shape people's thoughts and opinions. An important feature that distinguishes the term 'disinformation' from other forms of misleading speech is that it is "non-accidentally misleading information" (Fallis 2015, 406). Misinformation, on the other hand, is speech that is "objectively false information that is spread by those who believe it to be true (or are uncertain about its veracity)" (Pielemeir 2020, 919).

In 2017, the European Commission led the most coherent, coordinated, and sustained effort to address disinformation and worked alongside popular content platforms and industry representatives. In its report titled, "A Multi-Dimensional Approach to Disinformation," they produced the leading definition of disinformation which they define as "all forms of false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or for profit" (Porter 2021, 2; Tenove and Tworek 2019; Pielemeir 2020). This definition shares characteristics with hate speech in that it is information that is deliberately created for the intent to mislead and influence the public (Nuñez 2020). This aspect of intent is what makes disinformation exceedingly dangerous as it acknowledges the active presence of individual actors and organizations who are deliberately using social media to push dishonest agendas. However, this very notion of intent makes it difficult for policymakers to prohibit or regulate digital platforms as it may potentially disrupt lawful and protected speech considering the definition of what constitutes disinformation is very broad. In fact, proving disinformation would require "establishing intent on the part of the speaker" which is difficult to determine on online platforms since "nuance, jargon and slang – not to mention the use of different languages

– proliferate” (Pielemeir 2020, 922-923). Any regulation on disinformation will need to clearly lay out what exactly constitutes intent to adequately address the problem.

Why is it a Threat?

The rise of the internet and digital media platforms has enabled the spread of communication across the world and continues to serve as an important social tool. It allows for active political participation, creative engagement, and greater accessibility to a plethora of views and opinions especially to those in developing nations. However, this accessibility also allows for the rapid dissemination of ‘fake news.’ The development of social media has accrued many benefits, but it is important to acknowledge the danger that disinformation poses to individuals as well as social institutions because of its capability to “sow confusion and distrust, exacerbate division, inflame hostilities, and so provoke a legitimization crisis whereby essential civic institutions could no longer command sufficient public trust” (Dornan 2020, 8). Evan Williams, the co-founder of Twitter, also acknowledges this double-edged aspect of social media and said “I thought once everybody could speak freely and exchange information and ideas, the world is automatically going to be a better place... I was wrong about that” (Reisach 2021, 907).

Prior to the advent of social media, information would be dispersed to audiences largely through traditional forms of broadcast and print media such as newspapers, TV, and radio broadcasting. These organizations and media professionals would be subject to a rigorous set of journalistic ethics and standards to ensure that the information they were relaying was accurate and free of biases. Fact-checking and verification procedures were a standard norm that was expected to ensure that audiences were provided with reliable information. Although the publication of inaccurate or misleading information is not a new phenomenon, social media and

digital platforms have enabled disinformation to be quickly and efficiently spread at an alarming rate. “A simple share, retweet, or repost amplifies the message to a degree and at a speed not previously possible” (Brown and Peters 2018, 525). This rapid speed has inevitably resulted in social media becoming an “incubator for the proliferation of fake news” as technological advances have increased (2018, 525).

Moreover, information spouted on digital platforms is not subject to the same standards of journalistic rigour that are present in traditional media. In fact, digital media outlets obviate the idea of accountability. Currently, “neither the social media platforms nor their users are subject to journalistic accountability standards” (Reisach 2021, 907). The onus to verify information that previously fell on journalists has ceased to exist as the lack of regulations and accountability is continually allowing for the spread of disinformation to proliferate on these platforms. Instead, the onus to verify the information on social media outlets falls entirely on viewers which in and of itself is a challenge for the average social media user. Any verification will likely be skipped entirely, and disinformation will be taken at its face value and believed to be true as users will likely see this information repeatedly on their news feeds. This repeat of the information by others that is “abetted by the algorithms and social nature of digital interactions” reinforces the trustworthiness of the information and tends to play into a readers confirmation bias (Brown 2020, 17). This is alarming as it means “that false information [is] not being spread quickly by bots but instead [is] being created by legitimate... users retweets of false information” (Porter 2021, 3).

As people connected on social media platforms tend to share similar sets of beliefs, the design of social media algorithms contributes to the creation of echo chambers wherein “social media users are surrounded by information confirming their pre-existing beliefs” (Brown 2020,

20). Users will begin endorsing and sharing content that could potentially consist of disinformation at a rapid rate to users of similar beliefs. This gives the disinformation credence as “to users, it appears that the likes of the group inside the bubble represent the likes of the majority of people (because the group inside the bubble never see anything contrary to its preferences)” (2020, 20), which as a result, has been shown to increase political polarization among its users and is directly linked to social media activities (Cai, 2020). This is because humans tend to follow individuals with whom they share similar values. Social media and digital platforms have aided in insulating groups of people, which further solidifies their worldview as computerized algorithms provide “strong and consistent reinforcement on their social media feeds” (2020). This makes users impervious to contrary information and political opinions and allows consumers to bond exclusively with like-minded individuals fostering a feeling of belonging to a community. The consequences of this sharp political polarization are staggering as it has the potential to “increase the probability that a country will experience higher rates of political violence and terrorism” (Piazza 2021, 6). Due to the creation of echo chambers, political rivals are hostile to the views of opposing groups which thereby produces an environment where political violence is more likely. Moreover, it has the potential to “further the process of radicalization and that can be exploited by radical, violent actors seeking to recruit cadres and promote political violence” (2021, 6). In fact, a clear pattern has emerged where it is clearly demonstrated that people are moving down a digital rabbit hole, facilitated by the spread of disinformation, into closed groups, hate sites and terror cells that are prompting them to commit acts of domestic terrorism. The Quebec City Mosque shooting in 2017 that left six people dead is a clear example of the danger disinformation plays in the rise of domestic terrorism in Canada. During the sentencing hearing, the court heard evidence about the

perpetrator's search history on his internet browser in the weeks and months leading up to the attack and showed that he was an avid follower of radical right-wing figures known for spouting anti-immigrant, anti-Muslim disinformation (Montpetit, 2019). More recently, police investigators are tracing the online footprint of the "20-year-old accused of killing four members of a Muslim family with his pickup truck in London, Ontario" (Bell, Semple and Russell, 2021). There is suspicion that like the Quebec shooter, anti-Muslim rhetoric and disinformation online encountered by the suspect may have prompted this attack. Attacks like these are not the first to happen and will likely not be the last as fake news and dishonest rhetoric are continually spread online and reach users all over Canada.

Alongside the individual and collective harms posed by disinformation, it also has the potential to significantly disrupt social and democratic institutions as well such as the electoral system. Digital technologies and the viral capabilities of disinformation have especially complicated the "principles buttressing the integrity of Canada's elections" and has increased electoral harms including to "sway the vote, sow confusion among the electorate, or affect the electorate's confidence in the integrity of the election" (Judge and Korhani 2021, 1-2). The scale of disinformation online has introduced serious new challenges to democratic participation. First, digital techniques are being used to undermine and diminish Canadians' ability to participate in the democratic process "including voting, running for office, or contributing to political debates" (Tenove and Tworek 2020, 222). For example, a person's ability to vote "may be compromised by false information about voting times and places, or falsehoods about candidates and party positions" (2020, 222). Moreover, political participation may be undermined if individuals and groups are targeted with stigmatization, threats, or harassment which "may create unfair obstacles to running for office or participating in public debates" (2020, 222). The interference of

foreign and domestic actors into electoral campaigns is of great concern as well as it disrupts robust political deliberation. The introduction of fake news sites, political bots, targeted social media ads and fake video and audio representation in the form of deep fakes are used by actors “to spread false information, to exacerbate social conflicts... [and] hijack the “agenda” of public discussion during a campaign” (2020, 222). Lastly, disinformation causes a disruption in the work of electoral commissions who are responsible for the facilitation and enforcement of a fair election process. Actors have been able to use digital technologies “to interfere in the work of electoral commissions, ... to violate rules on campaign spending and foreign interference, and to attack or create unfair advantages for certain candidates, political parties, or third-party actors” (2020, 223). Foreign and domestic actors have continually evaded transparency and disclosure rules using bots, highlighting the need to revamp the regulation in place today (Pal 2020, 204). All in all, electoral regulation addressing disinformation in Canada has continued to be inadequate and out of date for the digital era thereby allowing for the disruption of democratic processes.

Another social institution that has been severely undermined by the spread of disinformation is the health care system. Prior to this disinformation epidemic, medical professionals and public health authorities were held in high regard and possessed significant public trust. However, now their medical advice is met with a high degree of skepticism. This is a direct result of the increase in social media, as its prominence enabled the ability to circulate genuinely harmful disinformation. This genre of falsity is especially concerning as “it amounts to an attack on rationality, and therefore on the underpinnings of informed public policy and good governance” (Dornan 2020, 6). The disinformation being spread adopts the mannerisms of science to advocate anti-science so people who come across this information perceive it as

critical thinking on their part. The most prominent movement that uses social media to spread harmful science disinformation is the anti-vaccination campaign. The consequences of this movement are serious as it leads to “negative impacts on health decisions, including vaccine acceptance, and on trust in immunization advice from health and/or healthcare professionals” (MacDonald 2020, 432). Immunization is a vital accomplishment of science that has allowed for the protection of humans from severe diseases. A consequence of this in the Canadian context can be seen in *R v. Stephan* (2019, ABQB 715) where David and Collet Stephan were found guilty of failing to provide the necessities of life to their son who died of bacterial meningitis. The Stephans’ were part of the anti-vaccine movement and opted to treat their son using herbal remedies and homemade smoothies containing horseradish, garlic, and onion, but avoided taking him to the hospital (Fletcher, 2016).

This rejection of science and increase in science deniers became especially exacerbated during the COVID-19 pandemic. There has been a rise in falsehoods about vaccination and the nature of the disease. As Canada moves into the fourth wave of the COVID-19 pandemic, the danger of the accumulation of falsehoods is still apparent as continued disinformation has “not only polluted the provision of sound health information but amounted to a rejection of the counsel and reasoning of the health authorities themselves” (Dornan 2020, 10). Throughout the course of the pandemic, Alberta has witnessed mass protests against public health measures, the most notable being the congregation of the Grace Life Church which prompted a physical closure by *Alberta Health Services* (Short, 2021). In addition to public defiance of health guidelines, disinformation leads to a drop in vaccination uptake, negative impacts on health decisions and on trust in public health and/or healthcare professionals, putting public safety at

risk. Ultimately, social media is fueling a phenomenon that is undermining the legitimacy of science and decreasing public trust health authorities at the time of a pandemic.

Overall, disinformation poses a significant threat to the democratic and social hallmarks of Canadian society. Disinformation is not just about the vocalization of varying opinions, but it can cause serious harm to individuals and social institutions. Current legislation inadequately addresses this matter as it does not fully encompass the full scope necessary for effective online regulation. Instead, the regulatory regime that has been applied to new forms of media was originally created to address broadcasting television which was the main communications medium at the time. Legislative improvements are needed to reflect the changes in political communications in Canadian society today to ensure fairness and transparency in the electoral process. Academics and policymakers are hesitant to implement new regulation, citing concerns about free speech, but considering the wide reach and rapid dissemination of information online, clear changes need to be made. The next section is a literature review that explores the regulatory regime in place and explore the viewpoints of top academics in Canada.

2. Literature Review

Increased digitalization is forcing countries around the world, including Canada, to re-think and re-evaluate their current policies and approaches due to the prevalence of disinformation on online platforms. Disinformation poses a significant threat to electoral integrity as well as to public safety as “the combination of social media and advancing technology has enabled” the mass scale production of falsities in society (Nuñez 2020, 784). By examining the literature available on measures undertaken in Canada pertaining to disinformation, in addition to the opinions of various experts, it will provide a greater insight on how to address the regulatory gaps that exist in Canada today that have allowed for the continued proliferation of disinformation online. This literature review will examine the writings surrounding these policies to present the opinions of authors regarding the effectiveness of the current regulatory framework.

Currently, there is no single law in Canada that expressly prohibits the dissemination of disinformation. Although there are several legal frameworks that vaguely deal with online disinformation, such as the *Criminal Code* (s.318 and 319), this literature review will focus on provisions mentioned in electoral law in Canada and social media regulation. There is a growing consensus that acknowledges the serious harms posed by disinformation and the potential for irreparable damage to social institutions. The literature agrees that current regulatory measures are largely outdated to deal with this issue and do not work in the digital age. There are several solutions highlighted in the literature that seek to develop an appropriate response to regulating these platforms while still balancing the right to freedom of speech and expression. While this is a highly contentious issue, the literature and research available agree that this is of growing

concern and that substantive measures need to be undertaken to begin addressing the egregious spread of disinformation facilitated by digital platforms.

The Inadequacy of Electoral Law

Canada Elections Act and the Elections Modernization Act

The *Canada Elections Act* (CEA or the Act) is the primary legislation that governs federal elections in Canada with respect to many topics including voter registration, candidate qualifications, spending on election advertising, and political broadcasts. The CEA was enacted in 2000 and has since been subject to minimal amendments despite the ever-changing political landscape. In 2017, the *Elections Modernization Act* (EMA) amended the CEA to better safeguard the Canadian democratic process. To combat disinformation, the EMA made significant amendments to section 91 of the CEA. Previously, the Act had very narrow prohibitions on the spread of disinformation and was limited to “any false statement of fact in relation to the personal character or conduct of a candidate or prospective candidate, knowingly and with the intention of affecting the results of an election” (Karanicolas 2019, 207). The amendment removed the word ‘knowingly’ from the provision and expands the legislation to include statements on an itemized list of basic facts that include false statements about citizenship, place of birth, education, professional qualifications or membership in a group or association “with respect to a candidate, prospective candidate, party leader, or public figure associated with a party” (Dawood 2020, 655). Moreover, with the new amendment, major online platforms such as Facebook would be required “to maintain a registry of partisan and election advertising published during the pre-election and election periods” (Canada, 2020). This move

was made in a step towards increasing transparency with respect to advertising online as well to decrease the ability to influence the Canadian vote through social media.

New Challenges, Old Rules

Despite its efforts, the literature is in consensus that current federal electoral law does not adequately address the prevalence of disinformation in political communication especially in the age of the Internet and social media. As discussed by Michael Pal, a leading academic on law reform and election law, provisions under the CEA regarding speech by political actors or parties are governed by the same structure that applied to broadcasting television which was the dominant media source at the time of the CEA's enactment (Pal, 2020). Since then, the Act has been subject to minimal amendments despite the increasing new challenges that digital platforms and social media present to electoral integrity and effective election administration. In contrast to digital platforms, broadcast television was a heavily regulated media source, so issues of transparency and fairness were not as prevalent as it was also subject to rules under the *Broadcasting Act* as well as codes of conduct by the *Canadian Broadcast Standards Council*. As social media platforms are a “new form of mass media... Canada does not yet have adequate policies to ensure that they will responsively and transparently address threats to democracy” (Tenove and Tworek 2020, 227). The attribution of an identical set of standards to this new media source, instead of reforms specific to the Internet, is what has allowed for the continued spread of falsities online. Many authors argue that additional provisions need to be incorporated into the CEA to redress disinformation harms while also protecting free speech and democratic principles (Pal 2020; Korhani and Judge 2020).

A Balancing Act

The narrow approach implemented in the CEA (in s. 91 of the Act) was intended to create an appropriate balance between addressing disinformation and protecting speech and political expression. Many authors including Pal have been critical of the CEA as it has narrowly interpreted the authority of Elections Canada to regulate online politics which in turn has left "large gaps in [the] regulatory oversight of social media" (Pal 2020, 200). Pal argues that this under-regulation of online activities becomes especially apparent when contrasted with the high level of regulation of off-line media such as television and print (2020). This 'hands off' approach to online politics that electoral authorities and current federal law observe has allowed disinformation to spread on digital platforms at alarming rates. Elections Canada defends this approach due to a "carefulness on the[ir] part... not to overstep their legislated authority, and a desire not to stifle political expression online" (2020, 202). Pal illustrates that this consequential gray zone arises mainly from the decision to exempt rules of election advertising on platforms that did not require a 'placement cost' to post content even if the advertisements cost money to produce (2020, 203). This would include posts uploaded to Facebook as well as election advertisements posted on a YouTube page. Like Pal, Korhani and Judge (2020) agree that the under-regulating in the CEA stems from a lack of regulatory oversight which limits the CEA's ability to enforce, allowing for the spread of disinformation online. The lack of regulatory oversight by *Elections Canada* as determined by the Act leaves a large gap in the regulation of online content. This approach has created a space where there is maximum room for online political expression without interference from electoral authorities or the CEA and the result is that a great portion of all electoral communication is left unmonitored. To resolve this issue, whilst also avoiding overbroad regulation of speech, Korhani and Judge assert the need for better

administration of the amendments made to the CEA (Korhani and Judge 2020). They suggest that regulatory oversight of these provisions should be conducted by the Chief Electoral Officer of *Elections Canada* for it to be enforceable (2020).

However, other authors such as Karanicolas and Dawood critique the CEA as being overreaching and detrimental to freedom of speech in Canada. Political discourse is an essential part of democracy in Canada, and a significant portion of the literature warns that expansive regulation of political expression will have deleterious effects on speech. As Karanicolas points out, nobody has ever been charged under s. 91 of the CEA which “makes it difficult to definitively assess the scope and constitutionality of the reforms” (Karanicolas 2019, 209). He asserts that s. 91 of the CEA would adversely affect the democratic discourse by curbing political speech that would otherwise be constitutionally protected (2019). He points to the *R. v. Zundel* case in 1992, as well as leading jurisprudence on the issue of disinformation, to highlight the reach of the amendments (2019). In *R. v. Zundel*, the Supreme Court of Canada struck down misinformation provisions in the Criminal Code, finding that it violated s. 2(b) of the Charter of Rights and Freedoms (2019). Karanicolas believes that it is “incredibly unlikely that this law could... meaningfully deter” organized disinformation threats and will likely not survive a Charter challenge as it unduly restricts speech (2019, 213). Korhani and Judge also turn to this case to demonstrate the countervailing concern to curbing rapid disinformation, which is to protect free speech, “even if false or ill-founded, [as it] is integral to democracy in Canada, as the Supreme Court of Canada has emphasized” in *R. v. Zundel* (Korhani and Judge 2020, 244).

Yasmin Dawood, Canada Research Chair in Democracy, Constitutionalism and Electoral Law, has also been critical of the additional provisions added by the EMA as having dampened freedom of speech (Dawood 2020). In particular, she is critical of the provisions that require

social media platforms to create an ad registry. She argues that the online ad registries go too far and will result in online providers forgoing any political advertising all together to avoid the reporting requirements (2020). Dawood reiterates the importance of protecting political expression despite concerns of disinformation, as “freedom of speech has always been indispensable for, yet potentially detrimental to, democracy” (2020, 640). Therefore, any government ban of disinformation will not be a viable option in Canada given the need to protect freedom of speech (2020). Brown and Peters echo this notion and reject any further attempt at the regulation of online speech (Brown and Peters 2018). They note that any move to censor speech by private entities on social media will likely face freedom of speech concerns (2018, 533). They do not contest the danger to democracy that continued disinformation is presenting but argue that its regulation poses a greater danger (2018). They argue that any attempt to regulate could counter the initial objective of limiting disinformation and risk leading to “censorship [and] the suppression of critical thinking” (2018, 543). The Government of Canada also recognizes the need to preserve the fundamental right to freedom of speech and freedom of expression but is determined to undertake urgent action to ensure that social media platforms are subject to necessary regulation - to adequately protect Canadians from online harms. A fine balance must be attained to address the problem of disinformation without an unjustified denial of freedom of expression. This rhetoric is also highlighted in the Canadian Commission on Democratic Expression as they state that “any policy response must put citizens first, reduce online harms and guard against the potential for over-censorship of content in putting forth remedies” (Canadian Commission on Democratic Expression 2021, 8).

All in all, the literature lacks any coherent position on further attempts at regulation. The literature acknowledges that the issue of disinformation needs to be addressed as it poses

detrimental effects to democratic processes. However, the literature remains divided on whether current regulation is overreaching or does not go far enough in addressing the rapid spread of disinformation online. Serious freedom of speech challenges arise in the literature; however, there is currently no adequate response in how to address the expansive reach of social media platforms. As social media platforms have become a main source of political information for Canadians, this gap in the regulatory regime allows political entities to share content in ways that circumvent the regulations defined in both the CEA and EMA.

Reforming Electoral Law

The approaches to amending legislation in order to address the disinformation problem in Canada sufficiently differ substantially. The CEA has used the structure of broadcast television as the foundation of the Act and this needs to be updated to include appropriate regulation that covers the intricate challenges of social media platforms such as organic content and placement costs. Ideally, efforts to reform the CEA would address the gray areas that exist in current regulation that exclusively deal with the new social media while also limiting the spread of disinformation.

Due to the differing opinions on protecting speech, the literature does not agree on the appropriate solutions to update the electoral laws. Authors, such as Pal, argue that without taking measures to regulate the spread of disinformation to voters on online platforms, Canada will be unable to have free and fair elections. He proposes several changes to the electoral regime with the aim to promote effective election administration consistent with the values that inform the legislation (Pal 2020). The main suggestion put forward by Pal is to treat social media platforms as broadcasters under the CEA and apply similar rules that other media organizations in Canada

must abide by (Pal 2020). The rationale is that this will level the playing field between online and off-line political activity and reduce the negative impact of online disinformation on journalism as well as on electoral integrity. Other suggestions by Pal include to “enhance disclosure rules for political advertising on social media, a separate social media spending limit for political parties and interest groups, and enhanced regulation of social media platforms” (2020, 204).

Pal and other authors such as Tenove and Tworek also acknowledge the gap that exists in the regulatory oversight of electoral law. They agree that the government has many legal tools to address disinformation and harmful speech especially with the new amendments brought in by the EMA, but there needs to be a “greater commitment to using these tools, and better coordination in overlapping areas of actions” (Tenove and Tworek 2019, 226). Korhani and Judge recommend giving the Chief Electoral Officer of Elections Canada authority over the regulatory oversight of provisions that deal with disinformation to address this gap in regulation. Korhani and Judge offer several solutions as well to address the legislative gaps. They assert that “regulation should address election-related speech, during an election period, where there is an intention to deceive” (Korhani and Judge 2020, 250). This intent-based approach will offer an important regulatory limitation to protect free expression and avoid overbreadth, but also be administrable and enforceable (2020).

Dawood, on the other hand, recommends a multifaceted public-private approach to social media to protect democratic speech. Dawood argues that content-based self-regulation is a much more viable solution in a liberal democracy as it allows for minimal infringement on speech. This is because content filtering is typically restricted to extremist and terrorist speech but could include other categories of flagged speech such as fake news about immigration, religion, or the

current government (Dawood 2020). Coupled with transparency and disclosure laws, as well as government media literacy efforts, Dawood suggests that this method would “inoculate the electoral process from the harms of disinformation” whilst also protecting freedom of expression (2020, 641). Unlike Dawood, Korhani and Judge are critical of self-regulation measures as an option for addressing disinformation as it may lack important administrative safeguards and protections for free expression (Korhani and Judge 2020). Instead, self-regulatory options “may pose countervailing public harms by undermining access to information and reducing transparency and accountability” (2020, 259). The Standing Committee on Access to Information, Privacy and Ethics echo concerns over self-regulation as being “not effective for the large platforms” such as Google and Facebook (House of Commons 2018, 35). Taylor Owens, Assistant Professor of Digital Media and Global Affairs at the University of British Columbia, explains that “a comprehensive policy approach is needed to reform the way social media platforms are regulated” as the private sector cannot be relied on to resolve the problem through self-regulation” (2018, 35).

Social Media Regulation

Although the spread of disinformation is not a recent phenomenon, social media platforms have made sharing content faster than before, raising serious concerns about the regulation of social media. The expansive reach of digital platforms is especially concerning as research from the Massachusetts Institute of Technology “suggests that false content spreads up to six times faster than factual content on social media sites and false news stories are seventy percent more likely to be shared” (Nuñez 2020, 786). Fernando Nuñez analyzes how the structure of social media platforms facilitates this spread and explains that “besides the users’ eagerness to share novel

content with their circles, a contributing factor to the quick spread of false news is that algorithms used in some platforms tend to suggest similar content from similar sources” (2020). Besides this, the internet and social media sites have made it especially easy to incentivize the spread of disinformation. This is because, as Nuñez demonstrates, “disinformation is cheap to produce because its producers do not have to engage in time consuming cross-referencing or fact-checking” as traditional media sources such as newspapers do (2020, 786-787). Moreover, disinformation has nominal overhead costs to disseminate as posting content on social media is generally free of cost, allowing users and foreign agents to freely post dishonest information.

Potential Regulatory Solutions

Social media platforms are major forces of disinformation because they largely operate in regulatory gaps. Unlike electoral law, social media regulation is excessively limited to protect speech and expression rights. As Pal explains, “the importance of social media as a conduit for political communication has empowered the companies that own and run these platforms” with minimal accountability (Pal 2020, 208). However, the regulatory structure of these platforms and lack of oversight have had tremendous consequences for electoral competition and fairness. “For example, the internal decisions of Facebook as to which political advertisements it will permit, how much it charges an advertiser to micro-target voters through the platform, and how extensively it investigates the identities and nationalities of advertisers all may have a material impact on how politics is conducted or even the outcome of elections” (2020, 208). As a result, Pal recommends “more robust legal oversight of the electoral role of social media platforms in a number of ways” (2020, 208). He argues that regulation of social media platforms should include oversight “as media broadcasters akin for electoral purposes to television networks, mandatory

disclosure of election advertising on their platforms and requirements for due diligence as to the source of advertisements placed on the platforms” (2020, 208). Pal was also a part of the Standing Committee on Access to Information, Privacy and Ethics where twenty-six recommendations were suggested to combat disinformation and data monopolies. Recommendations specific to social media regulation included making additional amendments to the CEA to regulate social media platforms to include a duty to “clearly label content produced... algorithmically, to identify and remove fraudulent accounts..., to adhere to a code of practices, [as well as] to clearly label paid political or other advertising” (House of Commons 2018, 2). Other recommendations involved enacting transparency requirements with respect to algorithms and “enacting legislation imposing a duty on social media platforms to remove manifestly illegal content in a timely fashion” (2018, 3).

Jason Pielemeier, Policy and Strategy Director at the Global Network Initiative, also stresses the important role of social media in limiting the spread of disinformation on digital platforms through regulatory measures. He proposes five ways social media companies can address disinformation. They include “(1) limiting the reach of false news/information; (2) demonetization; (3) addressing inauthentic behaviour; (4) contextualization; and (5) transparency” (Pielemeier 2020, 925). In this way, offending content that promotes disinformation will remain visible, protecting freedom of speech, but be discoverable “to a smaller audience and/or with signals or context that can help users understand the contested nature of the information being presented” (2020, 925). Nuñez parallels this idea and suggests a mixture of digital media literacy as well as transparency initiatives to combat aggressive disinformation campaigns that distort the marketplace of ideas (Nuñez 2020).

The issue of protecting free speech is once again reiterated in the literature when discussing the regulation of social media platforms. Brown and Peters argue that shifting “the burden of making a legal determination about the status of speech from government to the social media platforms” will result in the over regulation of speech online (Brown and Peters 2018, 543). They argue that neither the government nor social media companies are in good positions to determine what constitutes disinformation so the result of regulation would be excessive takedowns of protected speech content. They express that “at risk of facing liability exposure, social media platforms would likely err on the side of caution and remove more content than necessary – and by extension remove protected and potentially valuable speech from the marketplace” (2018, 543). This would border on censorship as the difference between fact and falsity are not always clear so government regulation would produce chilling consequences on speech that outweigh the desired benefits from curbing disinformation. Instead, Brown and Peters recommend company-based solutions through community guidelines such as the integration of fact checking processes and allowing “users to report fake news as a reason for requesting that content be removed or blocked” (2018, 544). In this way, speech is minimally impaired, and the marketplace of ideas remains preserved.

The Need for Reform

With the rapid rise of disinformation on digital platforms, it is clear through reviewing the literature that Canadian legislation and social media regulation have been inadequate in addressing the issue. This literature review has examined several articles on this issue, categorizing the distinct opinions through highlighting how the literature addresses the issue and examining the solutions offered by various prominent authors. To conclude, there are three key

take-aways from this literature review. First, there is no clear consensus on the regulatory actions that need to be undertaken despite an agreement that there are many regulatory gaps. For example, some authors argue that the CEA goes too far and recommend a public-private approach to dismantling disinformation, while others argue that additional amendment needs to be made to the CEA to address the issue. Second, the literature emphasizes the importance of protecting speech and safeguarding against over censorship of content in putting forth remedies. Finally, it is clear, as mentioned by the literature, that social media regulation and guidelines need heavy reform as they have largely operated with minimal oversight. As society becomes more digitalized, it is necessary to reduce the social harms caused by increased disinformation as well as the threat to democratic integrity. There is always a challenge of achieving meaningful transparency while imposing necessary regulation but that is a balance that needs to be attained to combat the mass dissemination of disinformation. The next section will examine methods used to combat disinformation in countries around the world.

3. International Governmental Efforts

The issue of increased disinformation on digital platforms has transcended all borders and has emerged as a serious threat to countries around the world. As technology continues to advance, domestic and foreign actors are developing an arsenal of digital techniques to advance their aims. The use of bot farms, digital replicas (also known as deepfakes), microtargeting and hacking are some of the tactics that these actors use to spread disinformation in societies (Colomina, Sanchez Margalef and Youngs 2021). These technologies have the capability to shift election outcomes by weakening or hijacking electoral processes, increasing the prevalence of political polarization, reducing trust in social institutions, and interfering with the ability to participate effectively in public affairs (2021). These techniques are not limited to independent foreign and domestic individuals and groups but have also been used by governments and politicians to “discredit political opponents, bury opposing views, and interfere in foreign affairs” (Alba and Satariano 2019). A report released by researchers at the Oxford University found that at least 70 countries, including the United States, Russia, and China, have had disinformation campaigns that used computational propaganda of some sort to shape public opinion (Bradshaw and Howard 2019). This poses a danger to democratic values and processes and necessitates the need for an urgent response.

To address this issue, several governments have developed strategies to deal with disinformation online ranging from the introduction of new laws and media literacy efforts to even internet shutdowns. According to one source, at least 53 countries “representing every region of the world have implemented or are actively considering some form of legal, regulatory or policy approach to disinformation, misinformation, or fake news” (Pielemeier 2020, 931). These policies have differed based on the specific vulnerabilities each country faces in relation to

digital interference. Some countries face high levels of polarization in media systems, such as the United States, while others are dealing with inadequate electoral regulation given today's digital reality, which is the case for Canada (Tenove 2018). Moreover, deficits in digital media literacy, gaps in international laws and practices, as well as shortcomings in social media regulation are allowing for the continued proliferation of disinformation online. The next sections will highlight the different approaches developed by other governments in addressing disinformation.

The Introduction of New Laws

In dealing with disinformation, several countries have adopted legislation or enacted bills to specifically deal with the increase of disinformation in their societies. One of the more prominent laws was passed in France that amended its electoral code “to allow for take-down of misinformation or disinformation during election time” (Pal 2020). Following the 2017 election in France, “which featured allegations of foreign, state-sponsored hacking and disinformation,” a new law was introduced to give “authorities the power to remove fake content... and even block sites that publish it... in the three months before elections periods” (Funke and Flamini 2019). The law was validated in 2018 but has since been met with significant pushback from lawmakers of opposition groups, citing concerns that the law could jeopardize democracy and censor the press (2019). Other academics and politicians believe the law could be a benchmark for other countries, such as the United Kingdom, as an example that “seeks to preserve democratic legitimacy without undermining the individual freedoms on which it rests” (Smith 2019, 52). This law is similar to Germany's “NetzDG” law that requires the prompt removal of hate speech and illegal material from online platforms such as Facebook (Pal 2020, 201). Unlike the law

passed in France, the “NetzDG” law focusses primarily on hate speech and thus “does not have enforceable mechanisms to combat misinformation” (Funke and Flamini 2019).

Other jurisdictions that have introduced laws specifically about disinformation include China, Belarus, Russia, and Malaysia. Generally, laws that have implemented in Eastern Europe and Asia have been stricter as there has been decreased focus on free speech issues. In fact, “China has some of the strictest laws in the world when it comes to misinformation” (Funke and Flamini 2019). The first law the Chinese government implemented in 2016 criminalized the creation or spread of disinformation that undermined the economic and social order in China (2019). In 2017, the government implemented a further law that “requires social media platforms to solely republish and link to news articles from registered news media,” as well as “requiring microblogging sites to highlight and refute rumours on their platforms” (2019). In this way, social media platforms are prohibited from publishing independent articles from other media agencies and instead have “to repost and link to reports from officially registered news media” that could potentially include state-sponsored disinformation (Repnikova 2018). These efforts far exceed any attempts to regulate social media in democratic countries in the West as it would not be feasible or socially acceptable. This aggressive approach to regulating social media platforms has effectively allowed China to create and dominate their own digital information ecosystem, thereby isolating consumers from a range of opinions and information. In 2018, over “180,000 public WeChat accounts were penalized for spreading misinformation” which illustrates the heavy extent to which China has regulated these online spaces (Repnikova 2018). Effectively these laws are based on autocratic principles that suppress freedom of speech and individual rights and would not be a viable solution in Canada.

Other Tactics

Many countries have established commissions and produced reports aimed at curbing the spread of disinformation. These reports assess and gauge the extent to which disinformation is impacting the social and democratic processes in their country and offer recommendations on how to address this problem. For example, a recent Online Harms White Paper in the United Kingdom was released after a task force was established and it proposed “a new regulator for social media, including but not limited to the election context” (Pal 2020, 201). Sweden, Mexico, Spain, and Pakistan are amongst a list of countries that have established task forces as well (Funke and Flamini 2019). The most prominent paper released on this issue is the EU Code of Practice on Disinformation released by the European Commission (Pielemeier 2020). The Commission worked alongside leading content platforms and representatives from the advertising industry to develop a comprehensive code to commit “online platforms and the advertising industry to a range of objectives” (2020, 931). The Code of Practice was signed by top online websites including Google, Twitter, and Facebook, as well by advertisers and “contains five core commitments related to: (1) scrutiny of ad placements; (2) political advertising and issue-based advertising; (3) integrity of services; (4) empowering consumers: and (5) empowering the research community” (2020, 931). The objective is that these measures will reduce fake accounts and bots, improve transparency in advertising and improve the ability of users to distinguish between real and fake news stories (2020).

An extreme tactic used by some governments to address the issue of disinformation is through the use of internet shutdowns. In 2019, the Indian government had turned off the internet “more than 100 times... to quell the spread” of disinformation (Funke and Flamini 2019). Other countries such as Sri Lanka have also adopted this tactic and shutdowns now vary “from total

internet blackouts to slowing down mobile internet speed” (2019). These governments argue that rumours spread on platforms like WhatsApp have allegedly been linked to violence across the country and, therefore, internet shutdowns are necessary to avoid public disturbances (Roth 2020). However, these tactics are woefully ineffective at reducing the spread of disinformation and instead, “political turbulence and rioting still occur during shutdowns” (Funke and Flamini 2019). This is because users are able to easily circumvent the internet ban by employing the use of private internet networks. In fact, a study conducted at the Stanford Global Digital Policy Incubator, “has found that shutdowns are actually counterproductive to deterring violent incidents; it tracked a quadrupling of violence when networks were disrupted as compared to cases where the internet stayed on” (Roth 2020). All in all, this measure is exceedingly dangerous and acts more as a “collective punishment than a tactical response. When the internet is off, people’s ability to express themselves freely is limited, the economy suffers [and] journalists struggle to upload photos and videos documenting government overreach and abuse” (2020).

Digital Media Literacy

Media literacy efforts are another way countries are trying to deal with the spread of disinformation. The rationale for this approach is that it allows for the self-regulation of content by users and minimally impairs free speech. Various campaigns have been released in places such as Belgium, the Netherlands and Nigeria to better inform people about the spread of disinformation online (Funke and Flamini 2019). A campaign in Nigeria was implemented in response to political tensions and it aims to make citizens more “critical news consumers... [and] to teach Nigerians how to tell what’s real and fake online” (2019). Digital media literacy is

considered one of the top approaches to combatting disinformation as it minimally impairs the freedom of speech and expression of citizens. Media literacy education programs “have made people better at discerning the reliability of information sources, distinguishing facts from opinions, resisting emotional manipulation and being good digital citizens” (Lord and Vogt 2021). In addition, it is easier and more cost efficient to implement than technology-centered solutions and will have a deeper and longer-lasting impact (2021). Many researchers have shown that this type of program “improves critical thinking, awareness of media bias and the desire to consume quality news” – all of which are critical to stop the spread of disinformation (2021). Most importantly, it will quell the need for aggressive governmental reforms that face the risk of impairing important speech and expression rights as citizens will have the tools to assess disinformation on their own.

Overall, the issue of increased disinformation online is not limited to the United States and Canada. The rapid spread of disinformation has turned into an international threat to political processes across the world. In response to these concerns, governments have adopted many strategies to combat and limit the increased influence of online disinformation in public and democratic affairs. Looking at the tactics used internationally, a question arises as to whether any of these approaches would be viable in the Canadian context. As Canada is a jurisdiction with robust constitutional protections for speech and political expression, many of the international efforts such as those implemented in China and India will be met with significant backlash and Charter challenges. Protecting freedom of speech remains an essential objective in discussions of this issue and any decision made must not infringe on those rights. Other tactics, such as increased media literacy programs, are a much more viable option and have also been

recommended by the Citizens Assembly on Democratic Expression (Citizens Assembly on Democratic Expression 2021).

A recent innovation by the Canadian government to regulate the Internet is through the introduction of *Bill C-10*. As discussed in the next section, other than the minor amendments made by the *Elections Modernization Act*, this bill is one of the first serious government attempts to address disinformation online.

4. Bill C-10 and the Future of Disinformation in Canada

An important point to take into consideration when beginning to regulate speech over the Internet is that too often the lines are blurred between disinformation and other problematic speech. To prove disinformation, it requires establishing intent on the part of the user in deliberately spreading false information. Regulating other speech, such as hate speech, although problematic, does not raise significant free speech and censorship issues as often times the speech is just a radical opinion as opposed to deliberate false information campaigns. This makes it difficult for policymakers to implement regulations as a policy could result in a disruption of lawful and protected speech since what constitutes disinformation is pretty broad and lines of demarcation between types of speech are ill-defined. This fear of overregulation is echoed in critiques of *Bill C-10: An Act to amend the Broadcasting Act and to make consequential amendments to other Acts* (Department of Justice 2020).

What is Bill C-10?

Policy responses to address the rapid spread of disinformation have varied across the world, ranging from the introduction of new laws to even internet shutdowns. In comparison to the rest of the world, the Canadian response has been slow to address this issue despite its growing prevalence in Canadian society. The most comprehensive solution to date has been in the form of Bill C-10. This bill was introduced in late 2020 by the Minister of Canadian Heritage, Steven Guilbeault, with the aim to “level the playing field between internet streaming services, such as Amazon Prime, Disney Plus and Netflix, and traditional broadcasters such as CTV, Global and private radio stations” (Raman-Wilms and Curry 2021). Since regulation governing internet video and digital media is largely outdated or nonexistent, the bill seeks to

amend the *Broadcasting Act* by adding provisions that address the increased prominence of digitalization in Canada today. Moreover, Bill C-10 aims to promote Canada’s cultural industries and creators, as well as to ensure Canadian content is easily available and accessible by requiring social media platforms to tailor algorithms to increase discoverability (Toffan 2021).

Increased Powers for the CRTC

The *Broadcasting Act* is the primary legislation that establishes the “broadcasting policy for Canada. [It] sets out the roles and powers of the Canadian Radio-television and Telecommunications Commission [(CRTC)] in regulating and supervising the broadcasting system, and the mandate for the [CRTC] (Department of Justice 2021). The CRTC is an independent administrative tribunal responsible for many roles, but most importantly “determining the regulatory requirements to be imposed on broadcasting undertakings ... and enforcing those requirements” (2021). Currently, any online undertaking that delivers audio and audio-visual content on digital platforms such as YouTube and Facebook are “exempt from licensing and most other regulatory requirements” (2021). Therefore, they continue to operate with minimal regulatory oversight, allowing for the rapid spread of disinformation.

With the introduction of Bill C-10, regulation of broadcasting over the internet will be undertaken by the CRTC to hold web giants to the same standards of traditional broadcasting companies. The CRTC will become the arbiter of the details in Bill C-10 and will require all broadcasters to “disclose basic information regarding corporate ownership, revenue, expenditures, catalogue titles and subscriber numbers, as well as other data related to their operations” (Winseck, 2021). Some policy experts view this provision as “reckless imperial overreach” and worry that this would give too much power to the CRTC to regulate any pictures,

video or other content transmitted over the internet to the public (2021). As a small body with limited resources, the new provisions in Bill C-10 will be difficult for the CRTC to adequately implement as currently the bill has no clear definitions of what constitutes broadcasting on the Internet (2021). This blurs the lines on exactly what entities the requirements would be imposed on, creating great uncertainty for users and social media services. In addition, this raises serious concerns about freedom of speech as any content posted online could come under the scope of this legislation and be subject to takedowns by the CRTC (Hopper 2021).

Freedom of Speech Concerns

The introduction of Bill C-10 has prompted significant debate in Canada with varying opinions about whether the bill is an appropriate solution or an overreaching piece of legislation. There is no doubt that the regulation of broadcasting needs to be modernized and updated in Canada to make the law applicable to the digital age. However, many academics and policy experts are concerned about the free speech risks that Bill C-10 poses. Section 4.1 is one of the main areas of contention when it comes to viability of Bill C-10. This section exempted “all social media platforms from CRTC regulation, despite the fact that they account for a significant portion of Canada’s consumption habits today” (Gilmore (2) 2021). However, after the first Charter review, Section 4.1 was removed, thereby eliminating the protection of user-generated content, and subjecting this content to regulation under the new Bill C-10 rules as well as regulatory oversight under the purview of the CRTC (Raman-Wilms and Curry 2021). Members on the House of Commons Heritage Committee did not share the same concern with the new amendment and argues that there are “other parts of the legislation that ensured individual users were protected” (2021). In particular, they cite Section 2.1 of Bill C-10 “which excludes users from being

regulated” (2021). In addition, Heritage Minister Guilbeault argues that enough safeguards are in place in the legislation to protect individual users and keep the powers of the CRTC in check (Toffan 2021). However, critics maintain that social media posts could still be subject to the legislation as Bill C-10 “draws a distinction between users” (Gilmore (1) 2021). Emily Laidlaw, Canada Research Chair in cybersecurity at the University of Calgary, echoes the concern that the legislation is too broad and could severely undermine freedom of speech. Laidlaw contends that Bill C-10 would make social media companies legally responsible for user-generated content as though they are broadcasting programs, which could result in excessive takedown of content (Gilmore (2), 2021). Bill C-10 would ultimately shift the onus of regulatory oversight onto the social media platforms, meaning that everyday posts could be treated as broadcasting programs and be subject to CRTC rules, albeit not directly. A *Charter Statement* was prepared by the Minister of Justice to argue that the bill was Charter compliant. The legal analysis established that the bill was not inconsistent with the rights and freedoms guaranteed by the Charter, specifically section 2(b), which provides that “everyone has freedom of thought, belief, opinion, and expression, and includes freedom of the press and other media of communication” (Department of Justice 2021). The statement acknowledges that the removal of section 4.1 would put user-generated content under the scope of broadcasting regulation but that it would not apply to unaffiliated users directly, but rather onto the platforms instead (Pardy, 2021).

Another aspect of Bill C-10 that raises serious freedom of speech concerns is the requirement to adjust social media algorithms to increase the discoverability of Canadian content. Minister Guilbeault asserts that this feature will be a means of promoting Canadian producers and creators and will “ensure digital streaming services pay their fair share, which would be redistributed back into Canadian production and cultural funds” (Toffan 2021).

Laidlaw is critical of the requirement for social media platforms to adjust their algorithms as “it could have the inadvertent impact of elevating harmful content – provided it’s made in Canada” (Gilmore (2) 2021). There is also a concern that the discoverability of content might restrict other forms of content in its objective to highlight Canadian creators, impeding consumer use of social media, and thereby dampening expression rights. However, Minister Guilbeault asserts that this discoverability feature “does not mean the CRTC would dictate, limit or prohibit a feed or what you can post...it will just add more” so Canadians will still be able to view whatever they choose as the Internet is infinite (2021).

The Future of Disinformation and Important Principles to Address it

The need to modernize broadcasting and update internet regulation in Canada is of imminent concern but there is little agreement on whether Bill C-10 is the appropriate solution. Many agree that Bill C-10 has aspects that adequately fulfill the lack of regulatory measures but also reiterate the fact that several aspects of the bill need to be reformulated to avoid infringing on rights and freedoms guaranteed by the Charter. Ultimately, Bill C-10 represents a salvageable effort to regulate the digital giants since it increases the public obligations of big tech firms as currently these firms are operating with minimal accountability or regulatory oversight. Bill C-10 is not a perfect piece of legislation, but it is a step in the right direction to begin dealing with the lack of online regulation in Canada. This legislation is one part of a multi-pronged approach to dealing with online platforms proposed by the federal government (Karadeglija 2021). In Fall 2021, the federal government plans to release an online harms bill that would create a regulator “called the Digital Safety Commissioner of Canada in charge of ensuring online platforms remove illegal content within 24 hours of being flagged” (2021). Illegal content will consist of “online posts for

terrorist content, content that incites violence, hate speech, intimate images shared non-consensually, and child sexual exploitation” (2021).

These bills are good steppingstones to begin addressing the modern problems that arise due to increased digitalization; however, neither Bill C-10 nor the upcoming online harms bill directly address disinformation. Bill C-10 does not contain provisions about disinformation online or about the moderation of content for its veracity. To effectively combat disinformation, solutions specific to the issue need to be introduced while preserving essential rights such as free speech. Any new legislation or policies brought forward need to encompass certain principles and ideas in order to adequately address the many complexities that come with regulating this issue. These principles include:

1. Protecting Freedom of Speech and Expression

Any policies proposed in the future need to ensure that they do not unduly infringe upon the right to freedom of speech and expression. Participation on public forums is encouraged in democratic societies and it is essential to preserve these fundamental rights over the Internet as well.

Balancing appropriate regulatory measures directly aimed at disinformation will be a challenge for policymakers as often definitions of unacceptable speech are too broad and may infringe on lawful and protected speech. Making a clear distinction between types of speech would be helpful for policymakers as currently there are laws directly aimed at hate speech and other problematic speech.

2. The Swift Takedown of Harmful Content.

The dangers that egregious disinformation pose to democratic processes and social institutions can have a long-standing impact on society. For example, disinformation during an election period can significantly alter election results, impede democratic participation, and sow distrust

in the electoral process. By creating a mechanism to swiftly remove harmful content online, it will ensure that the Canadian electoral integrity is preserved. In addition to false electoral content, it is essential to remove other harmful content as well (as discussed in the coming online harms bill). This will reduce the expansive reach of content spread online as well as reduce the prominence of echo chambers as disinformation tends to amplify in smaller circles where individuals share similar views

3. Increased Transparency of Digital Giants.

Establishing increased transparency rules for big internet firms is another important principle to implement in future policies. This will foster accountability for these platforms as policymakers will have greater insight into how these companies' moderate content through the use of algorithms. Moreover, these companies need to implement measures that directly combat disinformation ranging from changing algorithmic recommendations to reduce the rapid spread of falsehoods (such as downranking misleading posts) to banning false content outright. The latter strategy has already been adopted by a couple social media companies such as Pinterest and Facebook who have banned anti-vaccination content and white supremacist content, respectively (Yaraghi 2019). Other companies such as YouTube and Twitter allow disinformation to be posted, but the companies "provide alternative information alongside the content with fake information so that the users are exposed to the truth and current information" as verified by fact-checkers (2019). Overall, strengthening accountability and oversight of these digital giants will foster a safer online community.

4. Media Literacy Efforts

The development of a digital media literacy program is perhaps the most effective strategy in addressing the spread of disinformation. This method is also more cost-efficient than government

or social media company initiatives as it negates the need for external sources to point out falsities online. Media literacy programs develop a new set of skills in Internet users to critically assess, reflect and engage with any information they encounter on online platforms (Susman-Peña 2020). This enhances users' ability to identify and counter disinformation online as they grow their ability to reflect on their information consumption, thereby bolstering their ability to safely navigate across digital platforms. Efforts should be specifically targeted towards young users as the Internet has become their primary information source. Educators in Finland realized this and in 2016, became the first European country to incorporate digital media literacy into their curriculum (Henley 2020). Their objective is to create "active, responsible citizens and voters" that assess and evaluate information critically. These critical thinking skills are important for adults as well but less impactful as they are unlikely to change their views due to pre-existing confirmation biases. However, it is critical to teach these skills as it will still increase discernment between real and false news in many users. In fact, a research study conducted by the *National Academy of Sciences* found that an exposure to media literacy interventions resulted in an improved ability to distinguish "between mainstream and false news headlines... in the United States (by 26.5%) and...in India by (17.5%)" (Guess et.al 2020). All in all, media literacy programs will play an important role in combatting disinformation as the world moves towards digital immersion.

Ultimately, disinformation is a highly complex issue and will not be solved with a single law or policy. Consistent efforts need to be undertaken to combat disinformation as the Internet continues to evolve with new technologies. Digitalization is now a permanent feature within Canadian society and policymakers will need to adapt to the new changes to preserve the tenets of democracy.

5. Conclusion

Digital platforms have become an important part of social discourse in Canadian politics and social life. Individuals have become accustomed to the ease in accessibility that the Internet provides to engage in democratic expression as well as in accessing political, health and social information. In many ways, the advancement in technology has increased public participation by making citizens better informed about the political processes and current events in Canada, but also around the world. However, the advent of social media has allowed for disinformation to rapidly proliferate in society and leave lasting negative impacts on Canadian society. This rise in intentionally misleading information is troubling as it can lead to increased political polarization and internal divisions, mistrust in social institutions as well as decreased health outcomes as anti-vaccination disinformation campaigns are being increasingly disseminated to the public.

Since disinformation amounts to an attack on rationality, combatting its spread is essential to preserving electoral integrity and social order in society. Federal electoral laws and broadcasting laws are ill-fitted to deal with disinformation in the digital age as regulations are outdated. In order to rectify the harm that its spread poses, these laws must be updated to include provisions that deal directly with online content. Moreover, additional solutions must be introduced, such as the laws enacted in France and Germany, that directly combat the spread and proliferation of disinformation, specifically in digital environments. Compared to international efforts, Canada is well positioned to deal with this issue as efforts in the form of Bill C-10 and the future online harms bill are a step in the right direction. A challenge that the government will face in its attempts to regulate the Internet will be in form of a balancing act between freedom of expression and underregulation. Moreover, defining the lines between disinformation and protected (unpleasant speech) is another challenge as an accurate demarcation is often blurred.

There is always a challenge of achieving meaningful transparency while imposing necessary regulation but that is a balance that needs to be attained to combat the mass dissemination of falsities online.

In conclusion, disinformation is a serious issue and federal initiatives need to be undertaken to limit its spread. Efforts need to focus on preserving expression rights as guaranteed to Canadians by the Charters of Rights and Freedoms, while ensuring that laws adequately address disinformation posted on online platforms. Additionally, digital giants have mainly operated free of any regulatory oversight, which has allowed them to ignore content posted on their platforms. Laws or federal guidelines would force these companies to play an active role in combatting disinformation. In addition to regulation, initiatives need to be directed towards individual users as well in the form of media literacy programs. This will help Canadians learn to safely navigate the Internet and be able to differentiate disinformation from evidence-based information. In conjunction, these efforts will aid in dealing with the influx of disinformation that currently plagues digital platforms.

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