



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 156 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, June 6, 2019

—
Chair

Mr. Anthony Housefather

Standing Committee on Justice and Human Rights

Thursday, June 6, 2019

● (0850)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)):
Good morning, everyone, and welcome to this meeting of the Standing Committee on Justice and Human Rights as we resume our study on online hate.

I would like to welcome Ms. Raitt to the committee as vice-chair for her first meeting.

It's an honour and a pleasure to welcome Mr. Kevin Chan, who is the Global Policy Director at Facebook, to our study. Mr. Chan, I want to thank you and Facebook for being willing to participate in our study on online hate. We know that your company takes this seriously, and we really appreciate your being here to educate us on what you are doing.

We will start with you. The floor is yours, sir.

Mr. Kevin Chan (Global Policy Director, Facebook Inc.):
Thank you very much.

Just for the record, Mr. Chair, I am but one of many different global policy directors at Facebook, so I'm not "the" director, just "a" director of the company.

Thank you, Mr. Chair, and members. My name is Kevin Chan, and I am the head of public policy at Facebook Canada. I am pleased to contribute to your study of online hate.

We want Facebook to be a place where people can express themselves freely and safely around the world. With this goal, we have invested heavily in people, technology and partnerships to examine and address the abuse of our platform by bad actors.

We have worked swiftly to remove harmful content and hate figures from our platform in line with our policies, and we also remain committed to working with world leaders, governments and across the technology industry to help counter hate speech and the threat of terrorism.

[Translation]

We want Facebook to be a place where people can express themselves freely and safely around the world. With this goal, we have invested heavily in people, technology and partnerships to examine and address the abuse of our platform by bad actors. We have worked swiftly to remove harmful content and hate figures from our platform, in line with our policies. We also remain committed to working with world leaders, governments and across

the technology industry to help counter hate speech and the threat of terrorism.

[English]

Everyone at our company remains shocked and deeply saddened by the recent tragedies in New Zealand and Sri Lanka, and our hearts go out to the victims, their families and the communities affected by the horrific terrorist attacks.

With regard to the event in Christchurch, Facebook worked closely with the New Zealand police as they responded to the attack, and we are continuing to support their investigation.

In the immediate aftermath, we removed the original Facebook live video within minutes of the police's outreach to us and hashed it so that other shares that are visually similar to that video are then detected and automatically removed from Facebook and Instagram. Some variants such as screen recordings were more difficult to detect, so we also expanded to additional detection systems, including the use of audio technology.

This meant that in the first 24 hours we removed about 1.5 million videos of the attack globally. More than 1.2 million of those videos were blocked at upload and were, therefore, prevented from being seen on our services.

As you will be aware, Facebook is a founding member of the Global Internet Forum to Counter Terrorism, or GIFCT, which coordinates regularly on terrorism. We have been in close contact since the attack, sharing more than 800 visually distinct videos related to the attack via our collective database, along with URLs and context on our enforcement approaches. This incident highlights the importance of industry co-operation across the range of terrorists and violent extremists operating online.

At the same time, we have been working to understand how we can prevent such abuse in the future. Last month Facebook signed the Christchurch call to eliminate terrorist and violent extremist content online and has taken immediate action on live streaming.

Specifically, people who have broken certain rules on Facebook, including our dangerous organizations and individuals policy, will be restricted from using Facebook Live. We are also investing \$7.5 million in new research partnerships with leading academics to address the type of adversarial media manipulation we saw after Christchurch, when some people modified the video to avoid detection in order to repost it after it had been taken down.

With regard to the tragedy in Sri Lanka, we know that the misuse and abuse of our platform may amplify underlying ethnic and religious tensions and contribute to offline harm in some parts of the world. This is especially true in countries like Sri Lanka, where many people are using the Internet for the first time and social media can be used to spread hate and fuel tension on the ground.

That's why in 2018 we commissioned a human rights impact assessment on the role of our services, which found that we weren't doing enough to help prevent our platform from being used to foment division and incite violence. We've been taking a number of steps, including building a dedicated team to work across the company to ensure we're building products, policies and programs with these situations in mind, and learning the lessons from our experience in Myanmar. We've also been building up our content review teams to ensure we have people with the right language skills and understanding of the cultural context.

● (0855)

We've been investing in technology and programs in places where we have identified heightened content risks and are taking steps to get ahead of them.

In the wake of the atrocities in Sri Lanka we saw our community come together to help one another. Following the terror attacks and up until the enforcement of the social media ban on April 21, more than a quarter of a million people had used Facebook's safety check tool to mark themselves safe, to reassure their friends and loved ones. Following the attacks there were over 1,000 offers or requests for help on Facebook's crisis response tool.

These events are a painful reminder that while we have come a long way there's always more we can and should do. The price of getting this wrong can be the very highest.

I'd like to now provide a general overview of how we approach hate speech online. Facebook's more important responsibility is keeping people safe both online and off to help protect what's best about the online world. Ultimately we want to give people the power to build communities and bring the world closer together through a diversity of expression and experiences on our platform.

Our community standards are clear: Hate can take many forms and none of it is permitted in our global community. In fact, Facebook rejects not just hate speech, but all hateful ideologies, and we believe we've made significant progress. As our policies tighten in one area, people will shift language and approach to try to get around them. For example, people talk about white nationalism to avoid our ban on white supremacy, so now we ban that too.

People who are determined to spread hate will find a way to skirt rules. One area we have strengthened a great deal is in the designation of hate figures and hate organizations based on a broader range of signals not just their on-platform activity. Working with external Canadian experts has led to the removal of six hate figures and hate organizations—Faith Goldy, Kevin Goudreau, the Canadian Nationalist Front, the Aryan Strikeforce, the Wolves of Odin and Soldiers of Odin—from having any further presence on Facebook and Instagram. We will also remove any praise, representation or support for them. We have already banned more than 200 white

supremacist groups as a result of our dangerous organizations policy worldwide.

In addition to this policy change we have strengthened our approach to hate speech in the last few years centred around three Ps. The first is people. We have tripled the number of people at Facebook working on safety and security globally to over 30,000 people.

The second is products. We continue to invest in cutting-edge technology and our product teams continue to build essential tools like artificial intelligence, smart automation and machine learning that help us remove much of this content, often at the point of upload.

The third is partnerships. In addition to the GIFCT, in Canada we have worked with indigenous organizations to better understand and enforce against hateful slurs on our platform. We have also partnered with Equal Voice to develop resources to keep candidates, in particular women candidates, safe online for the upcoming federal election. We have partnered with the Canada Centre for Community Engagement and Prevention of Violence on a workshop on counter-speech and counter-radicalization.

Underpinning all of this is our commitment to transparency. In April 2018, we published our internal guidelines that our teams used to enforce our community standards. We also published our first-ever community standards enforcement report describing the amount and types of content we have taken action against, as well as the amount of content we have proactively flagged for review. We publish our report on a semi-annual basis, and in our most recent report released last month we were proud to share that we are continuing to make progress on identifying hate speech.

We now proactively detect 65% of the content we remove, up from 24% just over a year ago when we first shared our efforts. In the first quarter of 2019 we took down four million hate speech posts and we continue to invest in technology to expand our abilities to detect this content across different languages and regions.

I would like to conclude with some thoughts on future regulation in this space. New rules for the Internet should preserve what is best about the Internet and the digital economy: fostering innovation, supporting growth for small businesses, and enabling freedom of expression while simultaneously protecting society from broader harms. These are incredibly complex issues to get right and we want to work with governments, academics and civil society around the world to ensure new regulations are effective.

• (0900)

As the number of users on Facebook has grown and as the challenges of balancing freedom of expression and safety have increased, we have come to realize that Facebook should not be making so many of these difficult decisions, which is why we will create an external oversight board to help govern speech on Facebook by the end of this year. This oversight board will be independent of Facebook and will be a final level of appeal for what stays up and what goes down on the platform. Our thinking at this time is that the decisions by this oversight board will be publicly binding on Facebook.

Even with the oversight board in place, we know that people use many different online platforms and services to communicate, and we would all be better off if there were clear baseline standards for all platforms. This is why we like to work with governments to establish rules for what is permissible speech online. We have been working with President Macron of France on exactly this kind of project, and we would welcome the opportunity to engage with more countries going forward.

Thank you for the opportunity to present before you today, and I look forward to answering your questions.

The Chair: Thank you very much for the presentation.

We will now go to questions.

Ms. Raitt.

Hon. Lisa Raitt (Milton, CPC): Thank you very much.

Mr. Chan, I'm interested in the last part of your presentation, because it's new to hear that you're thinking about an external board. I'm wondering if you could tell me who will be appointing the members of that board.

Mr. Kevin Chan: It is actually quite new; you're right, ma'am. It's something we announced back in November.

We are in consultations right now around the world, including in Canada. We held a Canada round table earlier in May to which we brought various groups from different perspectives and different sectors together to talk about these types of questions. One of the open ones is very much this issue of how these people will be appointed and how we will get appropriate representation around the world, because it would be a global board. Some of the decisions they will have to make will be very local in nature.

We don't have a specific final position on this yet, but I can share with you that we have heard feedback that if it were, let's say, Facebook making that decision initially about who would be appointed, I think some people would say, "Well, we're not sure that that's going to get you the appropriate level of independence you're seeking." If it were, let's say, open to applications, for example, then I think we've also heard feedback that the challenge will be that we will in some way end up not representing certain groups that feel they should be represented on this board.

Hon. Lisa Raitt: I want to talk about enforcement. Correct me if I'm wrong, but how much control of shareholder stock does Mr. Zuckerberg have?

Mr. Kevin Chan: I don't have that information on me, but it's a majority.

Hon. Lisa Raitt: It is. It's 57%, right? Essentially, therefore, as the CEO and the majority shareholder, he is the sole proprietor at the end of the day. He controls it all. He controls exactly what happens in the company. He controls the board as well.

The U.K. is doing something very interesting. They have a white paper out right now and they're thinking of introducing the concept of duty of care. There's a concern about enforcement, which you were just telling us about, in terms of a process to find people to sit on a board. It seems to take a long period of time. If we're trying to figure out how we're going to go about finding a process to appoint people, we're nowhere near appointing a board, and yet the issue is urgent and current.

I'm just curious, Mr. Chan: What's the thought process around not having your CEO and majority shareholder coming to be accountable to parliamentarians, and to members of Congress as well, on an issue as important as this?

Mr. Kevin Chan: I'm sorry, Madam, but are you referring to today's committee or are you referring to...?

Hon. Lisa Raitt: I mean anything in general. He wasn't asked to come to our committee, because I think we learned our lesson the first time around with the conflict-of-interest one. He did not appear in front of the U.S. Congress in April when they were talking—

The Chair: He was invited to this committee.

Hon. Lisa Raitt: Oh, sorry, he was. That's my bad; I'm new.

Mr. Kevin Chan: That's okay.

Well, I mean—

Hon. Lisa Raitt: It's not that you're bad, by the way.

Mr. Kevin Chan: I appreciate that, and I tell my kids that every day, and I tell myself that too.

Voices: Oh, oh!

Mr. Kevin Chan: The CEO has been at legislative bodies previously. He did not come before a legislative body in Canada. In this case, there were specific things that I think the committee wished to discuss in terms of hate speech. We usually try to send the experts who are equipped to engage on these issues. Today, that would be me. On previous occasions, it would have been other people, but that is based on the expertise that we bring to the table.

• (0905)

Hon. Lisa Raitt: Let's ask the expert. What is your response going to be to the white paper, specifically on the imposition of a duty of care and accountability? I'm very interested in that. Our only accountability is asking you to send the most appropriate decision-maker to the table. We've asked for it, and it doesn't happen, so I guess we're going to have to resort to other means. The U.K. has taken that position. What is your response to that?

Mr. Kevin Chan: As you know, during the consultation process we are going to provide some input into that process. Generally, though, if we're talking about hateful or prohibited content on the platform, I think a better way to think about it is the prevalence. It is a general understanding of how much of this is on the platform, and we feel very comfortable and we think it appropriate to be measured against that.

As I said, about a year ago we were proactively detecting about 24% of that. We're trying to better that. We're over 60%. We know we still have more work to do, but I think prevalence is an important measurement.

I think in other parts of the world we've talked about timelines, to get something down within a certain period. A couple of things are particularly challenging with that. For example, something may be up there for a while but has been seen by almost nobody, whereas there are things that have been there for potentially a very short or a long period of time that are seen by a lot of people.

We want to get at the question of reach versus whatever is out there, specific pieces of content that you have to take down by a certain time. In other parts of the world I think that has led to the unintended consequence of over-censorship of content.

We understand we shouldn't have certain things on the platform. They are a violation of our policies, and in some cases a violation of local law. We want to act expeditiously on that, but we want to be measured on the prevalence and the ability of our systems to do what we say we're going to do versus specific timelines that lead to these kinds of unintended consequences of censorship.

Hon. Lisa Raitt: Thank you.

The Chair: Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Chan, for being with us today.

I want to pick up on something Ms. Raitt was talking about, and that's Mr. Zuckerberg not appearing at this committee or another committee, where he was summoned to appear.

In March he said he was looking forward to discussing online issues with lawmakers around the world. Here we are, and we did invite him to this committee. He was summoned to a different committee.

It's an important signal of how important Facebook takes this issue, when the CEO says he's going to meet with lawmakers around the world, and then he gets invited to a parliamentary committee—this one—and gets summoned to another one and doesn't appear. I'd like to know why he's not here.

Mr. Kevin Chan: As I mentioned, sir, we have a global policy team that engages with not only governments and lawmakers but civil society and academics around the world. In all cases, we try to send the most appropriate people.

I think you're referring to an op-ed in The Washington Post. Obviously, I think he's trying to indicate that the company's posture, generally, is that we want to engage with as many people as possible. You can appreciate it's going to be challenging, obviously, for him to

go everywhere he should be or where people would want him to be, which is why he has a global policy team to help him in that regard.

Mr. Colin Fraser: When he said he was looking forward to discussing it with lawmakers around the world, then, he didn't mean himself specifically; he meant the company.

Mr. Kevin Chan: Clearly, we're talking about a company that does want to engage.

I want to be very clear. I think on this particular question of hate speech, but also on many other realms, including election integrity, which I think we are all seized with, we are the company, among other platforms, that has leaned in on this and has done the most.

● (0910)

Mr. Colin Fraser: I understand that, but it sends an important signal about the seriousness with which Facebook takes this issue when Mr. Zuckerberg is saying that he looks forward to discussing it with lawmakers around the world, and when they take him up on that, he refuses to come.

I want to move on to another point, and that's the upcoming federal election. You mentioned that in your presentation. What is Facebook doing to monitor and track foreign interference, generally speaking, when it comes to democratic elections but, in particular, the Canadian federal election coming up?

Mr. Kevin Chan: We'll have more to say about that in the next little while because we are going to launch our political ad transparency tools, one of which is to ensure that we do our best to prevent foreign interference in the next election. I can tell you generally that we look at what we call coordinated inauthentic behaviour.

We want to not be looking at the content because when you look at the content itself, oftentimes it will not be violating in any way. It will be a very straight post that would be completely fine had it been posted in some other context. We need to go beyond just the content; we have to go to the behaviour.

We do work with partners. We work with law enforcement around the world. We work with intelligence agencies around the world. We rely on reports from political parties as well as elections authorities—including the Commissioner for Canada Elections—that identify things they may find challenging or where they think there is something else going on. That allows us to then do investigations on the back end to understand who's behind those posts. In many cases we'll do a spiralling-out or a spidering-out of analysis to understand what's behind a post.

If we see that what's behind a post is actually a fake account, we try to understand how many fake accounts out there are being coordinated to post things and to share things at the same time. That allows us to map out the network on the back end and then take these things down en masse.

We've done multiple such takedowns of coordinated inauthentic behaviour in the last two years. We always publicize these things and we always work with local law enforcement.

In all these cases, though, what has been interesting is that we haven't found any connections into Canada. In the past, we've found things that originated in the United States and in the United Kingdom. We've had networks into Europe and into the Middle East. In all these cases, we just haven't found linkages to Canada. That's not to say that there's nothing here; we continue to look.

That's the kind of work we're doing.

Mr. Colin Fraser: Thank you.

Does Facebook believe there are actually state actors behind some of the interference that happens online with elections?

Mr. Kevin Chan: Yes, I think we've been very public with our coordinated inauthentic behaviour takedowns. At times we've traced these things back to the Internet Research Agency in Russia. We've traced some of these back to Iran. We've traced some of these back to domestic operations in the countries in which we're doing the takedowns.

Mr. Colin Fraser: I want to move for a moment to the—I think you said—six Canadian organizations that were removed from your platform as a result of some investigative work that happened. One of them was Faith Goldy. I'd like to know how a determination was made that she should be removed from your platform.

Mr. Kevin Chan: I can give a little bit more colour. We don't want to provide all of the tools in the tool kit, but in this case I'll just describe the process generally. This is what we call a policy development process. We have a team. I am on the public policy team. A subset of the public policy team thinks about dangerous organizations and dangerous figures. They'll do a deep dive, working with experts around the world on who these figures are.

In the case that you're talking about, she has uttered the 14 words and that, along with other signals, was grounds for designating her and removing her from the platform.

The Chair: Thank you very much.

Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Mr. Chair.

Thank you, Mr. Chan, for being here today.

I also want to thank you for not trivializing—as some of our witnesses have done in the past—the impacts of hate speech on people's daily lives or ascribing concerns about limitations of free speech to people being too sensitive.

I have spoken to people in my own community who say that they are afraid to go to their synagogue or afraid to go to their mosque because of the violent events around the world and because those are being promoted locally.

I want to ask you a question about recognition of hate speech. I want to base that on something that happened in my own community recently. An event was organized on Facebook and also promoted in other media. I'm not signalling out Facebook here. That said, the speech was on—I'll put a blank in place of the name of a group at the beginning—“blank” harm to women and children.

People had trouble distinguishing that it was hate speech because of what was in that blank. If they had said, “Gay harm to women and children”, you would recognize that. If they had said “black”, “Jewish”, “Asian” or any kind of thing you put in there...but because it said “transgender”, the mayor of the local municipality said they could use public facilities because that wasn't hate speech. Your organization didn't catch that as a form of hate speech. It took a month.

I will give Facebook credit. The person who organized this is now no longer allowed to organize events on Facebook.

● (0915)

Mr. Kevin Chan: Okay.

Mr. Randall Garrison: It is not allowed to advertise their posts.

However, in that month, this person used Facebook and used all aspects of Facebook to promote hate speech in the community.

When you talk about scope and reach, in my own community—there weren't hundreds of thousands or millions of people, and I realize Facebook is a worldwide organization—it had real impacts in that month before that was closed down.

How do you reconcile that problem that takes place in local communities with your looking for, I guess, the frequency of viewing the material?

Mr. Kevin Chan: I'm not aware of this particular case, but I would say, obviously, that I'm sorry to hear it. I'm glad it sounds like we ultimately got to the right place on this.

I think that's why we should be doing better. It is hard. As I said, this will always require a combination of automation and human review. With automation—I think it sounds like you kind of missed this sort of thing—the context is important. That's why we can never really say that only the machines should decide. We need humans to do this because context is very important, and it's at the nub of what freedom of expression is.

I don't think we'll ever get to 100%. What we're trying to do is to do much better. I think we've come a long way in just the matter of a year, but obviously there is more work to be done.

Mr. Randall Garrison: When there are complaints, and I think this is what actually happened—

Mr. Kevin Chan: Yes.

Mr. Randall Garrison: —in this case.... There were complaints to Facebook about this.

Among those 30,000...that's the team you have that responds worldwide to complaints.

Mr. Kevin Chan: That's right.

Mr. Randall Garrison: How representative is that team? Are there Canadians on that team?

Mr. Kevin Chan: Yes.

Mr. Randall Garrison: Are there people from the various communities that are often subject to hate speech?

Mr. Kevin Chan: Yes. We try to be representative.

We've gone further than that. In the case of Myanmar, for example, we now have about 100 people who can speak and understand the local language.

Mr. Randall Garrison: Of course, I have a particular concern for the LGBTQ community. I wonder whether you have people who are either from the community or are experts in the hate that's often directed at the community, in particular transgender people.

Mr. Kevin Chan: Yes, absolutely. In fact, the public policy team globally fields a lot of that in terms of our engagement with the LGBTQ community, including in Canada. We are, I would say, quite sensitive to the challenges that they face, both online and off-line.

Mr. Randall Garrison: I want to return to something that was asked by both Ms. Raitt and Mr. Fraser, and that's what I would call a somewhat cavalier attitude by Facebook to government attempts to deal with this problem. One of those, of course, is the failure of your CEO—and I like pointing out that this is kind of a sole proprietorship—to appear before committees. But I'm not going to go back on that.

Your title, if I have it correct, is public policy for Canada.

Is that correct?

Mr. Kevin Chan: Sure. Yes.

Mr. Randall Garrison: Are you registered as a lobbyist?

Mr. Kevin Chan: I am.

Mr. Randall Garrison: Are there others from Facebook who are registered as lobbyists?

Mr. Kevin Chan: No, I don't think so.

Mr. Randall Garrison: So there's only one person in your organization who is responsible for relations with Canada and the Canadian government on these topics, and that would be you.

Mr. Kevin Chan: Yes. I think that's correct, more or less.

I would say, though, sir, that the reality of the situation is that we actually don't do a whole lot of lobbying. What we do is to engage with the broader fabric of society that cares about these issues. Let's look at the hate speech, for example. There aren't a lot of regulatory constraints on it. In fact, the reason you are meeting today is to decide whether or not there should be regulatory constraints.

What we do is to spend time with groups—religious groups, the LGBTQ community, indigenous communities, women's safety groups—precisely so that we can refine our policies. That is the mandate of the public policy team.

The stuff you were talking about on how to ensure that the Facebook platform has the cultural context—the Canadian or the indigenous cultural context—is my mandate, sir.

• (0920)

The Chair: Thank you very much.

I think we have time for a couple more questions.

Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Chair.

Thank you, Mr. Chan, for coming in today.

Mr. Chan, I want to start by going back to something you said in your opening remarks about protecting women candidates in the upcoming federal election. Do you have the same policies also for the LGBTQ2 candidates who are running? There aren't many of them.

Mr. Kevin Chan: That's a very good question, Madam.

We do have the same policies, in the sense that they would apply to any “protected group”, if we could call it that. It would be gender. It would be race. It would be sexual orientation. We do have the same policies that apply to these protected groups or protected characteristics.

However, in the specific case of women's safety, what I was referring to is the partnership work we're doing with Equal Voice, which is to ensure that we have as many tools as possible to lean in with and to provide to as many women candidates as possible.

We started this last month. We're going to continue on our journey next week, a cross-country tour. We'll be engaging with as many political candidates and activists as possible across the country. We were in Ottawa, Toronto, Halifax, Oshawa and Montreal earlier. We're going to be out in B.C. and Alberta next week. In all these cases, we do hold events with Equal Voice, as well, where we bring out as many people as possible in their national network to engage with them on the tools and the products we have to keep women candidates safe as they campaign.

Ms. Iqra Khalid: Through you, I would ask the CEO and the whole team to also please take into account extra measures for the LGBTQ2 community and the candidates from that community who are running.

I'm going to turn a bit to what we've heard so far for platforms such as yours in terms of what the government's role is and what your role as Facebook is in how you operate across the world. Obviously, different countries have different legislation that protects differently.

Can you describe for us the more stringent legislation that has occurred across the world, Germany being one example, and how that has impacted hate speech online in a positive way or a negative way?

Mr. Kevin Chan: Sure. I'm happy to do that.

It's important to stress at the outset that a lot of these different laws—and there aren't that many of them—where they do exist, such as in Germany, obviously reflect the cultural context and the historical context of certain countries. We always should be mindful of that and not necessarily say, “This is the model that exists; therefore, we should just adopt it holus-bolus in other countries, such as in Canada.”

That said, as I mentioned to Madam Raitt earlier, in Germany the challenge for us has been that because there are these very strict definitions or requirements on what the platform needs to do, you'll forgive me if I don't have the specific time frame, but within a very short period of time, let's say a day of reporting, content has to be removed. That obviously doesn't allow a lot of time for people to be certain that this type of content is in fact illegal or otherwise prohibited, and it doesn't allow a lot of time to prevent false positives.

In the last year or so that this law has been in place, if you look at some scholars who have looked at this a bit, what has happened is that platforms are over-rotating. I think there is generally this concern that if something is flagged and we don't take action on it, it's going to be a liability. There has been this general sense that perhaps platforms should be more aggressive in removing that content.

I don't know if that's a desired public policy outcome. In Canada, typically, we've thought about these things as trying to create as much space as possible for freedom of expression, not trying to censor people, but then also clearly identifying certain speech that should be prohibited. To get at that, we've always thought that having a measurement of prevalence, how much of that is out there, and holding companies responsible for reducing that amount and ensuring their processes are in place is a better way of thinking about it than focusing on specific pieces of content and you have x amount of time to get it down, because then you actually don't get at the fundamental challenges of what free speech is about.

• (0925)

Ms. Iqra Khalid: You've mentioned a number of times in your remarks today about understanding the cultural context when it comes to defining or identifying hate speech. Do you have teams across the world in the countries where you operate?

Mr. Kevin Chan: There are some countries where we don't necessarily have people, but yes, we do have people operating in most countries.

Ms. Iqra Khalid: How do you work with governments or law enforcement in the local areas where you operate?

Why is your Canada team small?

Mr. Kevin Chan: It's actually not that small relative to other countries.

Let me start by saying that in terms of law enforcement, we do have a law enforcement group that does liaise with law enforcement around the world. In those cases we have relationships whereby if there is something that law enforcement finds in the course of their work that has implications for our platform, they will share through lawful process what information they can. Similarly, we do the same.

There will be instances where through the course of our own investigations, if we find that there are particular individuals at risk or if we find that there are bad actors in Canada then we will do the right thing of alerting law enforcement to those things and we obviously defer to them on how they want to take action.

In terms of the team, we're a global team. We do bring the resources to bear, as we talked about earlier, on the various issues. The primary role of the public policy team in Canada is actually to

provide that cultural context, so that when we do do things... I was just talking to Mr. Boissonnault earlier about a product that we rolled out, Facebook Dating, and this question of indigenous peoples and having a way for them to be able to safely find each other on the product Facebook Dating. We worked very hard to understand what would be helpful. One of the things was to have an option for, let's say, two-spirited. It gives people who are two-spirited that option to select.

Those are things that the public policy team engages on. That's the type of work we do.

Ms. Iqra Khalid: Thank you.

The Chair: We don't have time for another full round, but we do have time for some shorter questions. I think we could probably do four three-minute rounds.

Ms. Raitt.

Hon. Lisa Raitt: Thanks.

I'm curious about something, Mr. Chan. At the end of your remarks you said, we want rules for "permissible speech online".

How are you going to define what's permissible speech?

Mr. Kevin Chan: Madam, I agree that's the challenge. That is really the hard question. That's why I think what we're saying is that we don't think it's appropriate for us to make that call. To the extent that governments or legislatures want to put a framework around speech online, we obviously think it's best for parliaments to do that.

Hon. Lisa Raitt: Yes.

Thank you.

The Chair: Mr. Boissonnault.

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Thanks very much, Mr. Chan, for being here. Thanks for speaking with us earlier and reaching out to the LGBTQ2 secretariat in the PCO as well.

I'm wondering about the overall question of online hate.

Can we ask Facebook to make the reporting button findable?

It's about 12 clicks to find it. It should be a button that's there all the time. It's not a hard coding question. I think if it was findable, people would use it more. I think your Canadian team would get bigger because you would see more people reporting stuff that they don't want to see.

I think it's an easy fix. We don't want to embarrass you in public. Look, we're stuck with each other. You're there. We're here. We're going to regulate. You're going to grow. Mr. Zuckerberg is going to get richer. You guys are going to do more. We're all going to learn from each other.

I think your platform improves every time there's an election in the world somewhere. I think we can actually track how the evolution of Facebook has happened during different political cycles in the world. It's certainly the case in Twitter. We've seen it on Facebook. We govern this ecosystem. Citizens are expecting great things from both of us. I think that putting the report feature higher up where people can use it would be a good feature.

Is there any team working on that?

• (0930)

Mr. Kevin Chan: Yes, there is.

You're right that there has been debate, we've heard that feedback about whether or not we should be surfacing the reporting function more readily.

I'll give you a bit of colour. We've done some experiments on this where we're trying to understand what the right reporting flow is. What we have discovered, though, is that in some cases where we do surface, make it more readily accessible, we actually get a lot of abuse with that reporting flow. We've actually seen strange things happen where, when it's more easily accessible, people actually do this to antagonize people they know. It's a weird way of bullying people. They say, "I'm going to report this as hate speech" all the time. So the systems keeps on getting this stuff flagged to them.

False reports can be done mischievously but with potentially malicious intent, and I understand that this is a challenge. We've heard this. We did a consultation with indigenous peoples recently, and this came up. We did have a debate about that because they were on both sides of it. One was wishing it was easier to report, and then other people were saying, "Yes, but then there are all these people pointing at stuff of mine. Why are they doing that? Nothing I'm hosting is"—

Mr. Randy Boissonnault: Before I run out of time, if I could suggest that, in the same way that you've approached Equal Voice to keep female candidates safe.... I think Helen Kennedy is probably kicking me under the table for not being here and suggesting a partnership with Egale or a non-partisan group of LGBT organizations—

Mr. Kevin Chan: Yes, absolutely.

Mr. Randy Boissonnault: —that could advise you on how to keep LGBT candidates safe. Here's why it matters.

We have 338 members of Parliament. There are five out members of Parliament. If you look at the United Kingdom's Parliament, with about 640-plus members of Parliament, there are over 45 out members, and two dozen in the House of Lords. We don't have a single out member of the Senate. We have a lot of work to do here in Canada, and we're not there yet, and we need platforms to let people know that, if they're going to do this, they're going to be safe.

Even in one of the meetings here this week, a colleague went on my Twitter feed and then went over to my Facebook feed, and said,

"Oh, my God, you get a lot of hate". Just for being you in this role requires extra.... I know my skin has become thicker in the last three years. I can tell you, the happiest days of my life were when I hired a full-time communications person and got off Facebook and Twitter for a year. I'm not kidding you.

I've submitted that in a brief to this committee, that my mental health improved when I went off social media for a year. That is a sad state of affairs when a platform that I used to get elected I could no longer be on because.... I can tell you that one of my staff members was taken aback when she took nine pages of Facebook and Twitter hate to submit to this committee, which was just a sample of the thousands that I get every month. We have work to do.

The Chair: Thank you, Mr. Boissonnault. That's very true.

Mr. Garrison, it's your turn.

Mr. Randall Garrison: Thanks very much.

I'll just pick up very briefly on what Mr. Boissonnault said. I've been involved for many years in trying to recruit LGBT candidates to run for public office. One of the most frequent reasons, if not the most frequent reason, cited by those people is the online hate they know they will face. It's a very real thing. I think Mr. Boissonnault's suggestion is very good.

There are two things you said in your testimony that I want to come back to. One of those I want to flag is that, when you talk about stance for permissible speech, that concerns me. What I'm looking for is grounds for prohibited speech. I think when you stray over that line and start talking about permissible speech, we're into concerns that I would share about free speech. We're talking about what speech should be prohibited because of its real and negative impacts in the community.

I guess I'm cautioning everybody, including myself, not to fall across that line into saying what is permitted, but instead what is prohibited because of its real-life impacts.

The other one of those, and I'm going to ask you about it, is your talking about over-rotation and false positives, and I guess my question really is: is that a real problem? If it's hate speech or promotional violence, there is an urgency for its removal. If it's not, it can be reposted at any time. There's not an urgency or a necessity to respond to that within 24 hours or whatever your standard is. If you find you are wrong, it can be put back up. If you find someone complains that they've been unjustly banned, you can deal with that.

There's an urgency with the hate and violence piece there that I think concerns me when you say that you're concerned about that part of the false positives, because you can correct that, but once the pieces of hate and promotional violence are out there, they're very difficult to find and stop, as you know. You can't really get rid of them once they're out there.

I guess I would just ask you about that concern, because I would err on the side of urgency for removal, and you can fix the other things.

• (0935)

Mr. Kevin Chan: I know. I hear you.

I think that actually comes to the core of what we're talking about in terms of a free and open Internet. I think historically, it's been the case that people should be able to express themselves and that they don't need to seek permission from some authority or some editor to say what they want before they say it. I think that's what we're discussing today.

The other thing I should point out, obviously, is that I think it's fair to say that what seems to be coming from people's discussions about this is the question of whether there should be a different standard for speech online than for that offline. I think a lot of the things we're talking about right now as examples online would actually be permissible in the offline world, which is why it comes down to a question of how we are mapping speech online versus offline.

Mr. Chair, I know we're almost out of time, but I would add that our content policies are actually driven by UN documents—including those on civil and political rights as well as those on human rights. When we look at these documents, they actually say that people should be able to communicate and associate with whomever they want regardless of medium. This is our North Star. We take this as a very important element of how we frame up our committee standards.

I guess what we're asking is that to the extent that parliaments of the world and governments of the world wish to have a different standard for online speech, then they should pass those laws, and it will be very clear to us what baseline standards we should be enforcing.

The Chair: Thank you very much.

Mr. Virani.

Mr. Arif Virani (Parkdale—High Park, Lib.): I have just a few comments, Mr. Chan. Thank you for being here.

You're sensing unanimity, which is rare amongst the three of us, on Facebook's unaccountability, but on that last point, different countries regulate speech differently, right? That's point number one.

Mr. Kevin Chan: That's correct, yes.

Mr. Arif Virani: Constitutionally protected free speech exists in Canada but it has limitations. The issue I think you're conflating is how you apply currently existing limitations on free speech, which exist for hatred, for defamation, for slander, for copyright, etc., to the online world. So that's the first point.

The second point is that if you're going to protect candidates, you need to protect all vulnerable candidates. Let's talk about the

Islamophobia that Iqra Khalid faced. Let's talk about indigenous peoples in Saskatchewan in the wake of the death of Colten Boushie and the Gerald Stanley trial. You need to be thinking about this across the board, because there's a problem recruiting anyone who's Muslim, Jewish, indigenous, or black to get into this seat and into this chamber when we have such invective spreading online.

Mr. Kevin Chan: I understand.

Mr. Arif Virani: I would also add that I, like Randy, have a staffer who handles this stuff, but now I'm concerned about her mental health as opposed to mine. Mental health concerns apply to all humans, not just parliamentarians.

I want to address what I would actually call a culture of impunity at Facebook. I want you to respond to this, because I find it a bit problematic. The only remedy I can see for the culture of impunity is heavy-handed regulatory action. I'll raise to you the example of Germany. From what I understand, Germany has a robust legislative mechanism for regulating hatred online. If you take exactly the same neo-Nazi completely hatred-filled invective from any city in Canada and you change the location and dates and place that in Munich, all of a sudden, it disappears. That leads me to believe that when you guys are faced with tough penalties, you'll actually put the staff in place to ensure that that material is removed. If that's not the case, then please explain to me what is the case.

Mr. Kevin Chan: That kind of content would be removed on Facebook regardless of where it is because it's a violation of our global community standards.

Mr. Arif Virani: Is it correct or incorrect that you have thousands more staff regulating online content in Germany because of the legislation as compared to what you have in this country?

Mr. Kevin Chan: I think there are some requirements in the law.

Mr. Arif Virani: So it that a yes?

Mr. Kevin Chan: There are people in Germany who do content moderation.

Mr. Arif Virani: How many more people in Germany do content moderation compared to how many do it in Canada?

Mr. Kevin Chan: I don't have that information on it.

Mr. Arif Virani: Could you undertake to provide us that information?

Mr. Kevin Chan: I'll try.

If I may say, Mr. Chair, I just want to be very clear. What we're here to do is to talk about how we regulate online speech. I myself have been subject to criticism, I think unwarranted, especially after I have moved against hate figures and hate organizations. I can tell you that my global security team is watching to make sure that I stay safe. Even coming here was a question. I just want to make it very clear to members here that I understand what you're talking about.

I also want to be clear that the principles we're talking about—freedom of expression and the balance between freedom of expression and censorship—are incredibly important, and we can't lose sight of those.

• (0940)

The Chair: Thank you very much. I think we all share that sense that freedom of expression is very important and we need to balance what we call “hate speech”.

If it's okay with colleagues, I have one short question.

The definition of “lethal” that I find in the dictionary is “sufficient to cause death”. While I really appreciate this document that's been created for women candidates to encourage them to run and to show that Facebook cares about their safety, I turn to page 8 and I read what Facebook doesn't allow. It does not allow posting of content “about anyone, including a public figure, that contains” the following:

Any statements of intent to commit lethal violence, or
Any calls for action of lethal violence, or
Any statements advocating lethal violence

What that means, according to the dictionary, is “sufficient to cause death”. You could say, for example, “I believe that somebody should break both of Anthony Housefather's legs”. That wouldn't be lethal. According to this, it sounds like it would be permitted. I'm wondering why. Again, I believe it's very important. People should

be able to say negative things about public figures, but when you're advocating that somebody should be hurt, physically hurt, why does that not stray across the line of Facebook's standards?

Mr. Kevin Chan: No, I think our standard is.... Again, I can't speak to the definition of “lethal” or the use of the word in the document specifically, but we talk about “credible threats” of violence.

The Chair: I'm suggesting that if the case isn't that you're only sticking to “lethal”, you might want to change the wording in this book.

Mr. Kevin Chan: I appreciate your feedback, but if you go to “Community Standards”, we talk there about “credible threats” of violence.

The Chair: Thank you very much, and I thank my colleagues.

This is our last public hearing on online hate. We really appreciate that you came here today, Mr. Chan. It's very much appreciated.

I'm going to briefly suspend. We're going to clear the room and then we're going into our in camera meeting to prepare our report.

[Proceedings continue in camera]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>