



## Virtual Spaces and Democratic Processes

*A submission to the Canadian Commission on Democratic Expression*

October 2020

We welcome the opportunity to contribute to the work of the Canadian Commission on Democratic Expression as it examines how to prevent and mitigate the negative effects of illegal and other harmful online content on democracy in Canada. We are encouraged by this initiative to engage in a broad inquiry into how to design, regulate, and use online spaces in ways that support democratic processes. Our contribution will focus on the proliferation of online hate and the growing influence of disinformation, and the need for government oversight to safeguard the health of our public discourse.

At the core of our democratic political system is a citizens' choice of who will govern on their behalf. Furthermore, effective democratic governance requires a robust public discourse, which can harness free expression and public opinion to direct society's political affairs. Our public sphere increasingly embraces virtual spaces hosted by private companies. As these companies assume a more significant role in shaping public discourse, we need to clarify the purpose of social media in relation to our democratic processes. We propose that the purpose of social media includes providing a platform for the free expression of views and helping to ensure that the public is well informed. Since these aims do not necessarily align with the interests of for-profit enterprises, some degree of government intervention is needed to safeguard democratic processes.

Discussion of online content is often reduced to a false dichotomy between free expression and government regulation. In the absence of effective governance, virtual spaces have created a dynamic that promotes polarization and accelerates the spread of hate, propaganda and disinformation. We recognize that an effective solution to this problem will be multidimensional, starting with education that raises citizens' capacity to discern truth from falsehood and strategies that reinforce social trust and cohesion. Further, any substantive reform effort must emphasize greater corporate responsibility, invite international coordination, recognize the importance of public mechanisms of technological assessment and the development of appropriate forms of government regulation. Given the limits of this submission and the focus of this commission, we will devote most of our attention to the last items mentioned.

### **Online Hate**

One of the most troubling features of public discussion on social media platforms has been the incubation and proliferation of hatred against groups of people, based on race, religion, sex, ethnicity or class. This hatred has fueled a number of violent attacks targeting members of vulnerable groups in Canada and abroad. Measures to address this problem need to extend far beyond the regulation of online spaces to confront the ignorance and social division that lie at the heart of prejudice and hatred. Awakening the moral consciousness of various social actors is thus a central aspect of the challenge before us. However, the reform and government modulation of online platforms are a key part of the solution.

There is a role for public policies that require accessible community use guidelines with unambiguous definitions of hate speech and effective means of enforcement. The development and improvement of these guidelines benefits from consultation with community and civil society groups to ensure that legitimate free expression is not unduly curtailed while safeguarding public discourse from hate and incitement to violence. Furthermore, government should require a higher standard of accountability from social media platforms that fail to enforce their community guidelines concerning hate speech. The history and role of the Canadian Radio-television and Telecommunications Commission as an independent public authority dedicated to regulating other communications platforms is relevant to consider in this context.

### **Disinformation**

A second area of concern relates to the use of virtual platforms to propagate disinformation, falsehoods that warp the citizen's capacity to understand and act on the issues of the day. Social media companies – perhaps unwittingly, but sometimes consciously – enable this activity through choices in design and experience. Because their platforms reward user engagement rather than veracity, such content can proliferate quickly. Research has found that disinformation spreads faster than truth. The effect is a distortion of public opinion, misdirected to support the narrow interests of particular groups to the detriment of democratic processes.

The spread of disinformation is a problem that digital platforms need to address within a policy framework set by government. While participatory equality must be ensured on such platforms, no one has an uninhibited “right to be amplified.” There is a public interest in promoting access to verifiable information about the affairs of society. It cannot be left entirely to individual users to tell the difference between true and false information, although this is a capacity to develop through effective education. Nor should it exclusively fall to private companies to decide which accounts should be flagged or removed, and how they adjust their algorithms in response to disinformation. Standards and criteria set and enforced by government regulation can provide guidance and accountability for social media companies to safeguard platforms from exploitation intended to undermine democratic processes and public deliberation.

### **The Need for Common Standards**

The nature of digital spaces makes it all the more important that common standards are developed and enforced across social media platforms. A set of measures adopted by one platform as it becomes more vigilant in countering the propagation of hate and disinformation will necessarily lead excluded users to join other platforms. It is evident, then, that common standards are essential to promote a healthy and robust public sphere, where the light of truth can emerge from the expression of differing opinions. The development of such standards will require collaboration between private companies, civil society and government, which can provide policy direction, regulation, and accountability. It is also clear that technical fixes or political solutions will not solve the challenge of regulating online spaces. This path requires ongoing, structured deliberative processes that engage relevant parties at all levels of society in determining the parameters and values of a healthy public sphere that can preserve and serve the best traditions of a democratic society.