

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



**A Justice Centre Report,
Summary presentation**

Report published: December 15, 2025

Report author: Nigel Hannaford



Justice Centre
for Constitutional Freedoms



Scan to access
the report:

www.jccf.ca/reports/



The Internet's Original Promise (Introduction 1/2)

- **The Open Internet: Freedom by design**
- The internet was built on **openness, neutrality, and decentralization**
- Early internet governance assumed:
 - Minimal state control
 - User choice over content
 - Free flow of information
- Internet norms mirrored democratic norms:
 - Speech first, regulation last

Openness was foundational to the internet.



This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)



The Turning Point: 2018 Review Panel (Introduction 2/2)

From open internet to state-managed digital system

In 2018, Prime Minister Trudeau appoints:

- ▶ *Broadcasting and Telecommunications Legislative Review Panel*

Mandate: “modernize” broadcasting and telecommunications

Key shift:

- ▶ Treat internet platforms like broadcasters
- ▶ Expand government authority over online content

Review panel recommends: Licensing, mandatory registrations, algorithmic regulation

This reframed the internet as **something to be governed**, not merely accessed

Lays the groundwork for all subsequent legislation

Review Panel delivers final report
January 29, 2020 | CBC News





43rd Parliament Overview (2019–2021)

First legislative attempts to regulate the internet

- Government introduces two major bills:
 - Bill C-10 – Redefining “broadcasting” to include streamers
 - Bill C-36 – Legislating “online harms”
- Both die on the Order Paper with the 2021 election
- But the ideas persist

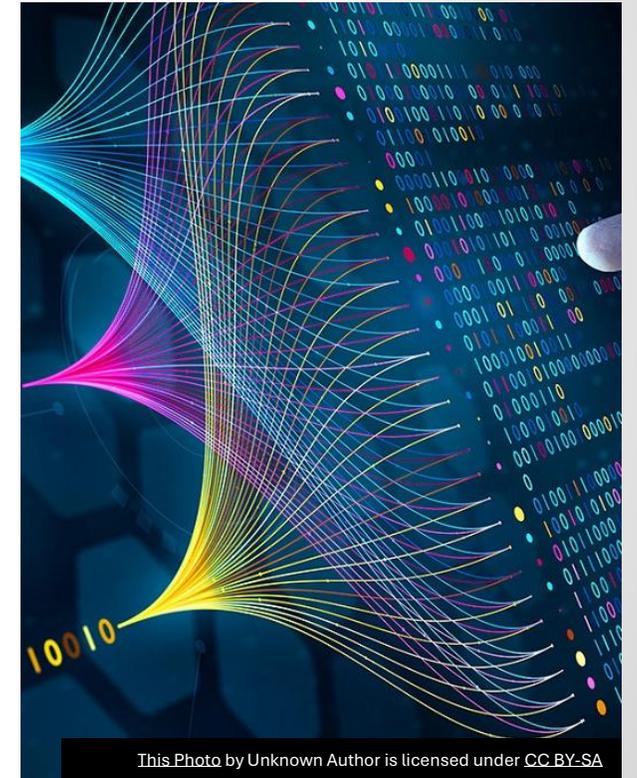


Bill C-10 - Redefining “broadcasting”

Government redefines user-generated content (E.g. YouTube uploads) as “broadcasting”

- ▶ Grants CRTC authority to:
 - ▶ Regulate algorithms (“discoverability”)
 - ▶ Prioritize or bury content
 - ▶ Obligate platforms to pay “Canadian” content creators
- ▶ Effect:
 - ▶ Government influences the reach of user-generated content, and therefore what Canadians can easily access online

Direct threat to freedom of expression



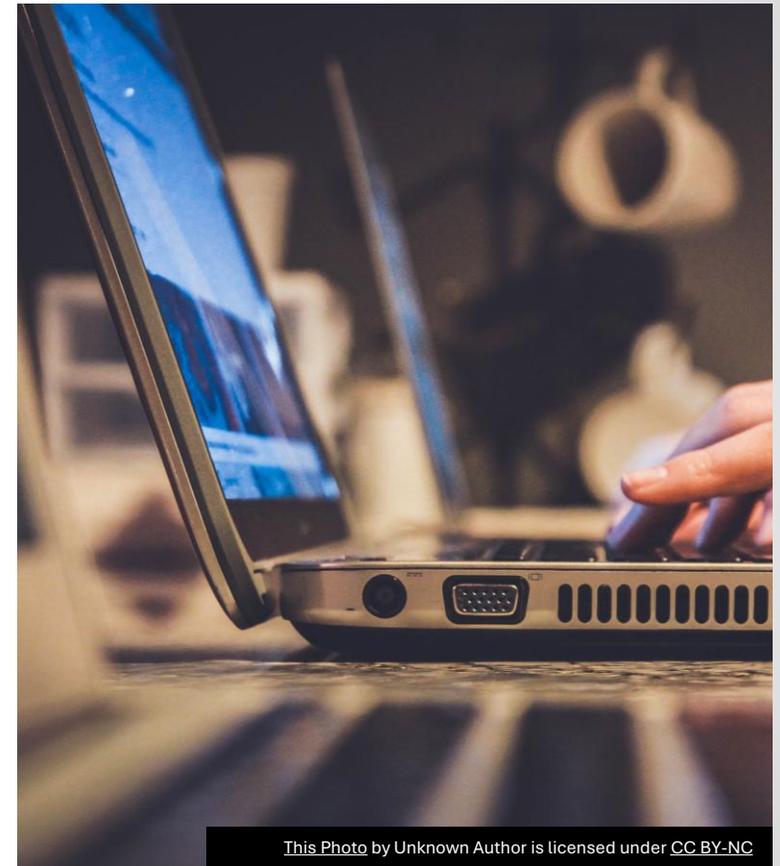
This Photo by Unknown Author is licensed under CC BY-SA

Bill C-36 – Legislating “online harms”

Expands censorship by regulating “online harms”

- Targets vaguely defined “harmful” content
- Encourages platforms to:
 - Proactively censor content to avoid regulatory penalties
- Risks:
 - Platforms removing lawful speech
 - Subjective prosecution of “hate”
 - Ideological bias in enforcement

Signals government’s willingness to regulate speech beyond existing Criminal Code limits





44th Parliament Overview (2021–2025)

Legislating internet control

➤ Three major bills:

- C-11: *Online Streaming Act* (passed)
- C-18: *Online News Act* (passed)
- C-63: *Online Harms Act* (failed, but revealing)



Bill C-11 (*Online Streaming Act*)

(A revamp of Bill C-10)

Algorithmic control of what Canadians see

- Extends Broadcasting Act to streaming services
 - Includes user-generated content (E.g. YouTube)
- Empowers CRTC to:
 - Regulate “discoverability” through algorithms
 - Impose “Canadian content” requirements
 - Obligate platforms to pay “Canadian” content creators (“streaming tax”)
- Undermines net neutrality of the internet
- Allows indirect suppression of dissenting or unpopular content.



Bill C-18 (*Online News Act*)

Restricting access to news

- ▶ Forces platforms to pay news outlets for linking to news
- ▶ Intended to support “Canadian” journalism
- ▶ Actual result:
 - ▶ Google Pays \$100 million
 - ▶ Meta blocks Canadian news
 - ▶ **Collapse of traffic to news outlets**
 - ▶ **Major financial losses**, despite Google’s \$100 million
 - ▶ News media become more dependent on government funding
 - ▶ Undermines trust in news
- ▶ A law to “support news” ends up limiting access to news instead.



Bill C-63 (*Online Harms Act*)

A Blueprint for Digital Surveillance

- Imposed a “duty to act responsibly” on platforms to prevent exposure to “harmful content”
- Proposed a new Digital Safety Commission, with powers to:
 - Make warrantless data demands
 - Mandate content removal
 - Impose massive fines
- Would have chilled lawful speech at scale

Died with the 2025 election – **but the ideas remain**



This Photo by Unknown Author is licensed under CC BY





This Photo by Unknown Author is licensed under CC BY-SA-NC

45th Parliament Overview (2025–) 1/2

Doubling down on internet control

- Government shifts focus
- New Bills target:
 - Internet surveillance
 - Internet disconnection
 - Hate criminalization
- Expands digital surveillance and censorship – justified by:
 - Protecting national security
 - Preventing online “hate”

45th Parliament Overview (2025–) 2/2

Surveillance, Disconnection, Criminalization

- C-2: *Strong Borders Act*
 - Warrantless access to subscriber data
- C-8: *An Act respecting cyber security...*
 - Cabinet power to disconnect individuals from the internet
- C-9: *Combatting Hate Act*
 - Expands hate offences
 - Expands prosecution of hate speech by removing Attorney General oversight
- All three Bills remain before Parliament (Dec 2025)

The internet becomes monitored, conditional, and punishable.



This Photo by Unknown Author is licensed under CC BY-NC-ND



Bill C-2 (*Strong Borders Act*)

Warrantless Surveillance of Canadians

- ▶ Compels online service providers to disclose:
 - ▶ Subscriber information and usage data
- ▶ No warrant or judicial authorization required
- ▶ Applies broadly: social media, emails, cloud platforms, etc.
- ▶ Effects:
 - ▶ Erodes privacy
 - ▶ Chills anonymous speech
 - ▶ Normalizes routine surveillance

Transforms digital participation into a monitored activity

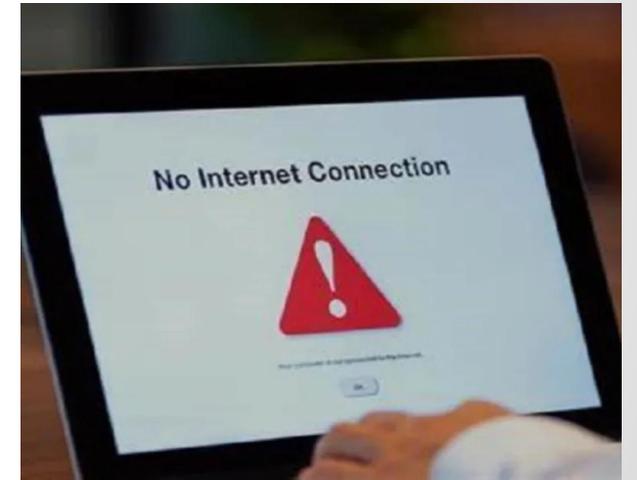


Bill C-8 (An Act respecting cyber security...)

Power to disconnect Canadians from the internet

- Expands government access to private network data
- Authorizes government to force providers to:
 - “Remove services” (I.e., disconnect individuals)
- Decisions may rely on secret evidence
- Removes judicial oversight (I.e., no warrant needed)

Internet access becomes conditional, not a given



Bill C-9 (*Combating Hate Act*)

Criminalizing “hate”

- Expands “hate-propaganda” and “hate-crime” offences
- Enables expanded prosecution of hate speech by removing attorney general oversight
- Increases penalties for “hate-crimes” significantly
- Relies on subjective definitions of “hate”
- Will encourage:
 - Self-censorship
 - Politicized enforcement
 - Fear of prosecution for controversial views
- Not specifically about internet regulation, but **will significantly chill online expression**



What These Bills Achieve Collectively

A State-Managed Digital Environment

Together, these laws:

- Centralize control in the CRTC and federal cabinet
- Enable algorithmic steering of public discourse
- Expand warrantless surveillance
- Make internet access revocable
- Reduce access to information and news
- **Encourage widespread self-censorship**



Charter Implications

Rights Recast as Privileges

- Freedom of expression weakened (s.2(b))
- Privacy protections bypassed
- Due process reduced or eliminated
- Section 1 (“reasonable limits” clause) used to justify permanent limitations
- *Charter* rights become conditional on government approval



This Photo by Unknown Author is licensed under CC BY-SA

The Choice Ahead

Defining moment for Canada

- ▶ Canada is abandoning its tradition of open discourse
- ▶ The internet is becoming a licensed, regulated space
- ▶ Freedom of expression is increasingly conditional

Call to action (for MPs and public):

- ▶ Repeal C-11 and C-18
- ▶ Reject C-2, C-8, and C-9
- ▶ Defend an open internet as a *Charter* value

