

— A Justice Centre Report —

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# Death by a thousand clicks: The rise of internet censorship and control in Canada

Tracing Canada's legislative transition toward a state-controlled internet, regulating what Canadians can access, share, and say online

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**Justice Centre**  
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## Abstract

Since 2020, the Government of Canada has introduced eight bills that collectively expand state control over Canada's internet, including online speech, news distribution, and streaming services. Framed as protecting Canadians from hate, misinformation, and foreign threats, laws passed and pending grant government institutions unprecedented power to manipulate algorithms, compel platform payments, and enable warrantless surveillance, internet disconnections, and expanded speech criminalization. This report traces Canada's legislative shift from an open to a controlled internet where government determines what may be said, seen, and shared online. It shows how Canada's historic departure from its tradition of open discourse toward state-managed digital speech undermines democracy and the *Canadian Charter of Rights and Freedoms*.

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## Updates to this report

This is Version 1.0 of this report, which may be updated periodically.

## About the author

This report was written by veteran journalist and public policy analyst Nigel Hannaford.

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## Executive summary

Since 2020, the Government of Canada (GoC) has tabled eight major bills that would collectively grant it unprecedented control over online speech, news, streaming services, and digital infrastructure. Ostensibly to protect children, combat hate, support Canadian journalism, and secure critical systems, these laws are transforming Canada's open internet into a government-managed digital environment, redefining what Canadians may access, share, and debate online.

### 43rd Parliament (2019-2021)

Bills C-10 and C-36 were the first (albeit unsuccessful) attempts to bring the internet under government control. Bill C-10 sought to regulate individual Canadian users and creators by defining them as “broadcasters” and to manipulate algorithms to make the government's preferred content more “discoverable.” (Discoverability refers to how “discoverable” or “findable” internet content is.)<sup>1</sup> Bill C-36 sought to create powerful new censorship and enforcement bodies and to remove subjectively defined “harmful” content from the internet.

### 44th Parliament (2021-2025)

The next two Bills became law in 2023.

Bill C-11 (*Online Streaming Act*) – a remake of C-10 – subjects streaming platforms and user-generated content to Canadian Radio-television and Telecommunications Commission (CRTC)<sup>2</sup> regulation, empowering it to mandate funding of *government-approved* Canadian content and to regulate content discoverability to determine what Canadians can easily find and watch online.

Second, Bill C-18 (*Online News Act*) obliges platforms to pay news publishers for content. Meta responded by blocking all Canadian news on Facebook and Instagram, slashing traffic to domestic media and increasing the latter's dependence on government subsidies.

In 2024, Bill C-63 (*Online Harms Act*) would have empowered government to order online content removal, demand platform data, and conduct warrantless searches, supposedly to prevent “online harm.” Though it failed with the 2025 election, it demonstrated Ottawa's willingness to violate Canadians' freedom of expression.

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<sup>1</sup> Interaction Design Foundation. “What is Discoverability?” IxDF—Interaction Design Foundation. June 3, 2016. <https://www.interaction-design.org/literature/topics/discoverability>.

<sup>2</sup> Canadian Radio-television and Telecommunications Commission (CRTC) <https://crtc.gc.ca/>.



## 45th Parliament (2025-present)

After the 2025 election, Ottawa introduced three new bills to advance the same agenda.

Bill C-2 (*Strong Borders Act*) authorises warrantless demands for subscriber data and metadata from online providers. Bill C-8 (*An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts*) expands government access to private network data and allows the federal cabinet to order telecommunications providers to disconnect Canadians by ordering the removal of services, potentially using secret evidence. Bill C-9 (*Combating Hate Act*), though not strictly about internet-regulation, significantly expands “hate-propaganda” offences and prosecution and will predictably chill online expression.

Collectively, the bills already passed and those now before Parliament will:

1. Enable the CRTC to regulate Canadian’s internet consumption, content creation and communications
2. Establish a streaming tax on “non-Canadian” content
3. Curtail ordinary Canadians’ access to news
4. Compromise privacy by vastly increasing the power of government to engage in “warrantless surveillance”
5. Permit the government to disconnect individual Canadians from the internet based on secret evidence, without a warrant or judicial oversight, all while prohibiting the internet provider from telling the user why
6. Lower the threshold for “hate” prosecution and remove Attorney General oversight, thereby broadening subjective enforcement

Government is transforming Canada’s centuries-old free speech traditions and privacy rights into something revocable at the pleasure of the CRTC, politicians and bureaucrats. Before digital expression becomes fully state-managed, citizens must demand repeal of C-11 and C-18, urge MPs to reject Bills C-2, C-8, and C-9, and elect representatives committed to restoring an unfettered Internet.



## Introduction

### The principles of openness and fairness

When the *Canadian Charter of Rights and Freedoms* was adopted in 1982, the internet was mostly a tool of the US military.<sup>3</sup>

The World Wide Web (WWW) was launched in 1993, and though it soon became the dominant means of communication, the GoC took little interest in regulating it. As late as 2011, a *Macleans*'s writer could still enthuse that,

*"...from its very beginnings, the internet has been based on the principles of openness and community. The technical protocols on which it runs were made available for free, as was the first web browser. The fundamental principles of the internet, therefore, are the same as democracy – each user is entitled to freedom and openness, so long as they don't harm anyone else. Those that do harm in the eyes of the collective are punished, one way or another."*<sup>5</sup>



Maclean's: "Governments must adapt to Internet, not other way around"<sup>4</sup>

GoC intervention was acknowledged as an unwelcome possibility, but technology would be the solution:

*"It's a struggle they are not likely to win because laws and enforcement take time, despite diminishing democratic controls, whereas new technological circumventions move at lightning speed."*<sup>6</sup>

Nevertheless, in 2018, the GoC appointed the Broadcasting and Telecommunications Legislative Review Panel<sup>7</sup> to examine Canada's communications legislative framework, supposedly "... to ensure that Canadians continue to benefit from an open and innovative

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<sup>3</sup> DevX. DARPANET, April 10, 2025. <https://www.devx.com/terms/darpanet/>.

<sup>4</sup> Nowak, Peter. "Governments must adapt to Internet, not other way around." *Macleans*. August 12, 2011. <https://macleans.ca/society/technology/governments-must-adapt-to-internet-not-other-way-around/>.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Government of Canada. "Broadcasting and Telecommunications Legislative Review Panel: Biographies." <https://ised-isde.canada.ca/site/broadcasting-telecommunications-legislative-review/en/broadcasting-and-telecommunications-legislative-review-panel-biographies>.

Internet.”<sup>8</sup> In response, since 2020, the GoC has passed and proposed a slew of policies that, collectively, transform Canada’s open internet to one that is government-controlled.

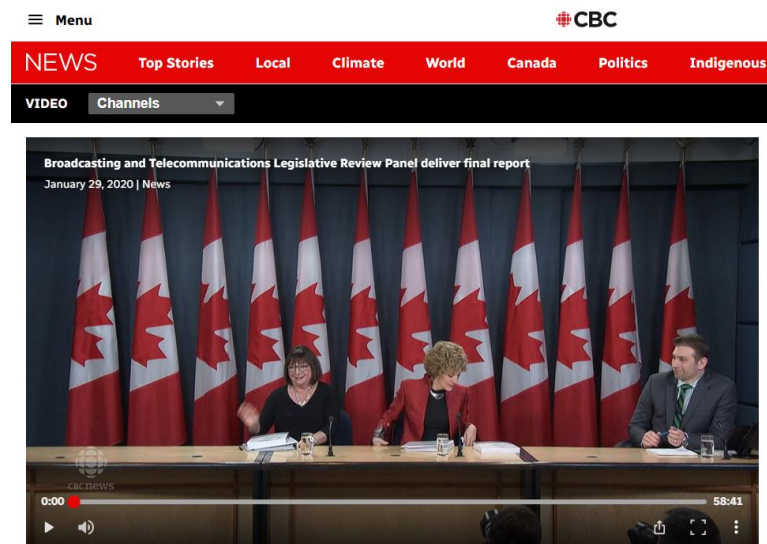
In examining this transformation, this report asks two fundamental questions: Are Canadians witnessing the modernization of communications law – or the quiet normalization of state-managed speech?<sup>9</sup> And, what should be their response?

## The beginning of internet regulation in Canada

### The 2018 Broadcasting and Telecommunications Legislative Review Panel

This 2018 Panel was to examine the pre-existing *Broadcasting Act*, the *Telecommunications Act* and the *Radiocommunication Act*,<sup>11</sup> and recommend how Canada should deal with net neutrality,<sup>12</sup> content creation, and cultural diversity in the digital age – in other words, how to mould the future of Canadian media according to new priorities under Prime Minister Justin Trudeau, then in his first term.

In January 2020, the Panel concluded that the Canadian Radio-Television and Telecommunications Commission (CRTC) should have sweeping powers over virtually all



#### Broadcasting and Telecommunications Legislative Review Panel deliver final report

January 29, 2020 | News | 58:41

*The Panel’s final report, January 29, 2020.*<sup>10</sup>

<sup>8</sup> Government of Canada. “Broadcasting and Telecommunications Legislative Review.” <https://ised-isde.canada.ca/site/broadcasting-telecommunications-legislative-review/en>.

<sup>9</sup> Carpay, John, and Bildy, Lisa. “Censorship coming under proposed Canadian Communications Commission.” Justice Centre for Constitutional Freedoms. March 3, 2020. <https://www.jccf.ca/censorship-coming-under-proposed-canadian-communications-commission/>.

<sup>10</sup> CBC News. “Broadcasting and Telecommunications Legislative Review Panel deliver final report.” January 29, 2020. <https://www.cbc.ca/player/play/video/1.5444817>.

<sup>11</sup> Government of Canada. “Broadcasting and Telecommunications Legislative Review.” <https://ised-isde.canada.ca/site/broadcasting-telecommunications-legislative-review/en>.

<sup>12</sup> ‘Net neutrality’ is an internet operating principle wherein all service providers treat all data equally.



Canadian internet content. It urged the government to move quickly<sup>13</sup> to introduce licencing, mandatory registration, and regulatory control over news, streaming platforms<sup>14</sup> and social media.

These recommendations would cover all online media content, with service providers<sup>15</sup> categorized as:

- Curators (e.g., Netflix or Spotify)
- Aggregators (e.g., Yahoo News Canada, Reddit, Apple News)
- Sharing Platforms (e.g., YouTube, Facebook, X)

All would require licences or registration, mandatory financial contributions to Canadian content generation, and compliance with “discoverability”<sup>16</sup> rules that let the CRTC dictate how prominently Canadian material should appear. Penalties for non-compliance would be substantial.

The CRTC would have access to detailed consumption data, authority to impose binding codes on privacy and transparency, and power to intervene in commercial relationships between platforms and content producers. As for news, the CRTC could decide which sites are “trusted,” requiring aggregators to promote them, and set the terms under which platforms must compensate publishers.

Lawyer and industry expert Michael Geist called the Broadcasting and Legislative Review Panel Report a “stunning set of recommendations related to internet content.”<sup>17</sup> Beyond content, the Panel also recommended regulating AI, data use, digital taxes, online harms, and even how operating systems, devices, and app stores should display content.

It was indeed an explicit declaration that the government intended to establish control over the Canadian internet...over speech, online services, and what Canadians can see, hear, access, and share.<sup>18</sup>

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<sup>13</sup> Government of Canada. “Canada's communications future: Time to act.” <https://ised-isde.canada.ca/site/broadcasting-telecommunications-legislative-review/en/canadas-communications-future-time-act>.

<sup>14</sup> A streaming platform is an online service delivering video, audio, or live content over the internet, allowing users to watch/listen instantly without full downloads, like Netflix, Spotify, or YouTube.

<sup>15</sup> Wikipedia, “List of online video platforms,” Accessed December 12, 2025. [https://en.wikipedia.org/wiki/List\\_of\\_online\\_video\\_platforms](https://en.wikipedia.org/wiki/List_of_online_video_platforms)

<sup>16</sup> Discoverability” - how easily users can find features, information or functionalities.

<sup>17</sup> Geist, Michael. “The CRTC Knows Best: Panel Report Recommends Costly Overhaul of Canadian Communications Law to Regulate Internet Sites and Services Worldwide.” MichaelGeist.ca. January 30, 2020. <https://www.michaelgeist.ca/2020/01/the-crtc-knows-best/>.

<sup>18</sup> Carpay, John. “An election in 2025 will not fix Canada’s cultural decline.” Western Standard. December 30, 2024. <https://www.jccf.ca/an-election-in-2025-will-not-fix-canadas-cultural-decline/>.



## The legislative framework

Here, in detail, is what the eight bills contain and their implications for Canadian internet users.

### 43<sup>rd</sup> Parliament (2019-2021)

Ottawa's first two bills intended to establish significant government control of the Canadian internet. Bills C-10 and C-36 attempted to treat virtually all online audiovisual expression – including user-generated content – as “broadcasting.” While neither passed, both dying on the Order Paper when Parliament was prorogued for the election in 2021, their contents would be revived in subsequent Parliaments.

#### *Bill C-10: An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*<sup>19</sup>

Bill C-10 – was presented in 2020 as a “modernization” of the *Broadcasting Act*, but its core feature was for virtually all online audiovisual expression – including user-generated content (created by individual Canadians and posted online) – to fall under CRTC jurisdiction as “broadcasting.”<sup>21</sup> The bill empowered the CRTC to regulate, prioritize, or de-prioritize Canadians’ online speech as if it were professional broadcast programming.



Minister of Canadian Heritage Steven Guilbeault holds a press conference in Ottawa on Bill C-10, on Nov. 3, 2020. (Sean Kilpatrick/The Canadian Press)<sup>20</sup>

Bill C-10 directly threatened *Charter* section 2(b) freedom of expression. The CRTC would have had new authority to impose discoverability requirements, mandate contributions, or adjust algorithmic outcomes that necessarily affect what Canadians can say online and who gets to hear. Bill C-10 would have given the CRTC new authority to “highlight” its preferred content and, thereby, to “hide” or “bury” other content. This, despite providing no evidence of discoverability problems among Canadian creators, nor any justification strong enough to warrant restricting fundamental expression rights. The bill effectively asked Canadians to trust that regulators would protect freedom of expression.

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<sup>19</sup> Parliament of Canada. “*Bill C-10: An Act to amend the Broadcasting Act.*” House of Commons. LEGISinfo. Third Reading. June 21, 2021. <https://www.parl.ca/legisinfo/en/bill/43-2/c-10>.

<sup>20</sup> CBC News, “Heritage minister stands by controversial Bill C-10, urges MPs to pass it 'quickly',” May 14, 2021. <https://www.cbc.ca/news/politics/guilbeault-heritage-committee-bill-c10-1.6026949>.

<sup>21</sup> Department of Justice Canada. “*Charter Statement: Bill C-10.*” Ottawa: Government of Canada. <https://www.justice.gc.ca/eng/csj-sjc/pl/charter-charte/c10.html>.



Bill C-10's structure, assumptions, and regulatory powers were a significant shift of expressive freedom from citizens to government authorities – contrary to both *Charter* values and Canada's earlier commitment to open digital discourse.

*Bill C-36: An Act to Amend the Criminal Code and the Canadian Human Rights Act and to make related amendments to another Act (hate propaganda, hate crimes and hate speech)*<sup>22</sup>

Introduced in Parliament in June 2021, Bill C-36 was part of the GoC's first attempt to legislate "online harms." The bill aimed to expand state power to regulate digital expression in five areas: hate speech, terrorist content, incitement to violence, child sexual exploitation, and non-consensual sharing of intimate images. It proposed new mechanisms to monitor and police user content and penalize platforms that failed to remove material the government deemed harmful.

However, the *Criminal Code* already prohibits the willful promotion of hatred and other conduct that C-36 claimed to target, making these provisions redundant.<sup>23</sup>

C-36 would, however, have created additional layers of regulation – empowering the CRTC to pressure platforms, censor material, and punish companies and users for failing to block speech labelled "hateful."<sup>24</sup> Because definitions of "hate" are subjective and politically contested, critics warned that the bill invited selective enforcement based on ideological preference.

The bill's approach raised concerns under *Charter* sections 2(b) (freedom of expression) and 7 (life, liberty, and security of the person). By allowing state authorities to act against speech based on perceived emotional harm or speculative impact, C-36 risked chilling legitimate debate on sensitive issues, including religion, sexuality, public policy, and Indigenous history. It would have encouraged interest groups to pressure the government to suppress viewpoints they found offensive, shifting public life from open debate to administrative censorship.

Even though it did not pass, Bill C-36 was thus a significant expression of government attitudes regarding what Canadians should see, hear, and say online – contrary to the free-expression principles that anchor a democratic society.

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<sup>22</sup> Parliament of Canada. "Bill C-36: An Act to amend the Criminal Code and the Canadian Human Rights Act. LEGISinfo. First Reading, June 23, 2021. <https://www.parl.ca/DocumentViewer/en/43-2/bill/C-36/first-reading>.

<sup>23</sup> Carpay, John. "Online hate censorship bill will do more harm than good." Western Standard. October 19, 2023. <https://www.jccf.ca/online-hate-censorship-bill-will-do-more-harm-than-good/>.

<sup>24</sup> Ibid.

## 44<sup>th</sup> Parliament (2021-2025)

### *Bill C-11: Online Streaming Act*<sup>25 26</sup>

Essentially a reintroduction of the failed Bill C-10, Bill C-11 became law in 2023 and amended the *Broadcasting Act* to bring online streaming services under Canadian broadcasting regulation,<sup>27</sup> giving the CRTC new powers to control the internet.

“Online undertakings” (internet services delivering audio/video programming to the public) became a regulated class, the ostensible goal<sup>28</sup> being to help Canadian creators and ensure Canadians “see themselves” online in Canadian stories, music, Indigenous-languages, and culturally diverse programming.”

C-11 also expanded the CRTC’s mandate, empowering it to levy financial contributions to Canadian content funds, set “discoverability” rules for Canadian programming on streaming platforms on a now much-expanded class of Canadian “broadcasters,” and levy administrative penalties for non-compliance.

This undermines net neutrality and amounts to an aggressive expansion of government control over online content and media companies.<sup>29</sup> Global streaming services must also meet Canadian content mandates and contribute financially. In other words, a “streaming tax.”<sup>30</sup>

Ottawa frames Bill C-11 as a tool to strengthen Canadian culture and support creators. But under this pretext it dramatically expands its regulatory reach into global internet services, granting the CRTC broad power over what Canadians watch, hear, and access online.

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<sup>25</sup> Justice Centre for Constitutional Freedoms. “Justice Centre’s Statement on Bill C-11, The Online Streaming Act, receiving Royal Assent.” April 28, 2023. <https://www.jccf.ca/justice-centres-statement-on-bill-c-11-the-online-streaming-act-receiving-royal-assent/>.

<sup>26</sup> Parliament of Canada. “Bill C-11: The Online Streaming Act.” House of Commons. LEGISinfo. Royal Assent, April 27, 2023. <https://www.parl.ca/legisinfo/en/bill/44-1/c-11>.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> For example, former CRTC commissioner Peter Menzies.

Menzies, Peter. “Will the Online Streaming Act survive trade talks with the Americans? Don’t count on it: Peter Menzies in The Hub”. Macdonald-Laurier Institute. August 18, 2025. <https://macdonaldlaurier.ca/will-the-online-streaming-act-survive-trade-talks-with-the-americans-dont-count-on-it-peter-menzies-in-the-hub/>.

<sup>30</sup> Menzies, Peter. “You pay the price for Liberal streaming tax: Peter Menzies in the Line”. Macdonald-Laurier Institute. October 9, 2024. <https://macdonaldlaurier.ca/you-pay-the-price-for-liberal-streaming-tax-peter-menzies-in-the-line/>.



## Bill C-18: Online News Act<sup>31 32</sup>

The GoC introduced Bill C-18 in April 2022, supposedly to address the imbalance between dominant “digital news intermediaries” (such as Google<sup>34</sup> or Meta<sup>35</sup>) and Canadian news publishers like CBC, CTV, Global, the Postmedia newspapers, Globe and Mail, etc. The stated aim was to “enhance fairness in the Canadian digital news market” by establishing a bargaining framework under which platforms must negotiate fair compensation with news businesses when making their content available.<sup>36</sup> Should negotiations fail, Bill C-18 provided for mandatory arbitration.<sup>37, 38</sup>

The government’s broader justification emphasized Canadian journalism’s decline: millions of dollars in ad revenue had shifted to global tech giants – like Google and Facebook – while hundreds of local news outlets shut down. The GoC argued that this was undermining journalism, civic engagement, and democracy.<sup>39</sup>

But C-18 did not go as the government supposed it would.

In response to Bill C-18, Meta refused to pay news providers and instead blocked news links altogether, such that Canadians could no longer share news links via Facebook. Canadian news sites suffered massive traffic losses, which



Local Canadian news has lost 58 percent of online engagement, national news 24 percent, thanks to the Online News Act and Meta’s news ban.<sup>33</sup>

<sup>31</sup> Department of Justice Canada. “Charter Statement: Bill C-18 – The Online News Act.” Ottawa: Government of Canada, 2023. [https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c18\\_1.html](https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c18_1.html).

<sup>32</sup> Parliament of Canada. “Bill C-18: The Online News Act.” House of Commons. LEGISinfo. Royal Assent, June 22, 2023. <https://www.parl.ca/legisinfo/en/bill/44-1/c-18>.

<sup>33</sup> Green, Kiernan. “Local Canadian news has lost 58 percent of online engagement, national news 24 percent, thanks to the Online News Act and Meta’s news ban.” The Hub. August, 08, 2024. <https://thehub.ca/2024/08/08/local-canadian-news-has-lost-58-percent-of-online-engagement-national-news-24-percent-thanks-to-the-online-news-act-and-metas-news-ban/>.

<sup>34</sup> Canadian Radio-television and Telecommunications Commission. List of digital news intermediaries. Government of Canada. <https://crtc.gc.ca/eng/industr/lstdigit.htm>.

<sup>35</sup> Geist, Michael. “Is Meta Offside the Online News Act? The CRTC Wants to Know.” MichaelGeist.ca. October 9, 2024. <https://www.michaelgeist.ca/2024/10/is-meta-offside/>.

<sup>36</sup> Department of Justice Canada. *Bill C-18: An Act respecting online communications platforms that make news content available to persons in Canada*. Government of Canada. November 27, 2023. [https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c18\\_1.html](https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c18_1.html).

<sup>37</sup> *Ibid.*

<sup>38</sup> Rather than thieves of content, these platforms had effectively become newspaper carriers.

<sup>39</sup> Canadian Heritage. “The Online News Act.” Government of Canada.” April 15, 2024. <https://www.canada.ca/en/canadian-heritage/services/online-news.html>.

further harmed them financially and decreased their readership/viewership.

Google took a different tack: Rather than make individual arrangements with news generators, it agreed in 2024 to pay a flat-fee \$100 million a year to the Canadian Journalism Collective, to distribute to affected parties.<sup>40</sup>

In practice, then, Bill C-18 made media increasingly dependent on government subsidies, threatening journalistic independence and competition.<sup>41</sup> Thus, a law intended to assist the circulation of Canadian news content, became a *de facto* limitation on free access to information and a contraction of the open digital news space. Bill C-18 became law on June 22, 2023.<sup>42</sup>

### *Bill C-63: Online Harms Act*<sup>43 44</sup>

Ostensibly to create stronger online protection for children and better protect Canadians from online “hate” and other harms, C-63 was introduced in February 2024. With a “duty to act responsibly,” platforms would be required to mitigate users’ exposure to “harmful content,” broadly defined. C-63 would also have established an additional regulator to the CRTC, the Digital Safety Commission of Canada,<sup>45</sup> with extensive powers to enforce new regulations created by the federal cabinet without Parliamentary oversight.<sup>46</sup>

Experts warned that this new *Online Harms Act* regime would have given the government, via the Digital Safety Commission, sweeping power over online platforms.

- The Commission would have had quasi-judicial powers to order content removals, demand platform data, and inspect business premises – but without traditional safeguards or court-style evidence rules. In other words, warrantless searches for user data.
- Platforms could have been forced, under threat of massive “administrative monetary penalties,” to remove or block a broad range of content, including lawful

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<sup>40</sup> Canadian Radio-television and Telecommunications Commission. “Online News Decision CRTC 2024-262.” Government of Canada. June 28, 2024. <https://crtc.gc.ca/eng/archive/2024/2024-262.htm>.

<sup>41</sup> Miller, Gabby. “Everything to know about Canada’s Online News Act hearings.” Columbia Journalism Review. November 18, 2022. [https://www.cjr.org/tow\\_center/online-news-act-hearings.php?utm](https://www.cjr.org/tow_center/online-news-act-hearings.php?utm).

<sup>42</sup> Parliament of Canada. “Bill C-18: The Online News Act.” House of Commons. LEGISinfo. Royal Assent, June 22, 2023. <https://www.parl.ca/legisinfo/en/bill/44-1/c-18>.

<sup>43</sup> Department of Justice Canada. “Charter Statement: Bill C-63 – An Act to Enact the Online Harms Act.” Ottawa: Government of Canada. May 30, 2024. <https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c63.html>.

<sup>44</sup> Parliament of Canada. “Bill C-63: Online Harms Act.” House of Commons. LEGISinfo. First Reading, February 26, 2024. <https://www.parl.ca/legisinfo/en/bill/44-1/c-63>.

<sup>45</sup> Smith, Dale. “Canada’s digital safety balancing act.” CBA/ABC National, March 5, 2024. <https://nationalmagazine.ca/en-ca/articles/law/in-depth/2024/canada-s-digital-safety-balancing-act>.

<sup>46</sup> Carpay, John. “The Worst Assault on Free Speech in Modern Canadian History: Bill C-63 and the Online Harms Act.” Western Standard, March 1, 2024. <https://www.jccf.ca/carpay-the-worst-assault-on-free-speech-in-modern-canadian-history/>.





speech, to comply with a “duty to act responsibly,” thereby greatly chilling free expression.

- Because the *Act* targeted platforms (not individual users), users would have lost control over what they could see or post; moderation decisions would have effectively been outsourced to the CRTC and DSC (with its staff of 330.)<sup>47</sup>
- Bill C-63 would have given the state an unprecedented role in regulating design, moderation and data practices of social media platforms.

When Parliament prorogued in 2025, C-63 died on the order paper.<sup>48</sup> However, as with Bills C-10 and C-36, this does not mean its ideas died with it.

## 45<sup>th</sup> Parliament<sup>49</sup> (2025 - )

### *Bill C-2:<sup>50</sup> Strong Borders Act<sup>51</sup>*

The GoC introduced Bill C-2 in June 2025,<sup>52</sup> ostensibly to deal with borders, immigration and refugees. But the *Strong Borders Act* addresses numerous issues having little or nothing to do with Canada’s borders. For example, C-2 would grant law enforcement unprecedented powers to monitor Canadians’ digital activity without judicial oversight. Any online service provider – including social media, email, cloud platforms, and even smaller service providers – can be compelled to disclose subscriber information and metadata.

Numerous critics have warned C-2 will chill free expression online, undermine privacy, diminish trust in digital platforms, and reduce Canadians’ ability to communicate anonymously and access information freely.

As of December 2025, Bill C-2 remains at second reading.

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<sup>47</sup> Vrhovsek, Zachary. “The Online Harms Act: Establishment of a Digital Safety Commission, Ombudsperson and Office.” Ottawa: Office of the Parliamentary Budget Officer, 2024. <https://www.pbo-dpb.ca/en/publications/LEG-2425-008-M--online-harms-act-establishment-digital-safety-commission-ombudsperson-office--loi-prejudices-ligne-etablissement-commission-ombudsman-bureau-securite-numerique>.

<sup>48</sup> Parliament of Canada. “*Bill C-63: Online Harms Act*.” House of Commons. LEGISinfo. First Reading, February 26, 2024. <https://www.parl.ca/legisinfo/en/bill/44-1/c-63>.

<sup>49</sup> Carpay, John. “If these three bills pass, Canada could become a police state by Christmas.” The Epoch Times. October 9, 2025. <https://www.jccf.ca/epoch-times-if-these-3-bills-pass-canada-could-be-a-police-state-by-christmas/>.

<sup>50</sup> Parliament of Canada. *Bill C-2: Strong Borders Act*. House of Commons. LEGISinfo. First Reading, June 3, 2025. <https://www.parl.ca/legisinfo/en/bill/45-1/c-2>

<sup>51</sup> Carpay, John. “That didn’t take long... Liberal crusade against cash begins.” The Western Standard. June 5, 2025. <https://www.jccf.ca/in-the-western-standard-that-didnt-take-long-liberal-crusade-against-cash-begins/>.

<sup>52</sup> Department of Justice Canada. “*Charter Statement: Bill C-2 – The Strong Borders Act*.” Ottawa: Government of Canada, 2025. [https://www.justice.gc.ca/eng/cs/sj/pl/charter-charte/c2\\_2.html](https://www.justice.gc.ca/eng/cs/sj/pl/charter-charte/c2_2.html).

## ***Bill C-8: An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts***<sup>53</sup>

The GoC introduced Bill C-8 in April 2025. Its declared purpose is to modernize Canada's cybersecurity framework, strengthen critical infrastructure resilience, and secure the Canadian telecommunications system against any threats of interference, manipulation, disruption or degradation. C-8 also updates previous cybersecurity initiatives, including measures for reporting cyber incidents, protecting systems against attacks, and coordinating responses across critical sectors. C-8 authorizes the cabinet to designate any service or system as a "vital" service or "vital" system, enabling federal government control over an unknown number of companies, as determined by government.

C-8 would expand federal oversight of private sector networks, potentially affecting digital operations and compliance requirements for service providers. In particular, the law would expand government access to private network data. The increased oversight could have a chilling effect on private communications within affected sectors, and compliance obligations may indirectly shape how service providers operate online.

Heinously, C-8 would allow government to "kick Canadians off the internet," i.e., "direct a telecommunications service provider to remove all products provided by a specified person from its telecommunications networks or telecommunications facilities, or any part of those networks or facilities."<sup>54</sup> It remains in committee<sup>55</sup> after second reading, (December 2025).<sup>56</sup>



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## ***Bill C-9: Combatting Hate Act***<sup>57</sup>

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<sup>53</sup> Department of Justice Canada. "Charter Statement: Bill C-8 – An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts." Ottawa: Government of Canada, 2025. [https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c8\\_2.html](https://www.justice.gc.ca/eng/csj-sjc/pl/charte-charte/c8_2.html)

<sup>54</sup> Parliament of Canada. "Bill C-8: An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts." House of Commons. First Reading, June 18, 2025. <https://www.parl.ca/DocumentViewer/en/45-1/bill/C-8/first-reading>

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> Carpay, John. "New Hate Crime Bill Criminalizes Feelings and Restricts Free Speech." The Epoch Times, September 29, 2025. <https://www.jccf.ca/epoch-times-new-hate-crime-bill-criminalizes-feelings-and-restricts-free-speech/>.



Bill C-9, introduced in September 2025, is not strictly an internet-regulation bill as such, but its changes to hate-propaganda and hate-crime laws would significantly chill Canadians' online expression.

C-9 attempts but fails to redefine “hate” in a way that provides clarity for Canadians, such that a citizen can know with reasonable certainty whether or not a particular tweet, column, podcast or video runs afoul of the *Criminal Code*.<sup>58</sup> When expression could be criminal pursuant to a vague and subjective definition of “hate,” more people will self-censor on the internet, the dominant means of communication in the twenty-first century. C-9 would remove the requirement that the Attorney General consent to prosecutions for hate-propaganda offences, thereby increasing prosecutorial discretion and raising the risks of expanded subjective or politically influenced enforcement. This would chill free speech, especially on the internet where expression is recorded indefinitely and particularly for activists, journalists, and other people with unpopular views.

C-9 also vastly increases the maximum sentences that could be imposed if a judge feels that the offence was “motivated by hatred,”<sup>59</sup> and creates new offences. Merely displaying certain symbols linked to hate or terrorism in public, and extending criminal liability to peaceful protest activity, will further chill free expression in Canada.

## **Analysis: Creeping change, led by the Government of Canada**

### **The governmental imperative to expand regulation and state power**

Never satisfied with their current level of power, authority and control, governments often wish to control dominant communications technologies. Despite Canada's tradition and heritage of freedom, and specific *Charter* protection for free speech, this is as true of Canada as anywhere else.<sup>60</sup>

#### *Section 1: Undermining of Charter guarantees*

Unfortunately, few Canadians understand that *Charter* section 2 fundamental freedoms (e.g. expression, religion, association) can be violated by governments under section 1 of the *Charter*, which makes our freedoms “...subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”<sup>61</sup> Since what seems “reasonable” to one generation may not seem so to a later generation,

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<sup>58</sup> *Ibid.*

<sup>59</sup> Parliament of Canada. “Bill C-9: the Combatting Hate Act.” House of Commons. First Reading, September 19, 2025. <https://www.parl.ca/documentviewer/en/45-1/bill/C-9/first-reading>

<sup>60</sup> Prior to the 1757 conquest, the Bourbon monarchy outlawed private printing presses in New France.

<sup>61</sup> Department of Justice. “Section 1 – Reasonable limits.” Government of Canada.

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/check/art1.html>

the *Charter*'s "guarantee" of free speech is flexible and almost entirely dependent on how a judge views the speech in question.

## The transformation of digital content consumption

The GoC frames its legislative efforts to control Canadians' internet access as a comprehensive strategy to "modernize" Canada's communications and digital ecosystem and respond to threats. The government's pretexts include:

- Ensuring a supposedly open and innovative internet benefitting Canadians by promoting Canadian content and cultural diversity (Bills C-10 and C-11)
- Negotiating compensation for Canadian news publishers from global tech giants, to offset the loss of ad revenue and to prevent the decline of local journalism. (Bill C-18)
- Protecting users from various harms by requiring platforms to follow government directives to censor content, as per new powers for the CRTC and Digital Safety Commission. (Bills C-36 and C-63)
- Strengthening security and telecommunications "infrastructure" (Bills C-2 and C-8)

In essence, the GoC presents these bills as protective measures to foster "Canadianized" digital space supporting domestic industry, safeguarding vulnerable groups, and adapting outdated laws (e.g., *Broadcasting Act*) to the digital age.

However, it is the unintended consequences – at least, we hope the consequences are unintended – that the Justice Centre finds alarming.

## The redefinition of hate and criminal expression

Together, these laws restrict Canadians' *Charter* rights to free expression and privacy. They also impinge on open internet access, shifting power from Canadian users and platforms to unelected regulators.

- Bill C-11 expanded CRTC regulatory oversight, treating online audiovisual content created by individual Canadians (including businesses, charities, advocacy groups) as "broadcasting." It authorizes the CRTC to dictate algorithmic prioritization (in other words, discoverability – the ease with which users can find information), impose contributions, and access consumption data. This will very likely de-prioritize content dissenting from dominant and popular political narratives on numerous issues, and content critical of the government. This distorts the Internet's goal of net neutrality, such that no content is favoured or censored. C-11 also authorizes a burdensome "streaming tax."
- Bills C-36 and C-63, whose contents could easily be re-introduced in Parliament, would have forced platforms to remove "harmful" content (and not just hate speech as



defined by the *Criminal Code*) under threat of fines. As state-backed bodies would decide the always difficult issue of what constitutes hate, there would be substantial risk of subjective enforcement, chilling legitimate debate on topics like religion, politics, sexuality, and history.

- Bill C-18 reduced access to information. While the mainstream (government-funded) media's resentment of platforms such as Meta using its content is understandable, its successful lobbying of the GoC had a perverse effect.<sup>62</sup> Asked to pay for content, Meta chose instead to block Canadian news links entirely. A law intended to support Canadian journalism thereby limited Canadians' incidental exposure to news via social media or search – ironically accelerating the decline of journalism and increasing reliance on government subsidies.<sup>63</sup> C-18 now threatens media independence and by directing funds to programs such as “Changing Narratives Fund,”<sup>64</sup> illustrate the hands-on approach the GoC takes to influencing Canadians' opinions.
- If passed, Bill C-2 will lead to erosion of privacy through warrantless access to internet service providers data.
- If passed, Bill C-8 requires mandatory reporting and government access to private networks, and empowers the federal cabinet to kick individual Canadians off the internet. It would enable broad monitoring of digital activity without judicial oversight, deterring anonymous expression, association, and dissent.
- If passed, Bill C-9 will result in more Canadians being prosecuted over their social media posts and other speech, online and offline, by removing the restraint of Attorney General oversight. This provision, and others, will encourage self-censorship across Canada's digital public square.

## Conclusion

### What Canadians believe about free speech – and why they are mistaken

For nearly two centuries, freedom of speech has been Canada's proudest inheritance. Newspaperman Joseph Howe beat libel charges in 1835 by arguing in court that he had

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<sup>62</sup> Menzies, Peter. “Extortion, Dependency and Media Welfare: The Liberals' Bill C-18.” C2C Journal. April 11, 2023. <https://c2cjournal.ca/2023/04/extortion-dependency-and-media-welfare-the-liberals-bill-c-18/>.

<sup>63</sup> Snow, Dave. “Government subsidies for Canada's media were supposed to be temporary, but they keep on growing – and could be here to stay.” *The Hub*. April 22, 2025. <https://macdonaldlaurier.ca/government-subsidies-for-canadas-media-were-supposed-to-be-temporary-but-they-keep-on-growing-and-could-be-here-to-stay-dave-snow-in-the-hub/>.

<sup>64</sup> The Changing Narratives Fund is a new fund initiated by the Department of Canadian Heritage to support creators from Diverse Communities, including Indigenous, Black, racialized, ethno-religious minorities, Persons with disabilities/Disabled persons and 2SLGBTQ+ communities. <https://www.canada.ca/en/canadian-heritage/services/funding/periodical-fund.html>



simply published the truth, setting the precedent for press independence in Canada.<sup>65</sup> Thereafter, governments of every stripe defended a free press.

- Former Prime Minister Laurier proclaimed every Canadian must be free to state their opinion “as it is held at the time of its expression.”<sup>66</sup>
- Prime Minister Diefenbaker thundered on Dominion Day<sup>67</sup> that a Canadian is “free to speak without fear, free to worship in his own way, free to stand for what he believes.”
- When Prime Minister Pierre Trudeau patriated the Constitution in 1982, he promised the new *Charter* would entrench those liberties forever.

Those days are over. Ottawa has now tabled eight bills that together hand the state unprecedented control over what Canadians may say, read, and watch online.

C-11 and C-18 empower the CRTC to manipulate algorithms and force platforms to fund approved journalism. Pending bills (C-2, C-8, and C-9) would widen warrantless surveillance, let bureaucrats cut individuals off the internet, and lead to far more Canadians being prosecuted over “hate-propaganda.”

The CRTC, not Canadians, now decides what is discoverable, permissible, or even visible.

When the Government of Canada seizes the internet’s commanding heights, the casualty is not just privacy or competition – it is Canadian free speech rights. Unless C-11 and C-18 are repealed and the remaining bills defeated, digital expression will cease to be a right and become a revocable licence issued by Ottawa.

Canada’s freedom took centuries to establish. It is being dismantled, one quiet bill at a time. To preserve our democratic heritage, citizens must demand accountability, challenge these encroachments through the democratic process, and elect MPs who are committed to an open internet.

The alternative is a nation silenced, one bill at a time.

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<sup>65</sup> Wikipedia, “*Libel trial of Joseph Howe*.” Accessed December 11, 2025.

[https://en.wikipedia.org/wiki/Libel\\_trial\\_of\\_Joseph\\_Howe](https://en.wikipedia.org/wiki/Libel_trial_of_Joseph_Howe)

<sup>66</sup> Dettling, Christopher Richard Wade. “*Lecture On Political Liberalism*.” American Idealism, Medium.com. Jul 24, 2017. <https://medium.com/@christopherrichardwadedettling/lecture-on-political-liberalism-wilfrid-laurier-1877-cb576c66f2e6>

<sup>67</sup> Prime Minister Diefenbaker. “The Canadian Bill of Rights.” Diefenbaker Canada Centre. <https://diefenbaker.usask.ca/exhibits/online-exhibits-content/the-canadian-bill-of-rights.php>



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