

Censorship reset

by JAY GOLDBERG

Rarely, in the history of Confederation, have so many, from so many points on the political spectrum, been so unified in opposition to one specific policy.

Before the last election, the Trudeau government's proposed internet regulations provoked opposition from journalists, academics, civil liberties groups, women's advocacy organizations, librarians, privacy experts, research think tanks, concerned citizens and scores of others.

Rather than consulting Canadians and taking time to thoughtfully listen to the responses, former heritage minister Steven Guilbeault ignored critics and tried to rush through legislation that ultimately died on the order paper when Parliament dissolved for an election.

Now newly appointed Heritage Minister Pablo Rodriguez has a fresh parliament and the government has an opportunity to change course. Rodriguez needs to listen to Canadians and rethink the government's heavy-handed approach to internet regulation.

Critics have raised well-founded concerns about the federal government's plan to alter broadcast regulations and introduce new online harms measures.

The Independent Press Gallery announced it opposes the government's proposals and expressed "serious concern to the harmful effects on freedom of expression and principles of law that will ensue if the government moves forward with the proposal."

The Canadian Association of Research Libraries argued "the proposed approach to regulating social media and combatting harmful content online needs a great deal of critical rethinking and caution."

OpenMedia called the government's efforts "dangerously misguided."

Why are experts from coast to coast sounding the alarm bells?

First, the Trudeau government's legislation would empower bureaucrats to regulate Canadians' social media feeds. Bureaucrats in their ivory towers in Ottawa would have a say over what we see in our news feeds on sites like Facebook and Twitter.

Does the government really expect Canadians to be comfortable with a proposal one might expect to see in communist China rather than a democratic nation like Canada?

Had the government listened to the experts, it could have proposed regulations that promoted Canadian content while leaving user-generated content untouched, as has been done in the European Union.

Second, the Trudeau government's legislation would impose 24 hour takedown requirements when potentially harmful content is flagged. Companies could face million-dollar fines if they fail to act in less than a day.

Experts warn that such tight deadlines and high financial penalties will create a culture of fear, with social media giants removing "vast quantities of lawful content" just to avoid potential financial liability.

What's the upshot? The government's flawed proposals "will jeopardize Canada's claim to being a leader in advancing free expression" and the human rights upon which our democratic society has been built," according to experts at the University of Ottawa.

Clearly, the takedown proposal needs to be reworked.

Third, the Trudeau government's consultation process was hardly a consultation process at all. Experts were given mere weeks to prepare submissions; the process was secretive and happened behind closed doors; key players, like Facebook, didn't even make a submission; and the Trudeau government was largely disengaged because it was too busy running for re-election.

By contrast, consultation activities on similar issues in the European Union took years of serious engagement. In the EU, leaders wanted to ensure they took the time to get the policy right.

If the government wants to actually deliver thoughtful and tailored reforms, Rodriguez needs to listen to experts and ordinary Canadians. The government needs to take seriously the very real concerns held by organizations that will be significantly impacted by their new rules.

So far, the government has failed to listen. They themselves have said so.

While many will try to pressure Rodriguez to simply revive the government's old legislation and jam it through Parliament, the government would badly damage our democracy in the process.

Instead, Canada needs a genuine and thorough consultation period. The view of every important stakeholder should be heard. With such high stakes, the government needs to get this right.

Now is Minister Rodriguez's chance.