

October 6, 2025

The Honourable Sean Fraser
Minister of Justice
House of Commons
Ottawa, Ontario
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CIVIL SOCIETY JOINT LETTER: Bill C-9 Threatens Freedom of Peaceful Assembly and Freedom of Expression in Canada

Dear Minister Fraser:

We, the 37 undersigned civil society organizations representing the interests of our diverse communities, are deeply committed to combating hatred and building a more inclusive, equal society. While freedom of expression and peaceful assembly are vital to a democracy, we acknowledge that these rights are not absolute and must sometimes be balanced with other rights and interests. These include public safety and the right to worship safely – considerations that are already extensively protected under the *Criminal Code*.¹

Unfortunately, as drafted, Bill C-9 – *An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places)* – fails to meet the required democratic balance and risks serious infringements on fundamental freedoms protected under both the *Canadian Charter of Rights and Freedoms*² and international law.³ We urge you to reconsider your approach, while keeping in mind that criminal law is not the solution to every social issue.

This Bill does not arise in a vacuum. In recent years, Canada has witnessed an increase in the securitization of dissent and the political application of hate-crime and counter-terrorism frameworks. Muslim, Palestinian, Black, Indigenous, 2SLGBTQIA+ and other equity-deserving communities have repeatedly been the first to feel the weight of this approach, whether through disproportionate surveillance, racial profiling, or the conflation of advocacy criticizing state actions with extremism. Instead of addressing the structural roots of racism and hatred, including antisemitism and Islamophobia, Bill C-9 perpetuates a punitive model that invariably ends up being weaponized against the very communities it claims to protect.

1. New Intimidation Offence

The new intimidation offence goes much further than existing criminal offences by criminalizing any conduct that is intended to provoke a “state of fear” in another person in order to impede their access to a broad list of locations. This vague threshold could lead to subjective and arbitrary enforcement by the police, who have a history of disproportionately surveilling and targeting racialized and marginalized groups that protest state action. This new offence could lead to the suppression of constitutionally protected expression and peaceful assembly, even

¹ Assault (*Criminal Code*, RSC 1985, c. C-46, s. 266), mischief (s. 430), intimidation (s. 423), criminal harassment (s. 264), uttering threats (s. 264.1), hate propaganda (s. 318-319), rioting (s. 65-66), etc.

² *Canadian Charter of Rights and Freedoms*, Schedule B to the Canada Act 1982 (UK), 1982, c. 11, s. 2 b), c) and d).

³ General Comment No. 37 on Article 21 of the International Covenant on Civil and Political Rights.

making workers hesitant to demonstrate outside of their workplace or to participate in any sort of activism near those locations.

In addition, the locations around which this new provision applies are so broadly and vaguely defined that they could easily include tens of thousands of buildings and structures in Canada—without protestors even knowing which are included. This list effectively transforms countless cultural centres, schools, sports arenas, and other civic institutions linked to identifiable groups into protest-restricted zones, regardless of whether they are being used for their principal purpose or for political reasons. Ironically, the new offence may prevent members of an identifiable group from protesting outside of their own institutions, thereby depriving people of opportunities to express dissent in situations where they face power imbalances.

Taken together, the uncertainty surrounding the actual scope of this new offence, the offence's broad application to buildings and structures regardless of how they are being used, and its severe penalty of up to ten years in prison, are likely to push activists into silence in spaces that have traditionally been open to debate and demonstration.

2. Public Display of Terrorism or Hate Symbols

Although you publicly stated that the new "willful promotion of hatred, terrorism, and hate symbols" is not a ban on publicly displaying such symbols, the actual wording of the provision seems to suggest that displaying these symbols publicly *necessarily* constitutes willful promotion of hatred against an identifiable group (except for the listed exceptions). This amalgamation is particularly concerning given how the provision links criminal liability to Canada's terrorist listing regime.

Listing organizations on Canada's terrorist entity list is a highly political process that lacks transparency and offers limited avenues of appeal. Grounding speech-related criminal offences in this flawed system risks sweeping in flags or emblems associated with Palestinian, Kurdish, Tamil, or other liberation movements, even when displayed as part of peaceful political expression rather than the promotion of hatred.

3. Removal of Attorney General's Consent

Bill C-9 removes the long-standing requirement that the Attorney General consent to the initiation of proceedings for hate propaganda offences. Removing this safeguard eliminates a key institutional check designed to promote a legally informed, proportionate public-interest assessment before criminal prosecutions proceed in areas where expression and conscience are implicated.

This increases the risk of arbitrary, inconsistent or selective enforcement, and a chilling effect on lawful dissent. It also opens the door to vexatious private prosecution. Once again, the changes proposed in Bill C-9 are likely to disproportionately harm equity-deserving groups, who have historically been subject to excessive surveillance and policing of their expression.

4. Hate Crime Offence

The new hate crime offence escalates – and often doubles – maximum penalties for any offence motivated by hatred. Yet, the *Criminal Code* already treats hatred as an aggravating factor at the sentencing stage. By layering additional liability on existing safeguards, Bill C-9 risks duplicative punishment, as well as excessive and disproportionate sentencing. In addition, a more insidious

impact of this new offence is how it labels a defendant – who is presumed innocent until proven guilty – as a hatermonger throughout the entire judicial process. Here again, the biases inherent in police discretion may lead to discrepancies in the selection of which cases are investigated and charged as hate crimes.

Signatories agree that Bill C-9's version of a hate crime offence is unacceptable, and that the much-needed democratic dialogue and debate over the desirability of any sort of hate crime offence should take place in the context of a distinct bill, rather than being yet again packaged into draft legislation that addresses multiple topics. That approach would give stakeholders and Parliamentarians the opportunity to meaningfully engage on this topic.

Conclusion

Bill C-9 represents a significant expansion of state power in the name of combatting hate. By criminalizing vague forms of expression and peaceful assembly, layering excessive penalties, imposing stigmatizing labels, and reducing oversight of police action, it risks suppressing protected dissent, worsening systemic inequities, and undermining Canada's constitutional commitments to freedom of expression and peaceful assembly, while not effectively reducing hate in Canadian society.

The undersigned organizations call on you to reconsider your approach by withdrawing this Bill and instead pursuing community-based, non-carceral approaches that protect vulnerable groups without compromising the rights and freedoms of people in Canada.⁴

Sincerely,

Signed:

1. Arab Canadian Lawyers Association
2. Association des juristes progressistes du Québec
3. Black Legal Action Centre
4. British Columbia Civil Liberties Association
5. Canadian Civil Liberties Association
6. Canadian Labour Congress
7. Canadian Muslim Lawyers Association
8. Canadian Muslim Public Affairs Council
9. Canadians for Justice and Peace in the Middle East (CJPME)
10. Centre for Free Expression
11. Chinese and Southeast Asian Legal Clinic
12. Coalition for Charter Rights and Freedoms
13. Democracy Watch
14. Etobicoke South for Palestine
15. Horizon Ottawa
16. Independent Jewish Voices
17. Institute for the Humanities, Simon Fraser University
18. International Civil Liberties Monitoring Group
19. Jewish Faculty Network

⁴ Some of the undersigned groups have advocated for regulating expression that harms marginalized groups, recognizing that equality considerations play an important role.

20. Just Peace Advocates/Mouvement Pour Une Paix Juste
21. Ligue des droits et libertés
22. OCASI - Ontario Council of Agencies Serving Immigrants
23. Open Media
24. Pax Christi Toronto
25. Progress Toronto
26. Saskatoon Chapter of Canadians for Justice and Peace in the Middle East
27. Science for the People Canada
28. Seniors For Climate Action Now!
29. South Asian Legal Clinic of Ontario
30. Spadina-Fort York for Palestine
31. The Canadian BDS Coalition and International BDS Allies
32. Toronto & York Region Labour Council
33. Toronto Environmental Alliance
34. Toronto Palestinian Families
35. TTCriders
36. Women's Legal Education and Action Fund
37. York University Professors for Palestine