



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

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Submission to the  
Standing Senate Committee on Human Rights

**Bill C-9: Combatting Hate Act**

Submitted by:  
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(Co-chair of the CACP Special Purpose Committee  
on Hate-Motivated Crime)

Representing:  
**Canadian Association of Chiefs of Police**

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Distinguished members of the Standing Senate Committee on Human Rights,

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 national origin, religion, colour, race, sexual orientation or gender identity. The most notable recent increases have involved hate crimes directed at the Jewish community and their institutions. As this Committee recently pointed out in its study of antisemitism, “this pernicious form of hate has existed throughout Canada’s history, from exclusionary immigration policies and formal professional restrictions in the past, to contemporary forms of hate on Canadian streets, communities and online, often driven by conspiracy theories and disinformation campaigns from around the world.” In a country where our immigration policies towards Jews escaping the Nazi regime were accurately characterized by the words, “none is too many”, we owe an obligation to the Jewish community, indeed to all targeted communities, to ensure that their lives in Canada are free from fear and insecurity, hatred and discrimination.

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 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.

The Canadian Association of Chiefs of Police (CACCP) is supportive of the evolution of Bill C-9 following a review by the House of Commons’ Standing Committee on Justice and Human Rights and endorses the amended version of the legislation, as passed by the House of Commons.

### **Subsections 318 (3) and 319 (6.1) - Consent**

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Canada’s Chiefs of Police acknowledge that Attorney General oversight continues to serve an important safeguard function by ensuring that hate propaganda prosecutions are grounded in sufficient evidence, reflect the public interest, and guard against misuse of the criminal process, including vexatious, politically motivated, or frivolous proceedings. Retaining this oversight is especially appropriate for privately initiated proceedings, which do not involve the same investigative scrutiny, evidentiary standards, and prosecutorial screening that accompany police-led investigations.

At the same time, the effectiveness of the *Criminal Code* hate propaganda provisions depends heavily on the justice system’s ability to respond in a timely and coordinated manner. Police services require efficient and responsive prosecutorial decision-making so that, where the legal threshold has been met, charges can proceed without unnecessary delay. Incidents involving the wilful promotion of hate often generate significant community fear, public outrage, and heightened social tension. Prolonged delays in obtaining prosecutorial approvals or Attorney General consent can undermine public confidence in both police and the broader justice system, particularly among affected communities who may perceive inaction as indifference or an unwillingness to denounce hate-motivated conduct. That is why we wish this legislation to be accompanied by greater transparency and expedited processes in obtaining Attorney General consent, if the consent requirement is to be retained.

## **Subsection 319 (2.2) - Wilful promotion of hatred — terrorism and hate symbols**

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The CACP supports the new offence of wilful promotion of hatred because it reinforces the critically important point that hate-motivated acts take place not only through written and oral communications, but through the use of terrorism and hate symbols. At the same time, **subsection 2.2(c) — “a symbol that so nearly resembles a symbol...”** — presents practical enforcement challenges for front-line officers due to the inherent subjectivity involved in determining whether a modified symbol falls within the scope of the offence. Such subjectivity may contribute to uncertainty as to whether the display of a symbol falls within the offence section. It may also increase 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.

To support consistent and fair enforcement following enactment of the legislation, the CACP recommends the development of an operational guidance resource, developed collaboratively by government, law enforcement, prosecutors, and relevant community stakeholders, that identifies officially recognized terrorist and hate-related symbols and provides visual examples where appropriate. Such a resource would not replace the legislation or limit prosecutorial discretion but would assist police in applying the law consistently while supporting both enforcement integrity and individual rights.

## **Section 319 (2.2) - Defences**

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The CACP also welcomes the removal of the good faith religious exemption defence in the *Criminal Code*. This defence has never successfully been employed in response to an allegation of wilful promotion of hatred, undoubtedly because proof of wilful promotion of hatred is largely incompatible with a good faith defence. The legislation, as amended, now includes a clarification that reasonably addresses concerns that the removal of the defence erodes the ability of anyone to communicate on a matter of public interest, including an educational, religious, political or scientific statement in the course of a discussion, publication or debate.

## **Section 320.1001- Offence motivated by hatred**

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Hate-motivated crimes are uniquely harmful not only 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 community members are threatened, assaulted, harassed online or their homes and businesses vandalized because they are members of identifiable groups, the psychological and social damage resonates widely.

Creating specific offences for hate-motivated crimes demonstrates to offenders, the public and affected communities the seriousness of these acts because they categorize these offences as hate crimes from the outset, with enhanced penalties available on indictment, rather than merely considering hate motivation as a potential aggravating circumstance at sentencing. Equally important, this categorization ensures that a criminal record reflects when prior offences are hate-motivated. This is particularly impactful because such offences often involve repeat offenders, and because police can more effectively assemble data on hate-motivated crimes.

## **Section 319(7) - Definition of *hatred***

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The CACP also supports amendments made to the definition of hatred to conform to the definition established by the Supreme Court of Canada in *R v. Keegstra*. This definition provides a clear delineation between mere dislike or disdain and hatred and ensures that only the most extreme forms of speech are criminalized.

## **Section 423.3 (1) – Intimidation and 423.3 (2) Obstruction or interference with access**

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In addition, we support the creation of the new intimidation and obstruction offences which specifically address unlawful conduct intended to intimidate, obstruct or interfere with those entitled to access their places of worship and other vulnerable locations primarily associated with identifiable groups.

## **Wilfully promoting terror**

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Although not part of this legislation, there is a significant gap in existing laws that should later be addressed by Parliament. We believe that the wilful promotion of designated terror entities and their activities is unprotected by the Charter and needs to be specifically criminalized.

## **Conclusion**

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In closing, Canada's Chiefs of Police recognize the urgency of addressing hate-motivated crimes targeting all vulnerable communities, including those disproportionately under attack. The CACP believes Bill C-9 represents an important step toward strengthening Canada's response to hate propaganda, intimidation, and hate-motivated crime. In particular, the CACP endorses:

- the new intimidation and obstruction offences as necessary preventive measures to help deter hate-motivated individuals and groups;
- the creation of a new category of hate-motivated offences to ensure that all crimes motivated by hate are eligible for enhanced penalties and adequately reflected on an offender's criminal record;
- a statutory definition of hatred that adheres to the Supreme Court of Canada's definition;
- the creation of a new offence to address the public display of specific terror-related and hate symbols to promote greater certainty and statutory direction for law enforcement; and
- an amendment to the original version of Bill C-9 to preserve the existing offence of mischief motivated by bias, prejudice or hate which has represented an important measure to combat vandalism targeting vulnerable communities.

The CACP appreciates the Committee's consideration of its submissions and remains committed to working collaboratively with Parliament, governments, prosecutors, and community partners to address hate-motivated crime, protect vulnerable communities, and enhance public safety across Canada.