

**Brief on Effectively Combatting
Cyberbullying and Cyberlibel by
Online Hate Groups for the
Study on Online Hate of the
Standing Committee on Justice and Human Rights for
the House of Commons of Canada**

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By

A. M. G. Solo,
Independent Interdisciplinary Researcher and Civil Rights Activist

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Introduction

As an interdisciplinary researcher and civil rights activist, I have spent a lot of time looking at the online hate groups. Online hate groups target disabled people, particularly people with autism, Jews, Muslims, black people, Hispanics and Latinos, GLBT people, vulnerable people, highly accomplished people, and other minorities for cyberbullying. It's clear that the primary means used by online hate groups to cyberbully individuals is defamation and doxing.

Defamation against an individual involves the communication of false statements that harm the individual's reputation. Doxing of an individual involves the publication of an individual's private information such as his home address or family members. Online hate groups have ruined the lives of countless people with online defamation and doxing.

The people being bullied are primarily concerned about defamation and doxing against them on online hate groups. They don't care nearly as much about derision or racist or bigoted statements against them. Many people have committed or attempted suicide as a result of defamation and doxing by online hate groups. This brief recommends measures to effectively fight online defamation and doxing.

Defamation in the Information Age

In the old days, it was hard to spread false information about people. It had to be done by telling people face to face or handing out flyers or something. Only the mainstream media had the means to reach a lot of people. The mainstream media is generally more careful in what it says, although it has crossed the line into defamation many times too, but not anywhere near the extent that people can on the world wide web. Now false information about people can just be posted on the world wide web using a fake name for the world to see. Defamation on the world wide web is one of the major new problems of the information age.

This Internet defamation, *inter alia*, severely harms people's reputations, prevents them from getting gainful employment, ruins romantic relationships, causes depression and distress, causes mental health problems, and leads to more crime I believe because people can't get jobs due to the defamation.

Most private employers these days do web searches on prospective employees to see what turns up. If they have a bunch of people applying for one position, as is usually the case, they aren't going to risk selecting the candidate with a bunch of injurious claims about him on the world wide web whether or not they can determine if it's true.

The problem of defamation on the world wide web has gotten totally out of control across Canada because the criminal defamatory libel and false messages laws aren't being enforced. People are posting defamatory libel and false information on the world wide web because they know the criminal defamation laws aren't enforced or don't even know they exist because they aren't enforced and because they know how cost prohibitive and unlikely it is for their victims to sue them. They think defamation is an act they

can get away with. Most of the criminal defamation cases in Canada in which people were charged by police were when police officers were the victims. If people start getting criminally charged with defamatory libel or false messages, other people will think twice or thrice before committing the same offence. They will be much less likely to do so.

The civil remedies for dealing with defamation are extremely inadequate. Most small claims courts in Canada don't allow defamation claims. Lawyer fees for a defamation claim are typically \$30,000 or more. The vast majority of defamation victims can't afford the legal costs. A civil lawyer with expertise in defamation law said that he got inquiries from a bunch of people defamed on an online hate group, but none could afford to retain him, and most lawyers charge more than this lawyer who has been practicing for a few years. Civil claims outside small claims courts are extremely difficult to handle without legal counsel. When someone is defamed on the world wide web, the defamation typically remains on the Internet until a civil court judgment is obtained and this usually takes a few years. In the mean time, the victim continues to accumulate all kinds of damages. I have seen people being defamed on the world wide web contemplate criminal violence as the only means they have to get the defamation removed.

Freedom of expression was never meant to protect defamation and has never protected defamation. We don't have the right to go around falsely claiming someone is a prostitute or pedophile, but those are the kinds of statements you regularly see on online hate groups primarily against members of minority groups.

Recommendations to Effectively Fight Online Defamation and Doxing

For the reasons above, the laws need to be updated to deal with online defamation and doxing in the information age:

1. The Criminal Code of Canada laws on defamatory libel (sections 298-301) and false messages (section 372(1)) need to be enforced for defamation. The police aren't enforcing these laws except when police are victims of defamation. They need to enforce these laws when ordinary civilians are victims of defamation.
2. Every website owner should be required to record the IP addresses of its website users for five years. For each post made on an online forum, the website owner should be required to record the IP address of the individual who made the post and should be required to store this information for five years. This information may be required by law enforcement or people suing for defamation and must be turned over with search warrants or subpoenas.
3. No website owner should be able to hide her identity in a domain name registration. Every website owner should be required to provide an address in a domain name registration where he can be served with civil claims, subpoenas, search warrants, etc. for content on the website.
4. A website owner should be liable for defamation by a website user if the website owner doesn't delete the defamation after it's complained about by the subject of the defamation. That's the way it is in the United Kingdom and the way it should be in Canada, but not the way it is in the United States of America.
5. Online posting of a person's home address without permission should be construed as criminal harassment or another crime. This leads people with adversaries to fear for the safety of themselves and their families and their property.

6. Search engines should be stopped from indexing and displaying links to online hate groups.
7. Archiving websites including Google should be stopped from caching or archiving online hate groups.
8. Foreign defamation judgments should be enforceable in Canada. How is a middle class or poor person in a developing country who is being defamed on a Canadian website supposed to afford a lawyer in Canada to handle a civil claim? People should be able to sue for defamation in their own countries and get defamation judgments enforced in Canada.

Conclusion

Online defamation and doxing are two of the major problems of the information age. The laws desperately need to be updated and enforced to deal with these problems. Then online hate groups will no longer be nearly as effective in cyberbullying individuals in minority groups.

Biographical note: A. M. G. Solo has over 840 reviewed publications (research publications and political commentaries).