

## II- NON-REGULATORY MEASURES

- The Government of Canada, together with other governments, should encourage the promotion of dialogue/cooperation among relevant sectors on a global level, i.e. Internet service providers (ISPs), software developers, human rights bodies including NGOs.
- The laws of criminal and civil responsibility should be reviewed to provide that:
  - a) Common carriers or Internet service providers acting as carriers not be held liable for unknowingly transporting or hosting illegal content;
  - b) Common carriers or Internet service providers be held criminally liable for knowingly and wilfully transporting or hosting content which is illegal;
  - c) Common carriers or Internet service providers be held civilly liable for the transport or hosting of content which is illegal and failing to exercise due diligence to prevent such activity.

(The committee expressed concern over non-legal standards in contracts which would require third party monitoring. Would civil or criminal law apply? But the criminal code should be maintained as presently drafted. Acceptance of B'Nai Brith recommendation no. 3; ISP should exclude provision of services to those who use the Internet to promote hatred; remains conditional.)

- The establishment of a Cybertribunal. The composition of such tribunal was not determined: independent body of legal/civic expertise? Could such a body establish laws or norms?
- Encourage industry self-regulation: if the service/facility provider voluntarily engages in a program to review/edit content in good faith and in accordance with an established industry code of conduct, it should be protected from liability as a result of this conduct.
- Encourage dialogue between policy makers, Human Rights activists and industry representatives.
- Development of international observatory centres would provide a sound basis for analysis and evaluation of hate on the Internet and a source of information to the human rights world. (Measurement, academic pursuit purpose - no legal role but works with legal enforcement). Watchdog and data collection.