Canadian Association of Chiefs of Police
Association canadienne des chefs de police

Written Submission to the House of Commons' Standing Committee on Justice and Human Rights

Bill C-9: An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places)

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Dear Honourable Marc Miller, M.P. and distinguished members of this Committee.

I am writing on behalf of the Canadian Association of Chiefs of Police.

Police agencies across Canada have experienced a significant rise in hate crime incidents, with an increasing number of groups and communities targeted for no other reason than their beliefs, ethnic or religious affiliation, race, or sexual orientation. The most notable recent increases have involved hate crimes directed at Jewish and Muslim populations and their respective institutions.

When it comes to addressing hate-motivated crimes, communities across Canada are telling us they've lost confidence in the criminal justice system's ability to address their concerns. It is our belief that the amendments proposed in Bill C-9 can assist in reassuring and restoring public confidence in the criminal justice system by strengthening and expediting the ability of police and Crown prosecutors to respond to hate crime offences. This will provide greater protection for communities targeted by hate and enhance overall public safety.

While the CACP supports Bill C-9, I would like to briefly address the components of the Bill along with considerations for several amendments.

a) Repeal the requirement that the Attorney General consent to the institution of proceedings for hate propaganda offences

The removal of the requirement for Provincial Attorney General consent to prosecute a charge under Section 319(2) — the Willful Promotion of Hatred — will increase both efficiency and responsiveness in addressing incidents that often generate intense public outrage.

Delays in announcing charges in such cases are frequently perceived by affected communities as a lack of denunciation or, in some cases, a tacit tolerance of hate speech.

In provinces such as British Columbia, Quebec, and New Brunswick where all criminal charges require approval by the provincial prosecution service, this additional layer of consent is redundant. Across all provinces, Crowns are already responsible for assessing the strength, merit, and public interest in any prosecution, which ensures sufficient scrutiny for these constitutionally sensitive offences.

b) Create an offence of willfully promoting hatred against any identifiable group by displaying certain symbols in a public place

When the justice system appears slow or ineffective in addressing hate crime incidents, victims and communities are left frustrated and demoralized, often perceiving that such crimes are being tolerated. We have seen this sentiment arise during protest events where flags or symbols associated with terrorist organizations are proudly displayed, often in the presence of police who lack the tools to respond effectively.

While the police support including terrorist flags or symbols within the scope of *willfully promoting hatred*, the current wording in Bill C-9, subsection 2.2(c) — "*a symbol that so nearly resembles a symbol*…" — presents practical challenges for front-line officers. This phrasing could lead to inconsistent and subjective interpretations of flags or symbols that may or may not be associated with listed terrorist organizations. Such ambiguity increases the risk of Charter challenges related to unlawful or arbitrary detention by police. However, without this wording, individuals could slightly modify a symbol or flag in order to find themselves outside the scope of the offence.

For police to effectively and fairly enforce the law, the legislation must be written with precision and clarity. Clear statutory language ensures consistent application and helps safeguard both enforcement integrity and individual rights.

c) Create a hate crime offence of committing an offence under that Act or any other Act of Parliament that is motivated by hatred based on certain factors

Hate-motivated crimes are uniquely harmful because they attack a person's identity and sense of well-being. When an individual is targeted for who they are, the harm extends beyond the person: it impacts their entire community.

When a synagogue or mosque is firebombed, when a Jewish school is shot at, or when a public speech incites hatred toward an identifiable group, the psychological and social damage resonates widely.

Creating specific offences for hate-motivated crimes demonstrates to the public and affected communities the seriousness of these acts from the outset rather than years later as merely an aggravating factor at sentencing. A specific hate-motivated crime will address the moral blameworthiness of the offender more accurately.

d) Create an offence of intimidating a person in order to impede them from accessing certain places that are primarily used for religious worship or by an identifiable group for certain purposes

e) Create an offence of intentionally obstructing or interfering with a person's lawful access to such places.

As protests and public expression of opinion have become more political, the targeting of locations of worship or gathering by identifiable groups has increased dramatically. Often, these locations and the groups who frequent them become targets of hate crime only through political or religious affiliation as perceived by the perpetrators. This creates a sense of fear and anxiety across the community.

However, similar to the proposed wording regarding flags and symbols, the clause defining the locations subject to this offence is potentially confusing due to its broad scope. The inclusion of locations used for *administrative, social, cultural, or sports activities or events* can be interpreted as a "catch-all" provision, creating the potential for subjective and inconsistent application by police and not in balance with promotion of free speech and expression.

A narrower and more clearly defined scope—preferably limited to specific locations such as those used for religious worship, education, and cultural gatherings—would provide front-line police with clearer direction and ensure more consistent and equitable enforcement of these offences.

Definition of Hatred

Bill C-9 also seeks to codify the definition of hatred as "*the emotion that involves detestation or vilification and that is stronger than disdain or dislike.*"

It is noted that the proposed definition of hatred in the Bill differs significantly from the definition established by the Supreme Court of Canada in *R v. Keegstra*. In *Keegstra*, the Court defined hatred as:

> "An emotion of intense and extreme detestation and vilification that, if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect, and made subject to ill-treatment on the basis of group affiliation."

The *Keegstra* definition provides a clear delineation between dislike or disdain and hatred and has been a guiding standard for police in assessing hate speech.

To ensure clarity, consistency, and alignment with established case law, we recommend that the codified definition of hatred in Bill C-9 be made consistent with the *Keegstra* standard.

Conclusion

The proposed amendments in Bill C-9 provide police and Crown prosecutors with important additional tools to better protect targeted groups and to ensure that public spaces remain safe and free from intimidation and hate. These new offences will better equip police to respond effectively to incidents that instill fear within communities. By strengthening our ability to uphold public safety, these measures can help enhance public confidence in the criminal justice system.

The CACP supports the overall intent of the legislation, but it respectfully requests that consideration be given to some areas of the Bill that may lead to subjective or inconsistent application of the law. Clarifying these provisions will help ensure that enforcement is fair, consistent, and constitutionally sound.

On behalf of the Canadian Association of Chiefs of Police, I would like to thank all those who have contributed to this bill and the important discussions surrounding it. I believe we share a common goal: to effectively and promptly respond to hate crimes, protect vulnerable communities, and strengthen public confidence in our justice system.

Thank you.