



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

45th PARLIAMENT, 1st SESSION

---

# Standing Committee on Justice and Human Rights

EVIDENCE

**NUMBER 011**

Thursday, October 30, 2025

---

Chair: Marc Miller





# Standing Committee on Justice and Human Rights

Thursday, October 30, 2025

• (1530)

[*English*]

**The Chair (Hon. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs, Lib.)):** I call this meeting to order.

Welcome, everyone, to the 11th meeting of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference on October 1, the committee is meeting to continue its study of Bill C-9, an act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places).

I will skip over most of the introductory instructions.

Everyone knows to take it easy on the interpreters, especially when you're speaking. Don't speak too close to the mic. Make sure, while you do speak clearly, that you don't hurt their ears. There are plenty of ways to sensitize yourself to what should and shouldn't be done. Everyone's experienced here.

Burton, you're here, you know exactly what's going on. You're subbing in. Philip is as well.

I will not go through the regular stuff that I usually go through.

[*Translation*]

All the witnesses for the first part of the meeting are participating by video conference. I remind them that they can choose the English channel, the French channel or the floor channel by clicking on the appropriate button in the Zoom application.

Since all committee members are here in person, I don't need to ask them to use the “raise hand” function. If you have any issues, just raise your hand, and if it's appropriate, I will recognize you.

[*English*]

Today, we have with us, from the Edmonton Police Service, Nicole Chapdelaine, deputy chief.

From the Christian Legal Fellowship, we have Derek Ross, executive director.

From the International Civil Liberties Monitoring Group, we have Timothy McSorley, national coordinator.

Welcome to you all.

We do have one witness who had a last-minute challenge and couldn't make it. Fortunately or unfortunately, then, we have three witnesses for this first panel. We'll be able to ask them questions,

and we'll probably get to the third round, if we have time, given that we are splitting this into two and a half hours.

I remind the witnesses that they have five minutes for their opening statements, followed by questions from members of the committee.

I'll start with the Edmonton police force.

Nicole, welcome. You have five minutes. If that goes over, then I will remind you. I'll afford you a few seconds to conclude, if you do go over. Please do try to keep it to five minutes.

Thank you.

The floor is yours.

**Nicole Chapdelaine (Deputy Chief, Edmonton Police Service):** Thank you.

Good afternoon, Chair and members of the Standing Committee on Justice and Human Rights.

Thank you for the opportunity to speak today on the critical issue of hate crimes and to provide insights from a law enforcement perspective on Bill C-9, the combatting hate act.

As deputy chief of the Edmonton Police Service, EPS, I oversee the investigations and support services bureau, which includes major investigations, the hate crimes unit and the protest liaison unit.

Hate crimes require appropriate deterrence and public denunciation, given the fear and harm that the hate crime offender seeks to instill in our community. Bill C-9's proposed framework incorporates key legal principles for police in a balanced democracy, recognizing offender rehabilitation, denunciation and deterrence alongside expanded abilities for police to keep our communities safe.

Edmonton is a fast-growing, welcoming and diverse city. To keep all citizens safe and secure, our service supports all of Bill C-9's recommendations.

I will now review my support for Bill C-9's proposed amendments.

The removal of the AG consent for hate propaganda offences is an important change supported by our service. Police agencies can investigate these crimes while working with the Crown prosecutors. Police are required to weigh and balance information separated from evidence and objectively review suspicion of hate crimes from lawful reasonable grounds to lay charges.

The Crown's crucial role, put into place decades ago, to review all police charges at the higher reasonable likelihood of conviction standards will continue to apply, even with the removal of AG consent. Consistent with all Criminal Code offences, the EPS continues to support this additional level of prosecutorial oversight so police and the Crown remain apolitical from any decision to lay or prosecute charges.

However, from a police perspective, I also recognize that I speak on behalf of a police agency that has a specialized hate crime unit to conduct hate propaganda criminal investigations.

EPS also supports the additional offence of wilful promotion of hatred against an identifiable group by displaying certain specific symbols like the swastika, the SS bolt or symbols of listed terrorist entities. This section clarifies these types of symbols but also reiterates the requirement that police establish that a suspect was wilfully promoting hatred against an identifiable group in public.

EPS supports the creation of offences of intimidation to provoke fear or obstruction of a person accessing certain places that are primarily used for religious worship or by an identifiable group for certain purposes. Again, this clarifies police arrest or detention powers.

EPS strongly supports the implementation of a stand-alone hate crime offence. The current lack of such an offence impacts investigations, hate crime data collection and community safety operations. The following brief highlights our position.

First, a stand-alone section would establish a consistent national definition of "hate crime." Across Canada, more than 170 police agencies operate with varied definitions or none at all, creating inconsistency, confusion and gaps in accountability. A single codified definition would align law enforcement, justice partners, the Crown and academic research, enabling a coordinated and effective national response.

Second, it would allow accurate and reliable data collection to help reduce hate crimes nationwide. Police often record hate crimes under general offences like assault or mischief, making them difficult to track. A dedicated section would permit Statistics Canada to better capture offences, improving federal and provincial data for police-driven public security.

Third, standardized reporting would help identify repeat offenders, extremist networks and emerging hate threats, allowing police to proactively reduce crime with appropriately allocated police resources.

Fourth, reliable data supports evidence-based policing and fair allocation of funding. Governments cannot fund criminal issues that are not objectively measured. Better data informs government policy, Crown prosecution, investigations, prevention programs, victim support and community initiatives.

Fifth, establishing this section would increase public trust. Codifying hate crime as a distinct offence sends a clear message: Hate crimes against marginalized groups will never be tolerated in Canada.

Sixth, this codification would reaffirm Canada's democratic values of equality, inclusion, respect for diversity and human rights. Hate crimes target individuals and the very principles that sustain Canada's social cohesion.

Finally, this change would enhance police and Crown education and provide clarity to the courts. A clear legislative framework ensures consistent and informed justice across all provinces and territories.

Canada's hate crime laws have been historically reactive. Bill C-9's changes would mark the difference of proactive and preventative steps forward for everyone involved in criminal justice.

• (1535)

In closing, EPS supports the objectives of Bill C-9. Strengthening our legislative framework, improving data integrity and intelligence sharing, enhancing hate crimes prevention and rebuilding public trust benefits everyone.

Thank you.

**The Chair:** Thank you, Deputy Chief.

It's over to you, Derek. The floor is yours.

**Derek Ross (Executive Director, Christian Legal Fellowship):** Thank you, Mr. Chair.

Good afternoon. It is a privilege to appear today on behalf of Christian Legal Fellowship, CLF. Thank you for the opportunity to share our perspectives on Bill C-9.

CLF is a national association of over 750 legal professionals working with faith communities and other groups across Canada. CLF is also an NGO with special consultative status with the United Nations. It has intervened as a friend of the court in over 40 cases involving the Canadian Charter of Rights and Freedoms, including in Whatcott, where the Supreme Court cited CLF's submission in its unanimous decision.

Let me start by affirming that CLF shares the government's desire to combat all acts that propagate and normalize hatred. We wish to ensure that initiatives like Bill C-9 are both effective and constitutionally sound. That requires a carefully tailored approach in defining exactly what is being criminalized and in what circumstances.

The Criminal Code, as you know, contains the most severe penalties in our legal system. The stakes are high in finding the right balance. It means the difference between someone's liberty and incarceration. In this context, when it comes to defining hateful expression, we need to ask some hard questions. When should someone be imprisoned, separated from their family and from society, and branded a criminal because of the words they speak or the views they express? What might we deprive our communities of? Whose voices might be silenced if we don't strike the right balance? What legitimate ideas might never be heard if people are afraid to speak up for fear of being prosecuted as hateful when they aren't hateful at all?

At the same time, how do we deal with the concerns we just heard about with the growing animus in our country, particularly that which is directed towards minority religious groups? How do we deal with the very real harms that flow from that animus? These are important questions that this committee is wrestling with, that this bill is wrestling with and that we all are wrestling with. It is absolutely crucial that we get this right.

It is often said that the law is a teacher. People will learn and look to laws like this one, especially when it comes to our public discourse. In fact, the Supreme Court recently recognized that allegations of hatred are often used in public discourse, and used in ways that well exceed their narrow meaning within the legal system. When it comes to the criminal law, we need to have a clear understanding of what we mean by hatred and why it is a legitimate subject for criminal intervention.

Hatred of people is evil. Public manifestations of that evil are appropriately addressed through the criminal law. Other aspects of hatred ought to be addressed through different avenues, such as educational, mental, spiritual and community supports. Criminal intervention is justified only when someone takes action, or what the Supreme Court has called "extreme manifestations" of hatred. It is important that we always recognize why that is. It's not because we find certain views offensive, as repugnant as we might find them. It's not because we object to what people think or feel. It's the mode and effect of expression, not the expression itself or the content of the expression itself, that the law must target. The Supreme Court has been very clear on that point.

The criminal law is concerned when someone takes action—action to mobilize others to deny a group's intrinsic dignity, or to treat them as lesser beings; action that effectively dehumanizes others; and action that is ultimately a rejection of a basic compact of our community life together. That is what should be targeted. Expressions that fall short of that threshold, offensive as they might be, should not be criminalized.

While there's a legitimate role for the criminal law in combatting hatred, the law must be carefully tailored to those goals. We have

identified three primary concerns with Bill C-9 in this regard. I will just quickly summarize them, in conclusion.

First, there's the definition of hatred. The term hatred, in any context, is highly susceptible to subjective interpretation and must be defined more precisely than it is currently in the bill.

Second, the new and proposed motive offence requires clarification for a number of reasons, which we can get into. We suggest in our written brief that this offence should focus not on an accused's internal emotional motivations but on whether an accused commits an offence with the intent to incite hatred. Again, how we define hatred is a crucial issue here.

● (1545)

Finally, there should be explicit recognition of the freedom to discuss and criticize beliefs, opinions or practices in good faith. This clearly would communicate that disagreement is not detestation. That is also consistent with the defences contained in subsection 319(3), which should be also retained to help ensure that the legislation complies with the charter.

A clear line must be drawn between, on the one hand, expression that seeks to vilify groups and, on the other, expression that simply seeks to challenge ideas. Substantive amendments are needed in Bill C-9 to help achieve that demarcation and strengthen the government's efforts to combat hatred in line with the charter.

Thank you very much.

**The Chair:** Thank you, Mr. Ross.

We'll go over to you, Tim, for five minutes.

**Timothy McSorley (National Coordinator, International Civil Liberties Monitoring Group):** Thank you very much, Mr. Chair.

Thank you to the committee for this invitation today.

I'm here on behalf of the International Civil Liberties Monitoring Group, ICLMG, a coalition of 45 Canadian organizations from a broad range of sectors. ICLMG was founded in 2002 to serve as a watchdog around the impacts of Canada's national security and anti-terrorism laws on civil liberties.

Our coalition has observed with distress the increase in hate-based violence across Canada over the past several years. We believe that greater measures must be taken to address instances of hate-based violence, but that such measures must be targeted and specific and must ensure that they do not unduly impact the civil liberties or charter rights of Canadians, including those who the measures are sensibly meant to protect.

Unfortunately, several measures in Bill C-9 fail that test. We share the concerns of the 37 other signatories of an open letter led by the Canadian Civil Liberties Association that pointed to detailed and substantial problems with Bill C-9 and that ultimately called for it to be withdrawn and revisited.

While we share the overall concerns expressed by our colleagues today, I would like to focus on one particular area of the bill. We are concerned with the provisions in clause 4 of the bill that would create a new offence of “wilfully” promoting “hatred against any identifiable group by displaying” certain symbols in public. These new provisions pose a significant threat to freedom of expression by granting broad and discretionary powers to police and by basing the determination of which symbols are included on a flawed terrorist-listing process. Moreover, the provisions are redundant and, therefore, unnecessary.

With regard to that last point, the “wilful promotion of hatred” is already a Criminal Code offence. It is understood that the determination of wilfully promoting hatred can already include the use of particular symbols, including those of listed terrorist entities. The only difference would be that the wording will place greater emphasis on the use of a symbol in the commission of a hate offence.

This leads to our second concern: that the wording of this new offence creates the serious risk of police making discretionary decisions related to what constitutes a symbol “associated with” or “used by” a listed terrorist entity.

Over the past several months, we have seen heated arguments and accusations that certain symbols associated with protests in support of Palestinian human rights are hateful, are associated with a terrorist entity, or both. Peaceful and lawful protests have been unjustly accused of fomenting hatred, based on the signs and slogans that they carry or chant.

Under this new legislation, police can make a determination, in the middle of a march or protest, not just of what constitutes a symbol associated with a terrorist entity but also that it's being used to wilfully promote hatred. There will continue to be pressure on police to stop and arrest anybody carrying a symbol that they may believe is “used by” or “associated with” a terrorist entity, whether that be a Hamas or Hezbollah flag, a kaffiyeh or a disputed slogan on a sign.

This is made more complicated by the fact that police would be empowered to make the decision that a symbol so nearly resembles the symbol associated with a terrorist entity. For example, would Arabic writing on a sign that a police officer believes is similar enough to writing found on imagery used by a listed terrorist entity give rise to grounds to arrest the individual? This confusion would, of course, apply to all listed entities and could impact protests from a broad range of communities.

These issues raise important questions of guilt by association or the tarring of entire movements with suspicion. We have seen this throughout the last 20 years of anti-terrorism measures and acutely over the last two years during protests or rallies in academic settings or even in parliamentary committee meetings.

Given the severe potential for overreach, along with the stigma of being accused of committing a hate crime, we believe that this law will create a significant chill on free expression and dissent.

Finally, we are also troubled by the fact that the symbols in question are based on the terrorist entities list, which itself is a problematic tool. Serious issues with Canada's terrorist entities listing procedure include the imposition of serious financial and possibly

criminal consequences on the basis of unaccountable, secret, executive listing decisions; the use of secret evidence; and the absence of adequate avenues for challenging listings and obtaining redress. Decisions to list or not list can also be political in nature.

New criminal offences, especially those that themselves invite discretionary decision-making, should not be founded on a process already demonstrated to raise significant constitutional concerns.

As mentioned above, this is simply one of the many areas of concern with Bill C-9. Beyond removing this section, we agree that the bill should be withdrawn and the government's approach revisited.

Thank you very much, and I look forward to the questions.

• (1550)

**The Chair:** Thank you, Mr. McSorley.

Members, we have a good chunk of time. I'll read out the names for the first round.

[*Translation*]

Mr. Lawton, Mr. Chang and Mr. Fortin will have six minutes each. Then it will be five minutes for Mr. Lawrence and Ms. Latanzio, two and a half minutes for Mr. Fortin, and finally, five minutes for Mr. Brock and five minutes for Mr. Housefather.

Mr. Lawton, you have the floor for six minutes.

[*English*]

**Andrew Lawton (Elgin—St. Thomas—London South, CPC):** Am I starting? I can't.

**The Chair:** You can switch over if you want to. Switch over with MP Brock.

**Larry Brock (Brantford—Brant South—Six Nations, CPC):** Thank you, Chair.

Thank you to all of the witnesses for your attendance virtually and your participation in this important study.

Time permitting, I would like to ask questions of all three. I will start with Deputy Chief Chapdelaine.

Thank you for your appearance. I've had the privilege of attending your city a number of times over the spring and summer, and I met with the acting chief at the time, I believe, and also the president of the Edmonton Police Association, predominantly to talk about bail issues and sentencing issues.

We never really got into the protests and hateful demonstrations that have plagued this country over the last several years. When I do my tours across the country, I get a lot of mixed reviews from community members and stakeholders about the differences displayed by police services in relation to how they deal with these types of protests.

I'm not going to mention the jurisdictions, but I've actually had a couple of jurisdictions that have basically said that they take their marching orders from the local municipality, and that if the local municipality has a political persuasion to allow these types of events to occur, they've been instructed to act not necessarily as sworn-in police officers, but more or less just as peacekeepers.

I've had numerous examples brought to my attention of open acts of criminality, and the police simply are not charging. I would like to know from your perspective what is happening on the ground in Edmonton.

**Nicole Chapdelaine:** In regard to that, we have built up in Edmonton a large community of members who work specifically with multiple communities around these kinds of events. Obviously, our direction to our membership is not driven so much by the municipality, but by ourselves as executives here, and what our expectations are about treating all people equally by protecting the grounds that people have for freedom of speech, but ensuring it's done in a manner that is respectful of others.

I know that with EPS and our ability to have a very active hate crimes unit, compared to many other police jurisdictions, we work closely with our hate crimes unit and with our police liaison team, who work with some of the protests when these things come up. They have built relationships with communities so as to understand when these things are going to happen. When people are going to have events, particularly in Edmonton, we have them at our provincial legislative grounds. We work closely with people to ensure that's done in a safe manner.

Of course, we try to lay out those expectations and to develop what this is going to look like prior to these events. A lot of it comes down to some good planning and making sure that people are abiding by the plan. If there is a need to do any further enforcement, we work through that. We don't necessarily act immediately upon it. We will continue to take that and investigate it if there's a need after that.

**Larry Brock:** Thank you, Chief.

I have limited time, unfortunately.

Is it fair to say that, for those who have crossed the line of criminality with respect to these demonstrations, your service has made arrests that were warranted?

**Nicole Chapdelaine:** I would say so. We haven't done very many arrests in that regard, but where there have been some, we have looked at what they have been doing and what charges were laid. It may have been, like I said, mischief. It might not have been totally in regard to specific hate crimes, but yes.

**Larry Brock:** Do you have the view that there are existing laws in place under the Criminal Code to deal with these issues surrounding the protests and the hate that is demonstrated at the

protests, and that the tools already exist and it's not necessarily required that Bill C-9 provide additional police powers?

• (1555)

**Nicole Chapdelaine:** I'd say yes and no. I think there are laws that exist right now that we utilize because that's what we have to lean on.

I think that some of the changes in Bill C-9 provide the ability for us to lay the appropriate charges and capture exactly what exactly we're seeing and dealing with. That's part of the problem of not being able to communicate what this looks like: we don't have specific charge types that capture this appropriately.

**Larry Brock:** You said in your opening statement that you're supportive of the removal of AG consent. With respect, I wholeheartedly disagree with you. As a former Crown attorney, I did not think the process was overly cumbersome. It provided the necessary overview mechanism when dealing with laying these unique charges that we often do not see on a regular basis.

But there is a problem with Bill C-9. It has eliminated the Crown oversight with respect to private prosecutions. Do you appreciate the error and the problem that this exists?

**Nicole Chapdelaine:** I just think that right now, because there is so much grey in this space, that's why there's a need, when we're exploring these kinds of charges, to have that conversation with some more specificity around what these charges are. I think the things that are in place right now to allow for the Crown prosecutors to work with the police to make sure we reach the level that's required can happen and can occur.

**Larry Brock:** Okay.

Time permitting, I'll turn matters over to Mr.—

**The Chair:** That's about five minutes.

**Larry Brock:** Is that my time?

**The Chair:** Yes.

**Larry Brock:** I don't have time to go to the rest of the panellists.

I'm sorry.

**The Chair:** I made a mistake and read out the second hour. That's on me.

We'll follow with MP Dhillon.

[*Translation*]

Then it will be Mr. Fortin's turn.

In the second round, I will indicate which committee members will ask questions.

[*English*]

Mr. Lawton, you'll be starting the second round.

MP Dhillon, you have the floor for six minutes.

**Anju Dhillon (Dorval—Lachine—LaSalle, Lib.):** Thank you so much, Mr. Chair.

My first questions are for Deputy Chapdelaine.

Thank you so much for your testimony today. Thank you for relaying the importance, as a frontline officer, of incidents that are occurring in the community and for sharing your practical experience and knowledge with us as well. That is very important, because we keep hearing over and over that words are just words and that hateful words are just words.

Can you please tell us a little bit about the impact of these words in the community? Do you believe they embolden and give those who are inciting violence, and those who are capable of physical violence, the ability and licence to go ahead and commit hateful crimes?

**Nicole Chapdelaine:** I think right now, to answer your first part, the impact is obviously quite heavy on some of the communities that see and face this. We have difficulty as a police agency when we get into these spaces and try to mediate, for lack of a better term, some of the things that are happening and things that are being said. We also respect that quite often people have their opinions. To use the catchphrase that's used, it's awful but it's lawful.

You know, we're quite attuned to the fact that when these things happen, they have impacts. We're working with those communities to support and have them understand that our role as police officers and police agencies is to protect that freedom of speech but to make sure it's done in a way that is as respectful as it can be. Sometimes we can't reach the threshold that we need. We feel that this bill provides us with some more of that specificity, as I said, around what these acts...and what the hate crimes definition is. It allows us to have a bit more ability, on both sides, to talk about what is acceptable and what is not.

Right now, I think the grey space causes problems for law enforcement. Depending on who is faced with it, they're coming up with their own interpretation of it. We may not go fully to prosecution, but it also does cause harm to people on both sides. We have to interact with them and have those conversations.

So it's very impactful. I think we see it. I think people are seeking some clarity around this so that as law enforcement agencies we can deal with it as best as we can when asked to do the jobs we are asked to do and have signed up to do.

**Anju Dhillon:** Thank you so much.

That will help me get right into the next question, which law enforcement keeps getting asked about, with regard to removing the Attorney General consent requirement to help police act more swiftly. How important is it for frontline officers such as you and your team to be able to proceed quickly when dealing with hate-motivated offences?

• (1600)

**Nicole Chapdelaine:** I think the quicker we can move through these things, the less time it takes for us to sit there and wonder what's happening. Obviously, again, it's going to be as quick as it is working with our Crown prosecutor partners around what this looks like before we lay these charges. When you add layers of approvals, it slows things down. There have been times when we've laid some charges and it's taken up to 18 months. It continues to have an impact on the communities and those who are affected by this. Regardless of the outcome of the AG decision on it, it's quite impact-

ful for both sides. The quicker we can make the appropriate decisions....

I think there are checks and balances along the way, and investigation and consultation with prosecutors, to ensure that the evidence exists for these charges. Although the AG consent has been in place since its introduction to the Criminal Code in the sixties, there's been an increase in accountability and improved procedures since that time. Currently, proceeding with charges rests solely on the decision right now of the AG. Removing that allows us to move that a bit more quickly, and I think has less impact on those involved.

**Anju Dhillon:** You've actually answered two of my next questions. It does show victims that hate incidents are taken seriously and dealt with immediately.

You keep speaking about interacting with them. I guess you see a lot of psychological harm as well. Just because it's not physical doesn't mean that psychological harm is absent from this whole scenario. Am I correct?

**Nicole Chapdelaine:** That's correct. We've actually seen a shift, in the last year and a bit, moving from just the psychological harm—and that is always going to exist—to the addition of physical harm. We're seeing an increase, specifically in Edmonton, in 2024 and 2025—that we've noted. I think the psychological will always exist, because that exists whether or not there was violence involved in it. However, now we're seeing more violence occurring in the events that we're investigating.

**Anju Dhillon:** I want to thank you so much as well for citing, during your testimony, something beautiful. I tried to capture the words, "Hate crimes against marginalized groups will never be tolerated in Canada." I thank your force for looking at that in this way. It's very meaningful, very impactful.

You said something about the definition of hate crimes being absolutely necessary because it standardizes reporting and helps the police to proactively prevent such crimes because they're not subject to confusion among different police forces: There will be one definition across Canada. Can you please elaborate on that? Thank you.

**Nicole Chapdelaine:** Like I said, when we speak about the more than 170 police agencies that, right now, operate with different factions of hate crimes units, we don't have all of the same sorts of resources and funding available in each small agency.... In Edmonton, we know we have a strong hate crimes unit. However, we also know, from meetings that I and my team sit at across Canada, that, when it comes to these discussions, we see lots of variability around how people treat these and interact with people, and why not having a defined definition—one that actually grounds us about what this is—leads to more of the issues that I'm seeing from my peers presenting here today, regarding that impact on both sides, whether it's the person who's speaking out or the person who's receiving what's being said. I think that, if you have a definition, that grounds us, across Canada, about what this means. It's only going to serve everybody involved much better.

**The Chair:** Thank you, Deputy Chief.

[Translation]

Mr. Fortin, you have the floor for six minutes.

**Rhéal Éloi Fortin (Rivière-du-Nord, BQ):** Thank you, Mr. Chair.

Thank you to all the witnesses who are with us today. My first question is for Mr. Ross.

Mr. Ross, I understand that you represent the Christian Legal Fellowship. I want to talk to you about a provision of the Criminal Code, namely section 319.

Subsection 319(1) prohibits inciting hatred against any identifiable group and subsection 319(2) prohibits promoting hatred against any identifiable group. However, there are exceptions to these provisions in the Criminal Code. One of the exceptions specifies that no person shall be convicted of an offence under the subsections in question, including:

(b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text...

Mr. Ross, I'd like you to talk to us about this exception. In your opinion, does a religious defence like this belong in the Criminal Code? If not, should we take the opportunity afforded by Bill C-9, which seeks to curb hatred, to remove these two exceptions from the Criminal Code?

• (1605)

[English]

**Derek Ross:** Thank you very much for the thoughtful question, Mr. Fortin. I appreciate the opportunity to engage with you on this because it is a really important issue.

The defence that you reference in paragraph 319(3)(b) has been really important in the court's consideration of the entire anti-hatred framework in section 319. In fact, this defence, and the other defences in subsection 319(3), have been pivotal in demonstrating to the courts that the legislation does strike the right balance and doesn't intrude too far on citizens' rights to freedom of opinion and expression. If this defence, or the other defences for truth, as examples, were removed, we would be concerned that could undermine

the constitutionality of this regime and the careful balance that has been struck.

The concern, of course—which I understand and am sympathetic to—is that someone might misuse this defence, try to hide behind a religious veneer and use it as a smokescreen to promote hate. That would not be a “good faith” defence. That would actually be a misuse of both the defence and, frankly, of religion. Thankfully, that defence has been interpreted very carefully by the courts to preclude exactly that scenario. The courts have been very clear that this defence cannot be used to cloak hateful expression with impunity—the language they use is “as a Trojan Horse to carry the intended message of hate”—and there hasn't been a single case that the defence has been—

[Translation]

**Rhéal Éloi Fortin:** Mr. Ross, I'm sorry to interrupt you, I don't want to be rude, but our speaking time is limited, as you know.

I'd like to quote a speech we heard in Montreal last year. Adil Charkaoui said publicly, “Allah, take care of these Zionist aggressors. Allah, do something about the enemies of the people of Gaza. Allah, identify them all, then exterminate them. And spare none of them!” That speech was submitted to Quebec's director of criminal and penal prosecutions, who decided not to authorize criminal proceedings against Mr. Charkaoui. Many of us were surprised.

Don't you think that the religious exception in section 319 of the Criminal Code may have led the director of criminal and penal prosecutions to decide that Mr. Charkaoui shouldn't be prosecuted for the hate speech he made?

[English]

**Derek Ross:** I don't want to comment on a specific prosecutorial decision that was made without my knowing the full context.

Here's what I would say: The courts have been very clear that one cannot simply embed a hateful message in a so-called prayer and expect to receive the benefit of that defence. The courts have specifically said that is not permitted. The good-faith requirement—

[Translation]

**Rhéal Éloi Fortin:** Yes, but—

[English]

**Derek Ross:** —has been strictly enforced.

[Translation]

**Rhéal Éloi Fortin:** I appreciate that, Mr. Ross. You've already talked about the issue of good faith. It's true that it's important. It's in the wording of the clause. Unfortunately, how good faith is interpreted can vary quite a bit from one individual to another.

My question is more about whether such a provision in the Criminal Code would encourage Crown prosecutors not to seek recourse. We saw that with this statement, in which the individual in question clearly incited hatred by calling on his audience to exterminate the enemies of the people of Gaza. It's understood that he was talking about the Israeli people.

As I understand it, you consider that the issue of good faith preserves us from such restraint.

Ms. Chapdelaine, I have about a minute left. Can you quickly tell me your thoughts on this?

[*English*]

**The Chair:** Answer briefly because you have about 30 seconds, Ms. Chapdelaine.

**Nicole Chapdelaine:** As with my friend there, that is something I have no details about.

I have grave concerns about those comments. As somebody in law enforcement looking at that, I would have anticipated it being prosecuted based on the language that was used. Obviously, we wouldn't invest...without the information towards that. I would have concerns about that. You could read into it, in regard to the intention of what is being said there.

• (1610)

[*Translation*]

**Rhéal Éloi Fortin:** Thank you.

[*English*]

**The Chair:** I'll use chair's prerogative to ask a follow-up question of Mr. Ross.

As despicable and as unlawful as the statements made by Mr. Charkaoui are—and would be, if they were stated again—we don't know why the prosecution chose not to continue with the charges. Perhaps this is to Mr. Fortin's point.

I want to dig a bit into the concept of good faith, Mr. Ross.

In Leviticus, Deuteronomy and Romans, there are passages with clear hatred towards, for examples, homosexuals. I don't understand how the concept of good faith could be invoked if someone were literally invoking a passage from, in this case, the Bible, though there are other religious texts that say the same thing. How do we somehow constitute this as being said in good faith? Clearly, there are situations in these texts where statements are hateful. They should not be used to invoke...or be a defence. There should perhaps be discretion for prosecutors to press charges.

I just want to understand what your notion of good faith is in this context, where there are passages in religious texts that are clearly hateful.

**Derek Ross:** Mr. Chair, I don't know that I would agree with the characterization that passages are categorically hateful, especially passages in the Bible. If members of Parliament are of the view that passages of the Bible are hateful, that's something that Canadians should be aware of.

I don't know if that's necessarily what you were communicating there. I think your concern is the way that the Bible might be relied upon or cited to advance particular messages, and that was specifically dealt with in Whatcott. There, the court drew a very careful line between speech that we might view as repugnant or offensive or hurtful versus speech that crosses the line into inciting hatred and promoting hatred and exposing a group to hatred. There's a very different analysis that needs to be employed there.

To answer that thoughtful question of what good faith is doing, what it does is ensure that Canadians can engage in religious dialogue or debate or discussion on very difficult, controversial issues that many Canadians are wrestling with—truth. We have a defence in paragraph 319(3)(a), where truth is a defence, but that doesn't necessarily apply when we're talking about religious truth, because it would be inappropriate for the courts or for the government to opine categorically on whether a particular religious claim is truthful or not. The courts can't decide, for example, whether Jesus Christ, objectively, is the son of God.

What this does is say that when it comes to some of these fundamental questions, we want to preserve room for people to engage in dialogue that is both critical of religious texts and reliant on religious texts—so it works both ways—to try to seek and discern truth without fear of being labelled a blasphemer or a criminal or a hate-monger by those who find their beliefs offensive and would try to silence them.

I hope that answers your question, Mr. Chair.

**The Chair:** Yes, thank you. I would have lots of follow-ups, but I don't want to take away other members' time.

I'll jump to the second round. Thank you for your answer.

**Rhéal Éloi Fortin:** That was the second round of the Liberal members, I guess.

**Some hon. members:** Oh, oh!

**The Chair:** It's the chair's discretion. The chair gets it once in a while. I've been sitting here patiently for 10 rounds, listening to you guys ask the same questions over and over, so I get one once in a while.

**Andrew Lawton:** We're happy to take the chair—

**The Chair:** Well, it goes to MP Brock in that case, so you'll have to fight it out with him.

Mr. Lawton, I'll pass it over to you for five minutes, and then Mr. Housefather for five.

[*Translation*]

Then you will have the floor again for two and a half minutes, Mr. Fortin.

[*English*]

Then it's to Mr. Bailey for five minutes, and Ms. Lattanzio, in this round, for five minutes.

It's over to you.

**Andrew Lawton:** Thank you to all of the witnesses for taking the time to join us today.

I'd like to start with you, Mr. Ross.

You were asked by my colleague from the Bloc Québécois, Monsieur Fortin, and also by our chair, Mr. Miller, about the religious defence, to use the term embedded in section 319 of the Criminal Code.

Just to confirm, you are against any removal of this defence from the hate provisions of the Criminal Code. Is that correct?

**Derek Ross:** Yes, that's correct, precisely because they've been important in upholding the regime as constitutional.

**Andrew Lawton:** In a number of debates in society, we have sometimes seen public opinion shift. We've seen what is held by society at one point in time changed sometimes in five years, in 10 years, in 50 years. We need to be able to have discussions on contentious issues to do that.

One example that came up in this committee's hearing last week was the way that we're discussing gender and sexual identity right now. One of our previous witnesses said that they could actually see a case in which Bill C-9, with the lower threshold for what constitutes hate, could lead to criminal charges against someone for going against whatever the Liberal orthodoxy is on gender.

Would you agree with that concern?

• (1615)

**Derek Ross:** I think that is a concern, whether it's on that particular issue or on any number of social issues on which Canadians hold very sincere, strongly held views.

If we define hatred too imprecisely, then it does create the risk that it could be used to capture not just the speech or the modes of expression that the Supreme Court has been concerned with, but also specific ideas that we might find repugnant or offensive, and be used to apply hatred in a colloquial sense, as opposed to in a criminal sense, to speech.

That is part of what it means to be in a democratic society: It means being exposed to opposing views.

**Andrew Lawton:** Since 2021, there have been at least 123 churches in Canada that have been either burned or vandalized. This is something former prime minister Justin Trudeau said was fully understandable. His principle secretary, Gerald Butts, also said it was "understandable". That's a direct quote.

What's your view on the way we view hate in the country somewhat selectively?

**Derek Ross:** I think it's really important when we talk about this legislation that we want to ensure the Criminal Code works to protect all religious communities in Canada. That's what the charter requires: that every faith group is entitled to the full and equal protection of the law.

We don't want to make this about my group versus your group; it's about ensuring that every group has the same protection.

Thank you, Mr. Lawton, for bringing attention to some of the very profound concerns that we and many others have about the number of churches that have been burned to the ground in Canada. We are equally concerned about attacks and vandalism directed at synagogues and mosques. This is an issue that we all recognize is a problem in our country. That's why we're here.

This isn't something we want to ignore. The question is this: What's the best way to address it? That's what we speak to in our written brief.

**Andrew Lawton:** Thank you, Mr. Ross.

Mr. McSorley, you alluded to flaws that you see in the terrorist-listing process. I want to understand where you're coming from on this a little more clearly.

Do you view what happened on October 7 as a terrorist attack?

**Timothy McSorley:** It was committed by a listed terrorist organization, and we denounced very vocally any attack on civilians and have spoken out that there should be an immediate ceasefire.

**Andrew Lawton:** Do you personally view it as a terrorist attack?

**Timothy McSorley:** I believe it was an attack on civilians that can't be justified and that should be viewed as a grave concern, but we've also seen retaliation that outmeasured the violence on that particular day.

**Andrew Lawton:** The moral equivalence between Hamas and Israel in your answer is interesting.

Do you personally believe Hamas belongs on the terrorist list in Canada?

**Timothy McSorley:** I don't have a personal opinion about which organization should be on the terrorist list. Our position as a coalition—and that's who I'm here to speak on behalf of today—is that a terrorist entity's listing—

**Andrew Lawton:** Will you denounce Hamas right now as a terrorist organization, yes or no?

**Timothy McSorley:** It's listed as a terrorist organization. That's what I'm here to speak to on behalf of my organization and our coalition. I'm not here to say yes or no to whether the government is wrong for its determination, but rather that the listing itself is a problematic process.

**The Chair:** Thank you, Mr. McSorley.

Over to you, Mr. Housefather, for five minutes.

**Anthony Housefather (Mount Royal, Lib.):** Thank you very much, Mr. Chair.

Deputy Chief, would you agree with me if I characterized this law as adding new offences that give you additional tools in the tool box, clarifying certain existing provisions of the Criminal Code that will assist you and your officers in clarifying when to charge somebody, and giving you direction in the sense that it is telling you the government views these hate-related offences as very important?

**Nicole Chapdelaine:** Absolutely; I would say yes on all three points.

**Anthony Housefather:** Do you agree that these new intimidation and obstruction offences will be helpful to you and your officers in understanding the prioritization of charging people who are blocking access to places of worship, community centres, etc.?

• (1620)

**Nicole Chapdelaine:** I think they provide more guidelines for our members. When they are responding, I think it gives them more understanding of what they're dealing with and more opportunity to make some decisions.

Right now, I think it's left to an individual to come up with what they think they're dealing with and try to mitigate things, which, at times, takes too long because they don't understand and they don't know where to go with it, so things continue to carry on. We could deal with things in a much quicker manner if we had a better idea what we're trying to deal with.

**Anthony Housefather:** I want to ask a question that comes up frequently. There are people trying to argue that since the existing Criminal Code provides for multiple offences, the police aren't charging under those offences and, as a result, this new law isn't needed.

Would you disagree with that claim?

**Nicole Chapdelaine:** I would disagree with it. I think there's nothing wrong with parliamentarians disaggregating sections for the clarification of crimes. We do it already. We do it with assaults, sexual assaults and frauds. It's there right now, so it exists, and this is no different.

**Anthony Housefather:** You'd also agree, counter to what has been claimed by a couple of people, that the federal government has no ability to direct the Edmonton Police Service as to what to charge or not charge or tell your officers what to do or not do. Is that correct?

**Nicole Chapdelaine:** That's correct. At the end of the day, we abide by the Criminal Code, but we still have discretion, and we still need to make decisions based on the totality of every event that we respond to. It's not as simplistic as that. We have lots of checks and balances, and we have relationships with our Crown prosecutors in these spaces to ensure that we're making the right determination about how we proceed.

**Anthony Housefather:** It would also be, for example, like in Montreal. There's a public safety commission of the agglomeration of Montreal that is the regional government that runs police. That would be the entity, the municipal authority, that could give you general guidance as to what intentions it has related to policing. Is that correct?

**Nicole Chapdelaine:** That's correct. We have a police commission that works with us. It doesn't necessarily get involved with the operations, but there is an oversight with us, as well as lots of provincial oversight when it comes to police conduct.

**Anthony Housefather:** Thank you so much. Your clarity has been really appreciated.

Mr. Ross, can I ask you a couple of questions?

I appreciated the way you approached Bill C-9, in terms of offering amendments and general guidance, as opposed to saying that the bill isn't a good idea at all. I don't think that is what you believe.

Do you support the new intimidation and obstruction offences? For example, in my own riding, in March or April of last year, I had a situation where demonstrators surrounded our Jewish community

campus, where the offices of the federation are, as well as the Montreal Holocaust Museum and the Jewish Public Library, and they didn't let people enter or leave the building. They stood on private and public property for hours.

Would you agree that it is a problem, and that these new intimidation and obstruction offences will assist to tell police that they should be charging in events like that?

**Derek Ross:** I certainly agree that those, and many other examples, are hugely problematic. You're absolutely right that we do not categorically oppose the bill. We support the intentions, motivations and objectives of the legislation. Like I said, our goal is to see this bill be effective and be constitutionally sound.

When it comes to the specific interference and obstruction offences, we do have some concerns about their potential breadth. We would share some of the concerns that have been raised by other groups, such as the Canadian Civil Liberties Association, about what constitutes interference and about the way that it might capture conduct that it doesn't even necessarily intend to capture.

We'd also point to a number of other provisions that already exist and that should be utilized to address precisely the situations you've described. I know this is a question that's been raised elsewhere. There are existing mechanisms, so whether it's through the new bill or through existing mechanisms—

**Anthony Housefather:** I'm sorry, but I have limited time. I don't mean to interrupt.

**The Chair:** Your time is up.

**Anthony Housefather:** My time is up.

Thank you, Mr. Chair.

[*Translation*]

**The Chair:** Mr. Fortin, you have the floor for two and a half minutes.

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

Mr. Ross, in two and a half minutes, I'm going to somewhat repeat the same line of questioning, if I may.

For argument's sake, let's say I convert to a religion other than mine and that religion is based on a religious text, whether it's called the Bible, the Torah or whatever, that says that another group of individuals, such as Montrealers or Christians, are evil creatures that must be exterminated. Suppose, then, that I convert to this religion, for all kinds of reasons, and I convene a conference at which I ask the Lord to eliminate all Christians, who are evil creatures, and not to forget any.

In your opinion, would that speech be protected under the current provisions of the Criminal Code? Would it be acceptable to say that in Canada?

• (1625)

[English]

**Derek Ross:** No. Any speech that's calling for death or violence, or for extermination of people, clearly constitutes incitement, promoting hate. That's a threat. That's intimidation. Those are captured by the Criminal Code.

[Translation]

**Rhéal Éloi Fortin:** Okay, but the Criminal Code says that “[E]very one who, by communicating statements in any public place, incites hatred” or, according to another provision, “wilfully promotes hatred”, is liable to imprisonment, but if it's done based on a religious text, that's an acceptable defence.

I know that the example I gave seems rather extreme to us, but it appears to correspond to what I read in the Criminal Code: I am relying on a religious text under which I take the liberty of promoting or inciting hatred.

Do you see a difference, though?

[English]

**Derek Ross:** Yes. Again, the example you're giving specifically calls for violence. It calls for extermination. Those types of provisions exist in the Criminal Code that this defence does not apply to.

What this defence applies to, and how it has been interpreted, has been in a very narrow-specific, context-specific analysis, and that's really important to look at.

Whether it's being applied on the ground by authorities and law enforcement in a manner consistent with that strict, narrow interpretation by the courts is another question. It's a legitimate question. Perhaps more needs to be done to create a—

[Translation]

**Rhéal Éloi Fortin:** What's the difference between that statement and that of Adil Charkaoui, in 2024, who called for the extermination of the “enemies of the people of Gaza”?

[English]

**The Chair:** There's no time for an answer, Mr. Ross. The time is up.

**Derek Ross:** Am I able to respond to that?

**The Chair:** No, but perhaps you can in a later round of questioning, Mr. Ross. The time is up.

It's over to Mr. Bailey for five minutes.

**Burton Bailey (Red Deer, CPC):** Thank you, Chair.

Mr. McSorley, would you agree that on the definition of “hatred” as written in Bill C-9, were it to be adopted as law, the government or politically or ideologically motivated groups could act in a way that abuses the intent of the law?

**Timothy McSorley:** I have to be clear. Our coalition, our organization, does not.... Our expertise isn't on the definition of “hate”, but we do agree with those, such as the Canadian Civil Liberties Association and others, who have raised concerns about whether the definition currently in Bill C-9 is extensive enough.

**Burton Bailey:** By choosing to define “hatred” as the government has, what, in your estimation, would be the difference between the terms “disdain”, “dislike” and “detestation”?

**Timothy McSorley:** Again, I have to say that our coalition.... I have to be specific, because the organizations that I represent have given me a specific mandate on what to speak about, but I can say that, as we've seen with others, they would have concerns with that answer.

**Burton Bailey:** Thank you.

Mr. Ross, should the government, in Bill C-9, adopt the definition of “hatred” as set out in the Supreme Court of Canada decision *R v. Keegstra* so that the law may be evenly applied and tightly protected from the abuse for political or ideological reasons?

**Derek Ross:** Our written brief—and I don't know if it's been circulated yet—speaks specifically to this issue and the need for clarity in the definition of “hatred”. I appreciate that the government has been very clear that the intent for this definition of “hatred” is to codify the established test, established by the Supreme Court in cases like *Keegstra* and *Whatcott*. We would support that.

We would like to see, though, that this definition is incorporated holistically. We are concerned that a number of important parameters have been omitted. We were encouraged, though, to hear the minister invite proposed amendments to address that, and that is what we've done in our brief.

There are three specific prescriptions that the Supreme Court set out in *Whatcott* that we think need to be made explicit in the bill. I can very quickly identify those three prescriptions.

The first is that hatred must be assessed objectively. Hatred is not assessed based on whether the speaker thought it was hateful or whether a complainant thought it was hateful—

• (1630)

**Burton Bailey:** Quickly, Mr. Ross.

**Derek Ross:** —but rather, based on whether a reasonable person aware of the context and circumstances would view the expression as exposing a protected group to enmity and extreme ill will. It needs to be objective.

Second, the term “hatred” is limited to extreme manifestations. These two words, “extreme” and “manifestations”, are both important and need to be added.

Third, the hate speech legislation, the court said, is not to target the content of ideas, as repugnant as one might think they are, but instead, the ways they're expressed and the effects they might have.

The goal is not to censor ideas or compel anyone to think “correctly”; it is to determine the likely effect of the expression on an audience.

Our amendments address all three of those prescriptions.

**Burton Bailey:** Thank you, Mr. Ross.

I'm sorry to rush you. It's just that my time is so limited.

If this bill is adopted with the definition of “hatred” as written, will it not just end up back in the Supreme Court to relitigate an already dealt-with concern? Are we kicking the can down the road?

**Derek Ross:** I think that's a very real concern. Unless these amendments are included, unless these concerns are addressed, there is a constitutional vulnerability and certainly a vulnerability to constitutional challenge.

**Burton Bailey:** The point in saying that this is that there is a clear subjective element in evaluating and determining what is stronger, the disdain or dislike, therefore, would you not agree that removing the subjective language in the definition would strengthen this bill and protect Canadians' fundamental freedoms?

**Derek Ross:** Precisely. That's why we recommend a clarifying clause to ensure it's clear not just to the courts but also to those who are interpreting it and trying to apply it on the ground. What do we mean? What meets the threshold of hatred?

In our brief, we propose adding language that says, “For the purposes of determining 'hatred', the court must consider whether, in the view of a reasonable person aware of the context and circumstances, the activity in question exposes or tends to expose members of an identifiable group to enmity and extreme ill-will, or seeks to abuse, denigrate or delegitimize them to render them dangerous or unworthy, in the eyes of the audience.”

That language is drawn directly from the Supreme Court, and we think the clarification is important and helpful.

**The Chair:** Thank you, both.

Ms. Lattanzio, go ahead for five minutes.

**Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.):** Thank you, Mr. Chair.

Mr. McSorley, protecting Canadians from hate and protecting civil liberties are both very important and vital.

Would you agree that having a clear, narrow definition helps ensure that the law respects both goals?

**Timothy McSorley:** It is very important to have a very clear definition, one that follows Supreme Court jurisprudence. It's incredibly important to have specific language in the laws to ensure they are applied properly.

**Patricia Lattanzio:** You emphasized the importance of freedom of expression in your opening remarks.

Would you agree that, even within that freedom, there must be a threshold—we spoke about this a few minutes ago—where speech becomes so harmful that it endangers others and, therefore, must be restricted at some level?

**Timothy McSorley:** Certainly, we agree with that. We believe language that would incite hatred and violence against individuals, particularly hate-based violence, is a step too far. There need to be restrictions on speech in Canada.

**Patricia Lattanzio:** Okay.

If we agree that a threshold exists, would you also agree that Parliament has a duty to clearly define that line so Canadians know where protection from hate begins?

**Timothy McSorley:** I believe it's the role of Parliament to set those lines. I also believe the courts serve a purpose in determining whether or not those lines meet the standard of the charter. We've seen that in decisions such as the Whatcott decision.

**Patricia Lattanzio:** Would you agree that Parliament has that duty?

**Timothy McSorley:** Certainly, Parliament has the duty and power to engage in these debates. It's an important conversation to have. We believe Parliament needs to be doing more to address hate-based violence and hate speech. We just have concerns about how Bill C-9 is going about that.

**Patricia Lattanzio:** You're saying that we have a role to play, but I'm being specific. I'm saying that Parliament has a role to define, and draw that line on, the definition of hate.

**Timothy McSorley:** Yes, Parliament has that role and duty. Then it's up to the courts to interpret whether or not it is constitutional. I think it's important to determine in these discussions, as the law is being made, whether we're meeting the framework of what's already been laid out by the Supreme Court.

• (1635)

**Patricia Lattanzio:** If we accept that freedom has limits when it endangers others, isn't it also important and essential that the law make that limit explicit so police and courts can act before words turn into violence?

**Timothy McSorley:** Certainly, the law needs to be explicit, but it needs to be carefully worded and explicit in the sense of not giving broader interpretation to laws that already exist.

**Patricia Lattanzio:** What is your opinion of the definition in Bill C-9? Is that too broad for you?

**Timothy McSorley:** As I mentioned before, we agree with others who have said that there are concerns the definition in Bill C-9 does not meet the same standard that's been laid out by the Supreme Court. As I mentioned, our expertise isn't on where that line should be drawn, but we certainly believe that's an issue to be debated, then set by Parliament and reviewed by the courts.

**Patricia Lattanzio:** If hate can directly endanger Canadians, shouldn't government have a responsibility to draw that line clearly and not leave it to chance or the interpretation of the courts?

**Timothy McSorley:** Certainly, Parliament has the duty and obligation to draw that line.

**Patricia Lattanzio:** Okay. We draw the line so a court does not have to interpret or come back to that definition.

**Timothy McSorley:** I would say that courts often.... We've seen this, for example, in our work on anti-terrorism legislation. There is a role for the courts to interpret whether or not the law, as applied, meets the constitutional standards. No matter what Parliament decides, there is a role for the court and the eventuality that a constitutional challenge could be brought. It is just as applicable for the court to interpret that as it is for Parliament to set the legislation in the first place.

**Patricia Lattanzio:** The line is clear from the outset, from the beginning. There would be no room for interpretation.

**Timothy McSorley:** In our experience, I would believe that the courts, you know.... That is the set-up of our system: that there is room for interpretation by courts about whether or not a piece of legislation—whether it's the definition of hatred or other definitions—meets constitutional clearance. If it doesn't, then the courts will rule, and then it will be up to Parliament to review that ruling and bring in changes to the legislation to ensure that it's constitutional.

**Patricia Lattanzio:** Hate crimes often silence voices, so how can clear laws like this empower those voices?

**The Chair:** Ms. Lattanzio, we won't have time for an answer. Unfortunately, we have to move on to the next round.

Friends, we have time for a full third round. I may have to chop the last two speakers by a minute or so just to ensure a proper transition to the next round, but we have MP Lawrence to start it off and then MP Chang, Monsieur Fortin, Mr. Lawton and Ms. Dhillon to close it off.

MP Lawrence, I'll turn the floor over to you for five minutes.

**Philip Lawrence (Northumberland—Clarke, CPC):** Thank you.

First of all, I just want to affirm the important work that I think this committee is doing. Thank you for having me here. Certainly, fighting hate is amongst the most important things we can do in Parliament, so I really do appreciate it.

In that non-partisan spirit, Ms. Lattanzio, if you want to finish off and get the answer from the witness, I'm willing to donate 30 seconds of my time.

**Patricia Lattanzio:** Thank you, MP Lawrence.

On that note, Mr. McSorley, I'll pursue my last question.

Hate crimes often silence voices. How can clear laws like this empower Canadians to feel safe expressing their views?

**Timothy McSorley:** I believe that that's the gist of our argument: that we need clear laws in order to ensure that people from all communities can express their views. There's a clear need for legislation that governs hate speech and especially violence that's inspired by hate. However, at the same time, we believe that the legislation needs to be precise, and we think that there are areas of Bill C-9 that need to be given further precision in order to ensure that it's not applied in overly broad ways that could, in fact, lead to the criminalization of those who are speaking out and exercising their freedom-of-expression rights.

**Philip Lawrence:** Thank you.

I think we've had some excellent testimony as to some of the weaknesses of the bill, and I think it has been constructive. I just want to take the conversation back to a more general perspective.

A quick but I think important question for the witnesses is this: Do any of you know how the Charter of Rights and Freedoms begins?

**Derek Ross:** Are you referring to—I'm sorry to interrupt you—the preamble?

• (1640)

**Philip Lawrence:** I'm referring to the preamble, although it's actually a part of the charter; it's not actually a preamble.

**Derek Ross:** So, the opening words of the charter state, “Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:”. Then section 1 states that the rights and freedoms are guaranteed, subject to such limits—I should have this memorized—“as can be demonstrably justified in a free and democratic society.”

**Philip Lawrence:** That's what I wanted to get across.

I just want to ask all of the panellists something, and I'll just use three of the major books of religion: the Quran, the Bible—both the New Testament and the Old Testament—and the Torah, which, of course, is the first five books of the Old Testament. Do you believe that any Canadian should ever be criminalized for reading any of these scriptures?

I'll go right across, so I'll start with you, Mr. Ross.

**Derek Ross:** No, there should not be a categorical criminalization of simply reading a religious text.

As I hope I made clear in my previous answers, sometimes the context of the way that a text is used—or, more accurately, misused—might merit criminal intervention, but to say categorically that reading a particular text, whether it's a religious text or any other text.... I think it's problematic if we start listing certain books as being off-limits.

**Philip Lawrence:** Deputy Chief, what are your thoughts?

**Nicole Chapdelaine:** I agree; I think no. Reading is one thing. I think that the context that's being read in and the space it's being utilized in are things you need to be mindful of. Anyone can read what they want, choose to read what they want and believe in what they want to believe in. It's a matter of how you're utilizing that, whether in a space amongst your peers or your friends or in a space where there are others who might have some concern with that. I think that the context around the use of that is very important.

**Philip Lawrence:** Deputy Chief, if in fact you're reading the Torah, the Quran, or the Bible in a large group, you might see a potential for criminalization.

**Nicole Chapdelaine:** Again, I think that's a little bit far-reaching. I think it just depends on the context of what your intentions are with it. I mean, you could get into a good debate about the use of that and when it's used, but to just read it....

We could read lots of things that people might find offensive. I think there's a context that you have to take this all in when you look at what the intent of that was.

**Philip Lawrence:** Mr. McSorley, I have the same question for you.

**Timothy McSorley:** Thank you.

Yes, I'd agree with the two other speakers that certainly there should be no law that simply outright bans the reading of any religious text in Canada and that the context of how speech is delivered is what is important. If it goes into calling for violence or other similar instances, then certainly that needs to be addressed, but the simple reading of religious scripture should not be criminalized.

**Philip Lawrence:** Thank you very much.

**The Chair:** MP Chang, it's over to you for five minutes.

**Wade Chang (Burnaby Central, Lib.):** Thank you, Chair.

I'd like to thank you all for your time.

Across Canada, we have seen a troubling rise in hate targeting marginalized groups and queer and trans people in schools, community spaces and online. Marginalized groups and 2SLGBTQI+ Canadians are often targeted by hate that can escalate from verbal harassment to violence.

How can Bill C-9's clear definition and stronger enforcement tools help officers intervene earlier to protect vulnerable people in Canada?

**Nicole Chapdelaine:** Again, as I said earlier, having a clear definition allows for our police officers to have a better understanding of what they're dealing with in the moment rather than try to seek out interpretation from maybe a peer or someone who specializes in this area. It just grounds us in what we're dealing with and allows us to act or intervene earlier, if needed.

Of course, we'd be continuing on with any investigation to decide whether or not we have reasonable and probable grounds, and then working with Crowns or otherwise in order to get to that likelihood of conviction if the charges are laid.

**Wade Chang:** Building trust is essential. What steps can police services take, alongside legislation like Bill C-9, to ensure that marginalized groups and 2SLGBTQI+ Canadians feel safe reporting hate incidents and confident that they are taken seriously?

**Nicole Chapdelaine:** There are a couple of things. By having some of this legislation put in place, I think it allows us as a police service to properly report on what we're seeing and what we're dealing with. I think right now, because it is a bit grey in some of these spaces, we're not seeing charges being laid in spaces that are maybe under "mischief", for example. It's not accurately capturing what we're dealing with.

Right now we're left to search reports doing keyword strokes to look for language within our reports to identify whether someone has potentially committed a hate incident or a hate crime. Again, the more that we as a police service can support and represent all of our communities to have safe spaces to do what they want to do each and every day, and to have those parameters around that, the more it builds trust with our communities and sets the standards for the expectation around how we interact with each other.

• (1645)

**Wade Chang:** Partnerships make prevention stronger. How can collaboration between police, marginalized groups and 2SLGBTQI+ Canadians improve education, reporting and supports for victims of hate-motivated crimes?

**Nicole Chapdelaine:** I think any time we as a police service can respond to the needs of our community—regardless of who they are—they see that we're taking their concerns seriously, and that we're communicating and working with them, regardless of the outcome, the situation and whether there are charges laid or not. It all comes down to public trust. The more public trust we have with our community, where they see us as being that impartial individual in that space to make sure we're managing what's going on, the more it builds better community trust and allows us to get more reporting.

We've seen some of that growth with reporting. That work will be done specifically agency by agency, in the relationships they have with their communities, to ensure that there's open dialogue around what the needs are and how we best represent them.

**Wade Chang:** Thanks.

Do you agree that the definition of hatred in Bill C-9 can be assessed objectively?

**Nicole Chapdelaine:** Yes, whatever the definition comes to be, I think having a definition of a hate crime will assist police. Any time we as police officers have something to make our jobs easier and to make sure we know what we're doing.... It takes away that impartiality around people interpreting things erroneously and maybe acting inappropriately based on what their thoughts are. I think having that definition just puts us within those guidelines about what helps us do our jobs every day.

**Wade Chang:** Thank you very much.

Bill C-9 also reaffirms that legitimate debate and discussion are still protected. Do you think that kind of clarity helps bring people together?

**Nicole Chapdelaine:** I absolutely think these kinds of things help people. I think this is going to create a certain level of comfort for people to understand that we're all working the same, to meet the needs and to create some definitions and parameters around what this is and what this means to us as Canadians and in our role as police officers in this space. Any time we can have any conversation around this to set those standards—good, bad or otherwise—is very important.

**Wade Chang:** Thank you very much.

**The Chair:** Thank you.

[Translation]

Mr. Fortin, you have the floor for two and a half minutes.

**Rhéal Éloi Fortin:** Mr. Chair, isn't this the first round?

**The Chair:** No.

**Rhéal Éloi Fortin:** Okay, that's fine. Thank you.

I have a question for Mr. McSorley.

Bill C-9 would prohibit obstructing or impeding access to a place. There are already prohibitions of this nature in the Criminal Code, and more are being added.

In your opinion, Mr. McSorley, is that likely to conflict with the right to protest? I'm thinking, for example, of students at a CEGEP who would like to protest, for whatever reason. Could demonstrating on the grounds of a CEGEP, university or any other place contravene the new prohibitions?

**Timothy McSorley:** Thank you for the question. Just to be precise, I will answer it in English. I'm sorry, I know that I also speak French, but I really want to be precise in my answer.

[*English*]

I would say that there are significant concerns around how the new obstruction and intimidation provisions could impact protests in general. There are concerns around whether or not a space within a campus that may be for a religious or cultural purpose and that would be protected under this legislation could be interpreted to apply to a broader aspect of the university or the campus. That's something that we think needs to be more specifically addressed and regarded.

The other concern we have is that we know that spaces that may be devoted to and used by particular communities can also be used for a wide range of areas. That's reflected in bubble-zone bylaws that have been said to apply to the regular business of a place of worship or a cultural centre. We would be concerned about a blanket application of a block on the right to protest, because they could be non-religious or activities not related to the protected nature of the building and that would then block the ability for individuals to engage in protest.

• (1650)

[*Translation*]

**Rhéal Éloi Fortin:** If I understand correctly, you're saying that the prohibitions that currently exist in the Criminal Code to not interfere with access to a public place are sufficient. Is that correct?

[*English*]

**Timothy McSorley:** We believe that they would be sufficient, yes.

[*Translation*]

**Rhéal Éloi Fortin:** Therefore, we should not pass this part of Bill C-9. Have I understood your opinion correctly?

[*English*]

**Timothy McSorley:** No, we do not believe that it should be adopted.

[*Translation*]

**Rhéal Éloi Fortin:** Thank you.

I had another question, but my time is up.

[*English*]

**The Chair:** Mr. Lawton, it's over to you. We'll do a full five minutes for you and then Ms. Dhillon.

**Andrew Lawton:** Thank you very much.

Mr. McSorley, when we were speaking earlier, I was hoping that I'd be able to dispatch with my questions very shortly, but evidently this is going to take a bit more time here.

You identified in your testimony a key concern you had with the provision of Bill C-9 dealing with hate symbols to be what you termed a "flawed...process" in listing terrorist entities. If you believe the process is flawed, do I take from it that you believe there are people on the list of terrorist entities who do not belong there?

**Timothy McSorley:** That's a good question.

We believe that the process is flawed. Our role—and we have not reviewed every single entity that's on the terrorist entities list—is to determine whether or not they should be there.

One example I could give is that FARC, in Colombia, was previously a revolutionary force engaged in violent activities and is now part of a peace process, yet remains listed on the terrorist entities list. We think that's part of the flaw in the fact that it's difficult for organizations to challenge it, because the evidence is kept secret and the decision-making process itself is secretive.

We think that administrative listing processes are the problem. The government can determine whether or not there should be sanctions against certain organizations for the activities they undertake, including organizations they deem to be terrorist organizations, but we are deeply concerned around how the listing process itself works.

**Andrew Lawton:** Do you believe that ISIS belongs on the list?

**Timothy McSorley:** Again, they've engaged in terrorist activities. They engage in violence. We believe that the government is right to set sanctions. We don't believe that the listing process is an effective tool.

**Andrew Lawton:** Do you believe that al Qaeda belongs on the list?

**Timothy McSorley:** I'll give you the same answer. There are terrorist organizations that engage in violence and should be sanctioned. We have problems with the listing itself.

**Andrew Lawton:** Thank you. You just acknowledged that ISIS and al Qaeda are terrorist organizations. How about Hamas?

**Timothy McSorley:** Hamas has also engaged in activities that have been defined as terrorist activities. We believe that any act of political violence is problematic. The government has decided to determine that they are a terrorist organization, and we have problems with the actual listing itself.

**Andrew Lawton:** I'm just struggling to understand here where you would draw the line when we are talking about organizations that have committed in plain view acts of terror and that have as their charter a desire to eradicate the Jewish people and the Jewish state.

Anyone who's watched my work on this committee knows that I am a very firm believer in freedom of expression. I have been very critical of Bill C-9 for, I believe, infringing on that but, if we are not able to have a conversation that calls terrorists terrorists, I don't see how we're going to be able to deal with some of the bigger questions facing this committee and facing society.

This is a very simple question. Do you believe that October 7 was a terrorist attack, not how governments view it, not how the Canadian government is viewing it. Do you believe it was a terrorist attack?

**Timothy McSorley:** I believe that it was an act that would fall under the definition of terrorism. It was a terrorist activity, but we have problems with how the government views how Hamas or any organization is placed on the list, and the listing process itself is a problem.

**Andrew Lawton:** Do you believe—

**Timothy McSorley:** The definition overall that simplifies the idea of what is considered terrorism leads to discrimination and leads to the tarring of entire communities engaged in protest, for example, against human rights abuses as being linked to a terrorist organization.

**Andrew Lawton:** If someone were to go a gathering in a Canadian street and say that we should have another October 7, would that be an incitement to violence? Would that be something that you believe should be criminal?

**Timothy McSorley:** A call to again engage in violent activity is clearly a call to violence, and it would be criminalized.

**Andrew Lawton:** I'm glad that we got eventually to your position that this was terrorism.

Thank you very much, Mr. McSorley.

In the limited time I have left, I'd like to ask you a question or two, Deputy Chief, because we have seen the definitional changes in Bill C-9.

Are there potential hate charges that the Edmonton Police Service has not laid in the last year or two years that you are aware of that would have been laid if Bill C-9 had been in place?

• (1655)

**Nicole Chapdelaine:** I would probably say yes, there probably would have been, and I think part of the problem is that we've gone with mischief charges, because there wasn't an actual charge for that particular charge. I think that we're going to see some of those mischief charges coming up, because we would have felt that we could have advanced with a hate crime charge, and it just didn't exist with that definition.

**Andrew Lawton:** There was a community in my riding where someone was charged under section 319 with hate, and their display involved a swastika mowed into their lawn.

Do you agree that hate symbols can be a part of your investigation and your decision to lay a charge under the current hate laws?

**Nicole Chapdelaine:** I don't think it's as clear as we'd like it to be.

**The Chair:** Thank you, Deputy Chief.

Thank you, Mr. Lawton.

Ms. Dhillon, to close us off, you have five minutes.

**Anju Dhillon:** Thank you, Mr. Chair.

I'm going to share my time with MP Housefather.

My questions for the moment are with Deputy Chief Chapdelaine.

When hate crimes go unaddressed or delayed, it can leave victims feeling unheard. How important is it that legislation like Bill C-9 gives police the tools to act quickly and consistently across the country?

**Nicole Chapdelaine:** I think it's very important. I don't think there's any other way to say it. It's very important, because the response that we give our communities is something that we are measured on every day.

**Anju Dhillon:** Police officers are the first point of contact for victims of hate. How would having a clear definition and stronger provisions under Bill C-9 help improve confidence in reporting these incidents?

**Nicole Chapdelaine:** Again, I think it's like you say. We have to build trust with our marginalized communities and provide accessible reporting for these kinds of events. I think having this additional legislation available to us continues to help us build that trust with our communities in regard to our ability to respond to their needs.

**Anju Dhillon:** In the last years or even the recent past, have you seen a big increase in hate-motivated crimes?

**Nicole Chapdelaine:** I have the numbers in front of me here, I can say that we have witnessed a troubling increase in Edmonton and across Canada in hate incidents. In 2025, in Edmonton hate incidents rose to 125 to date, up from 91 in the same period in 2024. Hate crimes have slightly decreased, but the rise in incidents reflect both an increase in public awareness and growing concern within our communities.

**Anju Dhillon:** Public awareness has helped to have a little bit of an impact on hate crime.

**Nicole Chapdelaine:** Correct.

The way we work with our community is we try to work with them to bridge those barriers for them to report and have trust in our organization to take these issues seriously. As with anything we do, it will increase reporting but I think that helps us better understand what we're dealing with in our community.

**Anju Dhillon:** I want to thank you for working so empathetically and sympathetically with those who are victims of hate-motivated crimes. It's very comforting to see police officers such as yourself. I have the utmost gratitude and appreciation for you. Thank you for coming to committee today.

I will give my time to MP Housefather.

**Anthony Housefather:** Thank you, MP Dhillon.

Mr. McSorley, in October 2024, Samidoun was listed as a terrorist entity.

Do you agree that Samidoun should have been listed as a terrorist entity?

**Timothy McSorley:** As I mentioned before, we don't take a position on whether or not.... We haven't examined every single organization that's listed on the terrorist entities list. Our concern over—

**Anthony Housefather:** But some of the organizations you—

**Timothy McSorley:** —is the process of listing Samidoun.

**Anthony Housefather:** Some of the organizations you have listed on the list of organizations that you're here representing have partnered with Samidoun in creating events, including Independent Jewish Voices, for example.

**Timothy McSorley:** Our members are able to engage in their own activities. We don't take a position on what activities they specifically have taken.

**Anthony Housefather:** When Charlotte Kates, the head of Samidoun, led a cheer of “Long live October 7” and praised Hamas, would that be something that you think is reasonable to do in Canada?

**Timothy McSorley:** Personally, I don't believe in any calls to violence. I would have trouble with that particular chant.

**Anthony Housefather:** What about praising Hamas at a public rally?

**Timothy McSorley:** I think praising an organization like Hamas in order to call for more political violence is incredibly problematic. Speaking from the position of our organization and from the law, in Canada, it is not illegal. I believe there could be a debate around the discussion and the presentation of terrorist organizations in public spaces, but it isn't a criminal activity to say something like that.

Personally, I would not call for something like that. I would not say something like that. Any incitement to violence, I believe—

• (1700)

**Anthony Housefather:** What about “Globalize the intifada”? If people are screaming “Globalize the intifada” at a public rally, would you say that crosses a line?

**Timothy McSorley:** Intifada can have multiple definitions. There haven't only been violent intifadas. I believe it would have to be taken in context of the way it was being said. If it is being done in a context of calling for violence against individuals then I would be opposed to it, clearly.

**Anthony Housefather:** Thank you. I appreciate your time.

**The Chair:** Thank you. Thank you to all witnesses for this very interesting conversation. Thank you for the time that you took today to appear at the committee. I wish you well.

We will take about a five-minute break to switch over to the second panel.

Thank you.

• (1700)

(Pause)

• (1705)

[*Translation*]

**The Chair:** Good afternoon, everyone.

This is our second panel of witnesses for this meeting of the Standing Committee on Justice.

I will dispense with my sometimes lengthy introduction, where I list all the instructions. Those using Zoom to participate in the meeting surely must know how to access the interpretation service.

I ask everyone, especially those here in the room, but also those participating by video conference, to avoid shouting into the microphones and keep a distance equivalent to the length of one hand between the microphone and their mouth when speaking, to try to spare these faithful interpreters who enable us to hear testimony in both official languages.

[*English*]

With us today, we have, from the Association for Reformed Political Action Canada, John Sikkema.

[*Translation*]

He's the director of law and policy.

We have with us by video conference, from the Barreau du Québec, Marcel-Olivier Nadeau, president of the Barreau du Québec, lawyer Eva Sikora, as well as Nicholas St-Jacques.

[*English*]

We have, from Canadian Hindus for Harmony, Vijaykumar Jain, director, who is here in person.

Welcome.

[*Translation*]

Finally, we have Noah Shack, CEO of the Centre for Israel and Jewish Affairs.

Welcome to all of you.

Each group will have up to five minutes to deliver opening remarks. We have four distinct groups, so that leaves us with no more than 20 minutes for opening remarks. Therefore, an effort must be made to keep things quite short. As needed, I will interrupt the witnesses.

I must inform Mr. Fortin and all the others that sound tests have indeed been conducted.

With no further ado, Mr. Sikkema now has the floor for five minutes.

• (1710)

[English]

**John Sikkema (Director, Law and Policy, Association for Reformed Political Action Canada):** Thank you, Mr. Chair. Thank you, committee members.

It's my privilege to appear on behalf of the Association for Reformed Political Action, ARPA, where I serve as legal counsel.

Thank you all for your thoughtful review of this bill. My remarks today will focus mainly on the hate propaganda provisions of the bill. Our written brief, which you may not have yet, also addresses the proposed hate crime and intimidation offences.

ARPA is a Christian, non-partisan, policy and legal advocacy organization with considerable experience as a friend of the court in charter cases. ARPA believes that every person has inherent dignity as an image-bearer of God and that we have a moral duty to honour each others' reputations. That duty is reflected in our laws on defamation and criminal libel, among other areas. That moral duty applies not only in relation to individuals, but to groups as well.

Legally, however, group libel is more complicated. As our Supreme Court has identified, one danger is that laws meant to stop malicious attacks on a group's reputation and basic social standing could be used to silence criticism of beliefs or practices associated with the group.

Let me illustrate the difference. The late atheist wit and writer Christopher Hitchens said that the Christian doctrine of vicarious atonement was evil. That is a core Christian doctrine, but Hitchens was expressing a moral and, one would even say, a theological opinion. He was rightly free to do so. Today in Canada, people are being accused—often by government officials—of promoting hatred simply for expressing moral or political views.

My own organization, ARPA, was accused by the mayor of Hamilton of promoting hatred because we put up a sign that said, "LetKidsBe... [End] medical transitions for minors." The city had it taken down.

The city also claimed that another sign from a different group, which said that women are, by definition, female also had to be censored due to hate speech concerns.

Earlier this month, the British Columbia legislature condemned ARPA as hateful for opposing medical transitions for minors and for supporting moderate pro-life laws. One B.C. government MLA even told a very sad story about a same-sex couple being harassed in a public place and then called ARPA and its supporters "the harassers in that story." It is blatantly false, but I guess it's justified because Christians hold the traditional view of marriage.

The member's statement, to be clear, defamed and vilified Reformed Christians as criminal harassers, which seems like a way, frankly, to stir up hatred against this group, while at the same time accusing these Christians of promoting hatred for the views that they hold. I trust that I don't need to point out the hypocrisy.

This kind of ideological bias is what the Supreme Court warned about in Keegstra and which Parliament must guard against here.

Bill C-9, with respect, risks blurring the long-established definition of hatred. If the goal is simply to codify the common law, then the bill should mirror the stringent test set out in Keegstra and Whatcott. Those cases cautioned against two key errors, among others. The first is focusing on the content of what is said rather than its anticipated harmful effects. The second is focusing on the feelings or views of either the accused or the victim group.

Bill C-9 risks both errors. First, it uses "hatred" in one place to refer to the feelings that the accused intends to promote in others—part of our established test—and in the new hate crime offence, it uses "hatred" in reference to the accused's own feelings and motives.

Second, the bill's clarification clause blurs whether courts should consider the feelings or views of the identifiable group using the words "solely", "hurting", "humiliating" or "offending".

ARPA therefore recommends that the committee either remove both the definition of hatred and the clarification clause to make clear that the common-law standard still applies or amend both to clearly reflect Keegstra and Whatcott.

Hatred could simply be defined as an "emotion of an intense and extreme nature that is clearly associated with vilification and detestation."

The clarification clause could say that a statement is not criminal because it is considered "offensive", "repugnant" or "distasteful", or because it "ridicules, belittles or...affronts the dignity of" a group. Those are both phrases taken from Keegstra and Whatcott.

Because of the analytical pitfalls I have noted here—and others that the court has warned about and that you've heard other witnesses highlight—the requirement for Attorney General approval remains.

• (1715)

As an intervenor in a hate speech case, I noted the Crown making some troubling arguments—again, going to the substance of the views, the person's moral views, rather than to what they're trying to promote, the emotional reaction they're trying to promote in others.

**The Chair:** Mr. Sikkema, you're at time. I will ask you to wrap up in a few seconds.

**John Sikkema:** Sure.

Our main concern is that the bill set a sufficiently clear standard to protect groups from deliberate, vicious libels without creating a potential weapon for ideological censorship.

Thank you, Chair and members.

**The Chair:** Thank you.

[*Translation*]

I now give the floor to the representatives of the Barreau du Québec for five minutes.

**Marcel-Olivier Nadeau (President, Barreau du Québec):** Thank you, Mr. Chair.

Thank you for inviting representatives of the Barreau du Québec to testify on Bill C-9.

Given the sharp rise in hate crimes in Canada, mostly those with racist overtones, the law must provide courts with effective tools to combat hate, while respecting the principles of fundamental justice and Canadian constitutional requirements.

Bill C-9 is a continuation of Bill C-63, which was introduced in February 2024 and on which the Barreau du Québec also made recommendations. We are pleased that some of them were included, including removing the possibility of life imprisonment for hate-motivated crimes.

Overall, Bill C-9 presents a more nuanced regime than the one proposed in Bill C-63. That said, a number of fundamental issues remain, and that's why the Barreau du Québec would once again like to contribute to the discussion.

Let's start with the definition of hate. We agree with the principle of codifying a definition of this concept. On the one hand, it would encourage reporting by giving communities a clear understanding of what is prohibited. On the other hand, it would help all stakeholders, including police officers, to act based on well-defined rules.

However, we have reservations about the definition that was retained in the bill and inspired by the *Whitcott* decision. In that case, the Supreme Court of Canada ruled on the constitutionality of a provision to prohibit hateful publications in a civil human rights context.

We maintain that, in criminal law, the key decision is the *Keegstra* decision, which was rendered in 1990 and the analysis of which was repeated in the *Mugesera* decision in 2005. In those decisions, the Supreme Court interpreted the concept of hatred with respect to the provisions of the Criminal Code, specifically, and held that it "connotes emotion of an intense and extreme nature that is clearly associated with vilification and detestation."

In order to reduce the risk of challenges to the constitutionality of this provision given the stark distinctions between the criminal law context and the civil law context, we suggest that the bill adopt this definition.

The bill also makes it a hate crime for an individual to commit an offence under the Criminal Code or any other federal law while being motivated by hate. We invite Parliament to reconsider introduc-

ing this new offence into the Criminal Code, which has the effect of creating a parallel prosecution regime to the one currently in effect.

The current provisions of the Criminal Code already make it possible to prosecute hate crimes by considering the motivation of hatred at the sentencing stage. The new provision proposed in the bill introduces a paradigm shift by erecting hate as a component of the offence itself. We question the appropriateness of creating a new hate crime prosecution regime that would coexist with the current regime. For the reasons set out in more detail in our brief, we believe that this is an ineffective measure that could undermine the principles of parity and harmonization of sentences.

The Barreau du Québec proposes instead to amend the existing provisions of the Criminal Code by enhancing sentencing tools in order to achieve the objective, which is to crack down on hate crimes.

Finally, we'd like to point out that three of the new offences proposed in the bill are likely to raise issues of compatibility with the exercise of fundamental rights guaranteed under the Canadian Charter of Rights and Freedoms. First, the new offence of wilfully promoting hatred by displaying certain symbols in a public place may restrict the right to free speech. Second, the two new intimidation offences relating to access to a building used for religious worship, among other things, could restrict free speech and freedom of peaceful assembly.

While the courts recognize that these fundamental rights are not absolute and can be limited, a restriction like this must be minimal, proportionate and accompanied by sufficient safeguards to avoid undue infringement.

However, it's not solely up to the courts to ensure that this balance is maintained. It is also up to the legislator, from the moment the provisions are drafted, to clearly define the scope of the offences and defences, in order to achieve the objective of cracking down on hate crimes, while minimizing the risk of a constitutional challenge.

With that in mind, we recommend that the legislator pay close attention to the comments made by the various groups that will be heard during the consultations on the bill. These stakeholders, including fundamental rights groups, will be able to provide concrete examples of situations in which the new offences could interact with the legitimate exercise of protected rights.

• (1720)

We believe that, at the conclusion of these consultations, it would be appropriate to conduct a new review of the scope of the new offences and the exceptions provided for. Based on the comments received during the consultations, this exercise could help better define the application of the new offences and ensure their constitutionality.

Obviously, we've included other comments in our brief. We're now ready to answer your questions.

**The Chair:** Thank you, Mr. President.

[English]

We'll now go over to Mr. Jain with Canadian Hindus for Harmony.

Please go ahead.

**Vijaykumar Jain (Director, Canadian Hindus for Harmony):** Thank you, Mr. Chair, for giving me an opportunity to come here and share our concerns on Bill C-9 on behalf of Hindu and Jain communities.

I have made a written submission that is in French translation at the moment. I will submit a letter, and it has been co-signed by 70-plus Hindu and Jain community organizations across Canada.

I'm here to raise two concerns with the bill. The first one is the usage of the word "swastika" in hate references in this bill.

Before I start, I must say that we support all the efforts of the Government of Canada to address hate crimes in Canada. We stand in solidarity with all communities, including Jewish communities, that are facing hate crimes in Canada. At the same time, we welcome the usage of facial-neutral terminology such as any identifiable groups in proposed subsection 319(2.2) in the bill that shows that the bill intends to address hate against all of the identifiable groups, including Hindus.

However, our concern has been the usage of the word "swastika" in hate references and its association with Nazis in this bill. "Swastika", as you know, is a Sanskrit word, and its meaning is the prosperity and well-being of all. The word is used extensively in Jain, Hindu and Buddhist religious texts, prayers and rituals. Usage of the word "swastika" in hate references deprives Jain, Hindu and Buddhist Canadians of their religious rights to use the word in their prayers.

When it comes to the association with Nazis, let me make an academic exercise. There is no word for "swastika" in Latin or its derivative European languages. Hitler and the Nazis never called their symbol "swastika". Their word was *hakenkreuz* or hooked cross, and we understand that in this bill the word is used as Nazi *hakenkreuz*, which is good. However, at the same time in this bill there is also the association of the word "swastika" with Nazi. Associating the word "swastika" with the Nazi symbol or anti-Semitism spurred misinformation and confuses Jain, Hindu and Buddhist learners about their scriptures.

We have a deep concern about associating the word "swastika" with Nazis. We have approached many organizations and provincial governments to remove the word "swastika" from hate references. In my written submission, I have provided several examples. There were eight examples where we contacted provincial and regional governments as well as the police in a variety of places, including leading Jewish advocacy groups, that removed the word "swastika" from hate references. They use the correct term, the Nazi *hakenkreuz*, which should be banned.

I also gave examples of other places, such as the State of Victoria in Australia, that passed legislation. In their legislation, they banned Nazi *hakenkreuz*; however, they made an explicit exception for the word "swastika" and how it should be used.

As a community, we are recommending the change of the wording in Bill C-9 under proposed paragraph 319(2.2)(b) where it says:

The Nazi *hakenkreuz*, also known as the Nazi swastika

We recommend removing the Nazi swastika from that section.

Further, we understand that the bill intends to cover exceptions for swastika for religious purposes through defences under proposed paragraph 319(3.2)(a). However, this generic wording is not sufficient enough, considering the widespread conflation of the word "swastika" and the lack of awareness.

We request to add explicit exception, as done in the legislation in the State of Victoria, Australia. The fact sheet associated with this legislation indicates that exceptions for the cultural and historical significance to Hindu, Buddhist, Jain and other faith communities remain unchanged. It is not against the law to publicly display the swastika, which may be mistaken for the Nazi *hakenkreuz* symbol, for genuine cultural or religious purposes.

Further, we recommend that the federal government educate communities, police personnel, and media to use the correct terminology. The above measures should address the concern of Hindu and Jain communities.

Thank you, Mr. Chair and the committee, for hearing our first concern.

• (1725)

If time permits—if I have a minute and the chair approves—I can present my second concern.

**The Chair:** You have 40 seconds, Mr. Jain.

**Vijaykumar Jain:** Thank you.

We welcome the "facial neutral" language in the bill that is addressing hatred against all identifiable groups. However, the communication that was sent out from the justice committee on September 19 makes explicit note of addressing anti-Semitism, Islamophobia and homophobia. It excludes Hinduphobia in the communication.

There have been rising incidents of Hinduphobia in Canada. When such communication goes out and we see that Hinduphobia missing in it, our community feels that hatred against the Hindu community has been ignored. We request the inclusion of Hinduphobia in such communications.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Jain.

Mr. Shack, welcome. Please go ahead for five minutes.

**Noah Shack (Chief Executive Officer, Centre for Israel and Jewish Affairs):** Thank you.

I'm grateful to be here with you today representing vibrant Jewish communities across Canada that contribute immensely to Canadian society, and advocating for a brighter future for Jewish communities and all Canadians.

Since the Hamas-led terrorist attacks on October 7, we've witnessed an alarming surge in hate, extremism and violence across Canada. Numbers alone cannot capture the full picture of what we're facing—schools shot at, synagogues firebombed, community members stabbed and assaulted, and terror plots targeting our community. These are not isolated incidents. They're the result of growing extremism, open support for terrorism and radicalization. What was once confined to the dark corners of our society is now found on our streets, in our workplaces, in schools, on university campuses and in our neighbourhoods.

No less concerning has been the erosion of trust in our justice system and the ability or willingness of our institutions to hold those who break the law accountable. It shouldn't take a catastrophic tragedy for authorities to act against those fanning the flames of violence in our country—the kind of violence we saw recently in Manchester, Boulder, and Washington, D.C. The terror plots uncovered in Canada should make it clear that we are one intelligence or law enforcement failure away from a horrifying incident here at home as well. This is why we are urging parliamentarians to set aside partisan differences, work together toward consensus and refine this bill to maximize its impact. This is essential not only to strengthen our laws but also to send a clear message to Canadians about who we are and what we must do safeguard this incredible country that we share.

Action is needed to address the hate, harassment and intimidation that has targeted our community over the last two years. In Montreal an aggressive mob of anti-Israel demonstrators blocked the entrances to the Jewish community centre, damaged property, yelled “Death to Jews” and barricaded 100 community members inside, with no one permitted to enter or exit. The police did not remove them.

Here in Ottawa, anti-Israel activists gathered not outside the Israeli embassy but outside a seniors residence at the local Jewish community centre, a home for Holocaust survivors and seniors with dementia. For hours, family members attempting to visit their loved ones faced protesters screaming “Go back to Europe” and “We want bullets and missiles”. The police did not remove them.

In Toronto, hundreds of anti-Israel protests have blocked commuters, public transit and even emergency vehicles at which symbols of banned terrorist entities have been proudly displayed. Police arrested an individual for flying the flag of a banned terrorist group, Popular Front for the Liberation of Palestine, but charges were withdrawn by the Crown because it “cannot prove the mental element of this offence, namely the intent to incite hatred against any one or group by displaying this flag”.

A Toronto man charged with 29 criminal counts, including promotion of genocide, arson and vandalism targeting the Jewish community, found in possession of multiple firearms, loaded firearms and a switchblade knife, was immediately granted bail.

Enforcement matters, but without clear laws to drive consistent enforcement, we can expect more of the same, and even greater threats to public safety. We welcome Bill C-9 and recognize the need to improve key aspects. With the right amendments, the bill can achieve its objectives and earn broad consensus support.

Specifically, we urge committee members to consider the following.

The creation of a stand-alone hate crime offence rightly makes hate motivation an integral element of the crime, not merely a factor considered at sentencing. This provision should be added to the list of offences that trigger reverse onus in bail hearings, ensuring that hate motivation is considered at bail to protect Canadians from high-risk offenders. It's not a replacement for the existing hate mischief provision, which applies to offences motivated by bias, prejudice or hate, and which is regularly used as an effective tool by police. The repeal of this provision would deprive law enforcement of that effective tool requiring a higher threshold for enforcement, and it should be retained.

Bill C-9 rightly codifies a definition of hate, but this definition should mirror that established by the Supreme Court of Canada for both clarity and consensus. Attorney General consent for hate propaganda offences too often results in cases disappearing into a black hole, eroding the trust in and the functioning of the justice system, but the intent of this safeguard has merit. The committee should consider alternatives to complete removal that would streamline the process; advance transparency, timeliness and accountability; and guard against vexatious prosecution.

● (1730)

Finally, we welcome the bill's intent to address the display of terror symbols. These symbols inherently promote the hateful violence of listed terrorist entities and should be prohibited, period. We recommend the addition of a wilful promotion of terrorism offence that would address—

**The Chair:** Mr. Shack, could you conclude, please?

**Noah Shack:** —the concerning radicalization we're seeing across the country.

Thank you very much.

**The Chair:** Thank you.

Members are familiar with the format.

We will go to you, Mr. Lawton.

**Andrew Lawton:** Thank you, witnesses, for taking the time to join us today.

I'd like to start with you, Mr. Shack.

In November 2024, CIJA wrote a letter to the government in the wake of rampant anti-Semitism across the country—riots, even. There were five actions in it. I won't go through them all, in the interest of time, but I'd invite you to submit a copy of it to the committee for our review later.

I noticed that nowhere on that list of actions for the federal government was the removal of Attorney General consent on prosecuting hate crimes, changing the definition of hate or removing religious protections that exist under section 319; even some of the other measures of Bill C-9 were not in there. What you asked for in that letter was to strengthen the enforcement of existing hate crime laws.

Do you believe there has been an enforcement problem in the last two years with Canada's existing laws surrounding hate, intimidation and mischief as they pertain to your community and your members?

**Noah Shack:** I think the examples that I cited in my testimony speak to an inconsistent enforcement of the law. Provisions within this bill would help to clarify and focus law enforcement in some crucial areas.

As I mentioned, our position is that the status quo with Attorney General consent is not functioning as it should. The system would benefit from clear guidelines, requirements and transparency to ensure that Attorneys General are engaging with these crimes and cases with the seriousness that they merit, that they are not allowing any political considerations to enter the fray and that they would move forward quickly. The alternative to that, of course, is ensuring that private prosecutions still benefit from Attorney General consent to ensure those are not abused.

• (1735)

**Andrew Lawton:** I'm glad you mentioned that. I know that CIJA has been subject to incredibly defamatory accusations of basically defending genocide by virtue of being a Zionist organization. I know Jews have found themselves on lists by activists that have been accusing them of a great many things.

Is there a concern on your part that lowering the threshold for hate and making it easier for hate charges to be laid is going to allow the process to be weaponized against Jews, the very people who some of the supporters of Bill C-9 are purporting to want to protect?

**Noah Shack:** As I mentioned, the Attorney General consent provision is there for a reason, and that reason has merit. Unfortunately, the way the system is operating, the status quo is untenable. There needs to be a change. Whether that change is to provide further clarity, transparency and timeliness to the consideration of hate promotion charges, or whether it's to remove it altogether and ensure that it still remains in place for private prosecutions, is something that this committee needs to dive into.

The status quo is untenable, but we need to be very careful about how we move forward.

**Andrew Lawton:** Mr. Sikkema, you mentioned a few examples in which your organization, ARPA, has been subject to, either through media discourse or political discourse, accusations of hate. We have talked about this concern before this committee previously, especially in light of how various human rights commissions in Canada have tried to redefine this and, now, with the government lowering the threshold, that we are going to end up in a situation in which people who may have a view on, perhaps, gender and sexuality, for whatever reason, are going to be targeted by this.

Is that a concern you see with the way Bill C-9 is written?

**John Sikkema:** It is a concern. I certainly think it's important to distinguish between the criminal context and the human rights context, as I believe the representative of the Barreau du Québec did.

However, as we've seen with Keegstra and Whatcott, the court will use the same definition of the term, so even if the intent requirement is different, the same definition of the term can apply, and that can have downstream effects. Even when it comes to cities saying, "You can't say that; you can't post that advertisement," and that kind of thing, they will refer to how their advertising policy municipally says you have to comply with the Criminal Code. Obviously, they're not even claiming to prove that to beyond a reasonable doubt. They're saying it looks like text that might be hate speech, so they can censor that. It can have downstream effects if, at the federal level and in criminal law, you were to loosen the definition of hatred.

**Andrew Lawton:** We've heard some very contradictory lines from the Liberal government on this in the course of our committee's work. The justice minister said that there is no redefinition, this is simply codifying the definition that exists in the Supreme Court jurisprudence, despite the change in language. Earlier, in today's meeting, Ms. Lattanzio had said to the contrary that Parliament has to draw the line there, so that indicates that there is a new line being drawn and not the one that is on the Supreme Court.

Just to confirm, is your position that the justice minister's claim that what is in Bill C-9 defining hate constitutes just a replication and a codification of existing jurisprudence? Is your position that this is a misrepresentation of his own bill?

**John Sikkema:** The minister may mean that. There may be an attempt to summarize the law. We, in our written brief—which, again, I don't think is before you—have cited some cases where the courts have said, look, we're not going to assume that Parliament is trying to change the common law unless there's a clear signal to do so. I suspect that if this is litigated people are going to be citing the minister's statement, really hoping that is true. However, the most important thing the court looks at, of course, is the text of the bill, which all of you get to vote on. You don't get to vote on what the minister says. You get to vote on the text of the bill.

Again, if that is indeed the government's intention, to me it seems like it shouldn't be a partisan issue to just make that more clear. Obviously your job is a bit different from that of the courts, but again, if that is the objective, just a few tweaks there would signal more clearly that this is the standard set in Keegstra, in that criminal case.

**The Chair:** Thank you.

Next is Mr. Chang for six minutes.

**Wade Chang:** Thank you, Chair.

Mr. Sikkema, we have seen far too many examples across Canadian communities, including Jewish, Muslim and queer Canadians, of people facing threats to their safety and security. Bill C-9 represents a strong national standard that hate has no place here in Canada, and that our laws must give law enforcement the clear tools to act when it does occur.

Marginalized groups and 2SLGBTQI+ Canadians continue to face some of the highest rates of hate-motivated incidents in this country. Would you agree that, by maintaining a clear, narrowly defined legal standard for hate, Bill C-9 helps ensure that these communities are protected without infringing on legitimate moral or religious expression?

• (1740)

**John Sikkema:** I do agree, certainly, with the importance of doing that. I think the court, in Keegstra and in Whatcott, does draw... It's a difficult area of law, but it does draw some helpful lines between, again, expressing moral views versus, again, basically defaming, presenting gay men as a threat to children or presenting a religious group as somehow a threat to society. I think the court is really aiming at these defamatory generalizations, and I think that's a legitimate concern in law.

Again, I raise my concern with Bill C-9 that I think the existing law we have does that. I think Bill C-9, maybe needlessly, particularly in the hate propaganda offence, raises some questions about whether the standard is being lowered, and that it shouldn't be.

**Wade Chang:** Thanks.

You have emphasized the importance of precision in the law. Do you see the value in Bill C-9's approach in using the established court-tested definition to uphold freedom of expression while still giving law enforcement the tools to respond when hate turns into intimidation or a threat against marginalized groups or to 2SLGBTQI+ Canadians?

**John Sikkema:** If I understand the question correctly, in terms of the legal tools, one of the things that the minister said about codifying the definition was it was to give law enforcement more guidance and make it easier to lay charges. There's that, and, of course, removing the Attorney General's consent.

If we have laws, I think we should be able to effectively enforce them. I think the Attorney General's consent, when it comes to hate propaganda offences, is there because of the unique nature of the offence. When we have a direct incitement to violence or a direct threat, those are, of course, criminal words, and there's a direct connection with violence.

When it comes to hate speech, the connection is less direct. And there are the potential pitfalls that the court has identified, and so it's having another layer of review to say, hey, are the essential elements, the more complicated *mens rea* elements, met here?

I agree with Mr. Shack that there could be other ways to deal with the problem if these legitimate charges are not being brought, including guidance for Attorneys General so that this can be dealt with efficiently and consistently. That may be the way to proceed.

**Wade Chang:** Thanks.

Bill C-9 also reaffirms that legitimate debates and discussions are still protected. Do you think this kind of clarity helps bring people together?

**John Sikkema:** I'll comment on the proposed clarification subsection, which says that something is not criminal "solely because it...humiliates, hurts or offends." This signals that those are not the only factors but that they may be relevant factors.

In a way, how the victim group feels is understandable, but strictly speaking, the test that the court has set is the subjectivity concern—that it's not the views of the speaker per se, or the views or feelings of the victim group: It's the reaction that is intended to be provoked in others towards the victim group.

I think there are other sections of those cases that would work as better clarification provisions and would not go to targeting the nature of the expression but would get to that objectivity. I know the Christian Legal Fellowship has suggested some language to reinforce objectivity. In our written brief, we've highlighted several passages in which the court identifies those pitfalls and gives guidance on how to stay objective and not interpret the offence too broadly.

**Wade Chang:** Thank you.

My next question is for Mr. Shack.

First of all, thank you so much for being here and for your continued focus on and fight against anti-Semitism and hate in all its forms.

Jewish Canadians have faced a troubling rise in hate incidents. From your perspective, why are strong, clear laws like Bill C-9 so important for protecting Canadians?

**Noah Shack:** I think, as I mentioned, that reinforcing the imperative of dealing with the harassment and intimidation that Jewish Canadians have been facing is a very important signal to be sending, especially in light of the fact that all too often the enforcement hasn't been there.

Laws need to be enforced, but they can also be used to send a clear message of what needs to be taking place. That's what we need more than anything: a consensus message coming out that these crimes need to be taken seriously.

I think that having a clear definition of hate will help to clarify the response to it and ensure that hate motivation isn't just something to be considered at the sentencing stage but something to be considered as fundamental to the crime itself, and that it will be more likely to be considered at things like bail hearings, where we've seen all too often that people who have committed multiple offences are released immediately—

• (1745)

**The Chair:** Thank you, Mr. Chang—

**Noah Shack:** These are people like the individual I mentioned in my testimony, who was arrested with three loaded handguns and a switchblade knife and was posing a clear threat to the community.

**The Chair:** Thank you.

[Translation]

Mr. Fortin, you have the floor for six minutes.

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

Thank you to all the witnesses who are with us today. My first questions are for the representatives of the Barreau du Québec.

Bill C-9 proposes to remove the requirement for prior consent of the Attorney General to prosecute hate propaganda.

I'd like you to tell us about that, Mr. President. In your opinion, is it a good idea to eliminate the pre-authorization stage, or should we keep it instead?

**Marcel-Olivier Nadeau:** I will let Mr. St-Jacques answer that question.

**Nicholas St-Jacques (Member, Criminal Law Expert Group, Barreau du Québec):** Thank you very much.

As mentioned in our brief, at the Barreau du Québec, we believe that it is not a good idea to remove the requirement for prior authorization from the Attorney General. We are talking here about offences that are sensitive in nature and likely to generate public controversy. An institutional filter must be maintained to prevent complaints from being upheld and leading to prosecutions that may not necessarily be justified.

The role of the Attorney General is to analyze the overall situation and assess the public interest. When police officers receive a complaint and submit it to the Attorney General, the latter is able to assess various factors: the elements constituting the offence, but also the public interest. In this context, the requirement to obtain prior authorization from the Attorney General means that private complaints are not possible.

In Quebec, for example, if a person files a complaint and it is not accepted by the Crown prosecutor, that person still has the option of filing a private complaint, which can be brought before a justice of the peace.

When prior authorization is required, this type of complaint is not possible. A private complaint cannot be filed. This reduces the number of complaints or prevents an increase in the number of complaints that could be brought before justices of the peace in the province or elsewhere in Canada.

**Rhéal Éloi Fortin:** If I understand correctly, a private complaint may be filed as long as the Attorney General authorizes it.

**Nicholas St-Jacques:** That's correct. It is to the extent that an Attorney General authorizes it. In the case of Quebec, that would be the Director of Criminal and Penal Prosecutions.

That said, we must be very careful and understand exactly what we mean when we talk about private complaints. When a citizen goes to the police station to file a complaint, it is first handled by the police and then by a prosecutor. Private complaints refer to a kind of parallel system that allows a citizen, despite the refusal of the police and the prosecutor to pursue their complaint, to continue the process and present it directly to a justice of the peace. This situation is not possible when there is a requirement for prior consent from the Attorney General.

**Rhéal Éloi Fortin:** Thank you, Mr. St-Jacques.

There is something that does not appear in Bill C-9 that I would like to talk about.

Currently, section 319 of the Criminal Code provides that no one shall promote hatred or incite hatred. However, there are two religious exceptions, as they have been called, which specify the cases in which “no person shall be convicted of an offence,” including where “in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text.”

In your opinion, is this defence based on the religious exception likely to encourage a prosecutor, whether it be the Director of Criminal and Penal Prosecutions in Quebec or the Attorney General of another province, not to allow legal action to be taken in cases such as that of Adil Charkaoui, which you may have heard about? About a year ago, last fall, Adil Charkaoui said: “Allah, do something about these Zionist aggressors. Allah, do something about the enemies of the people of Gaza. Allah, identify them all, then exterminate them. And spare none of them!” This was said publicly in Arabic. Many of us believe that this should have been prosecuted as hate propaganda. However, this did not happen.

In your opinion, could the religious exception found in section 319 of the Criminal Code have played a role in the Attorney General's decision not to authorize prosecution?

• (1750)

**Marcel-Olivier Nadeau:** Obviously, we are not in a position to answer your question as to whether or not it played a role—

**Rhéal Éloi Fortin:** I'm sorry to interrupt you, Mr. President, but I have about a minute left, so I'll clarify my question. I understand your answer. I am well aware that you cannot answer on behalf of the Attorney General. However, I would like to hear your opinion.

From a technical standpoint, is a defence provision such as this one likely to prevent proceedings that might otherwise be brought?

**Marcel-Olivier Nadeau:** What I must tell you is that this exception is not absolute. It is limited by the public interest. This exception may be invoked, but in deciding whether or not to lay charges, the Attorney General must also take the public interest into consideration. He must weigh the rights, and the tools to do so exist.

Obviously, at the Barreau du Québec, we are concerned about such statements, but we are also concerned about respect for rights and freedoms. This provision of the Criminal Code currently provides for such an exception, but it must also be weighed against the public interest. So the tools for balancing rights are in place.

Obviously, we will not comment further on specific situations.

**Rhéal Éloi Fortin:** Thank you, Mr. President.

**The Chair:** Thank you, Mr. Fortin.

[*English*]

We now have the second round.

It will be led off by MP Lawrence, followed by MPs Lattanzio, Fortin, Brock and then Housefather.

**Philip Lawrence:** Thank you.

I'll start out by acknowledging the hatred that Hindus, Jews and Christians have all experienced over the last years. It's been truly and utterly unacceptable. Never did I think in the Canada that I know and love I would ever see a synagogue shot at, churches burned or gurdwaras similarly affected. I just think it's an absolute shame on our country and something we need to get resolved.

I do want to switch to a more technical discussion. I was very much intrigued by the testimony of the Quebec bar. You talked specifically about how this bill creates a parallel process that could, in fact, complicate and actually maybe—I'm putting words in your mouth—impede the prosecution of people who commit hate offences.

I was wondering if you'd be kind enough to expand upon that.

[*Translation*]

**Marcel-Olivier Nadeau:** Once again, I will let Mr. St-Jacques answer that question.

**Nicholas St-Jacques:** In fact, this proposal by the Barreau du Québec echoes the economy of the Criminal Code, which does not create specific offences for each situation involving aggravating factors in the commission of the offence. Obviously, the circumstances of the offence are always taken into consideration by the judge responsible for determining the sentence, but offences are not created for each specific situation.

Let me give you an example of an offence that would be committed in the context of a health service. The Criminal Code specifically provides that, in the sentencing regime, aggravating factors may be considered, such as the involvement of a minor. In this case, it could be the fact that the offence was committed in the context of a health service provided. However, the Criminal Code does not create an offence for this specific situation.

The way the proposal is worded in the current bill creates the possibility of adding an aggravating factor within a new offence, which must be committed in the context of another offence under

the Criminal Code. What we are doing now is creating an offence that includes an additional element, and giving the Crown the option of asking itself what it would prefer to do in the circumstances: Will it go for an offence with more elements that are more difficult to prove in terms of guilt, or will it go for a less complex offence in terms of guilt, but for which it can still, in determining the sentence, consider as an aggravating factor the fact that, in the circumstances, the offence was motivated by hatred? What we are saying is that this could create a difficulty in terms of the discretionary choices of the Crown.

I heard one of the speakers mention earlier that, in bail hearings, this type of offence is not necessarily taken into consideration. However, judges hearing bail hearings do take into account the circumstances of the crimes, particularly if they were committed in the circumstances set out for this new proposed offence.

So, all of this is already considered in the Criminal Code.

• (1755)

[*English*]

**Philip Lawrence:** I will go back to the Quebec bar. With respect to the definition, it's my understanding, from your testimony, that you find the definition of hatred in Bill C-9 problematic, perhaps constitutionally. Is that a correct understanding?

[*Translation*]

**Marcel-Olivier Nadeau:** I will ask Mr. St-Jacques to answer that question.

**Nicholas St-Jacques:** That is indeed what we propose in our brief.

It is important to look at the decisions that have been handed down by the Supreme Court of Canada. It began in 1990 with the Keegstra ruling, which is a criminal law ruling, where hatred is defined as “emotion of an intense and extreme nature that is clearly associated with vilification and detestation”. However, the new definition proposed in the bill refers instead to an “emotion that involves detestation or vilification and that is stronger than disdain or dislike”.

The reason why the Supreme Court expressed itself in this way in the Keegstra ruling and requested that hatred be defined as an “emotion of an intense and extreme nature” is because the offences under the Criminal Code are reserved for the most harmful behaviours in our society. Of course, hatred can be defined in other ways, as we saw in the Supreme Court case Saskatchewan (Human Rights Commission) v. Whatcott, where hatred is defined somewhat differently. However, when we talk about criminal offences, we must be referring to the most reprehensible acts, because they have significant consequences in terms of individual rights. For example, a prison sentence may be imposed after a person has been found guilty.

**The Chair:** Thank you, Mr. St-Jacques.

[English]

Thank you, MP Lawrence.

Go ahead, Madame Lattanzio.

[Translation]

**Patricia Lattanzio:** Thank you, Mr. Chair.

I would like to thank the witnesses for being here, whether in person or joining us by video conference.

I will be putting my questions to the president of the Quebec bar, Mr. Sikora, and Mr. St-Jacques.

The offences set out in Bill C-9 are drafted in a restrictive manner and require clear intent. In your opinion, how does this precision strengthen compliance with the charter?

**Marcel-Olivier Nadeau:** Mr. St-Jacques, would you like to answer this question?

**Nicholas St-Jacques:** Yes, thank you, Mr. President.

Obviously, when determining whether a prescribed offence respects the rights and freedoms granted by the charter, sooner or later we will have to apply the test set out in the Supreme Court of Canada's Oakes decision. We must ensure that the prescribed offences restrict individual rights and freedoms as little as possible.

The more specific and restrictive the wording of the offence, the more we must ensure that the constitutional validity test is met.

**Patricia Lattanzio:** Let's go back to the definition of the word "hatred" found in the bill, which is an "emotion that involves detestation or vilification and that is stronger than disdain or dislike".

In your opinion, is this definition stronger or weaker than the one found in the Supreme Court ruling? I understand that there is the notion of emotion, but in terms of wording, how does the definition proposed in Bill C-9 compare to that of the Supreme Court, in your opinion?

• (1800)

**Nicholas St-Jacques:** Two things must be considered.

First, there is the notion of emotion, that is, the degree of emotion expressed by the person in their statement, whereas the Supreme Court, as I mentioned earlier, referred to an "emotion of an intense and extreme nature".

Second, some words are different. According to the new definition proposed in the bill, it is an "emotion that involves detestation or vilification", whereas in the Keegstra decision, it is referred to as an "emotion...clearly associated with vilification and detestation". So the terms used are not the same. For example, the word "vilification", which is proposed in the new definition, does not mean the same thing as "slander". Slander is a type of vilification. According to the definitions provided by the Government of Canada, vilification "consists of deliberately making false accusations against someone in order to discredit them".

The reason it is important to return to the definition presented in the Keegstra decision is that the latter was precisely a test to verify the constitutional validity of this definition and the offence provided for in sections 318 and 319 of the Criminal Code. At that time, it

was examined whether it respected the right to freedom of expression.

Currently, by changing the term and the definition, we risk subjecting this definition to review by the courts once again to determine whether it complies with the charter.

**Patricia Lattanzio:** In terms of legal education, what role could the bar play in helping professionals and the public better understand these reforms once they are adopted?

**Marcel-Olivier Nadeau:** The bar assists its members in various ways, both through guides and training. It also conducts various public awareness campaigns to raise awareness of the rule of law and different social realities. It goes without saying that, as in any other area, the bar will provide training to its members and raise awareness among the public.

**Patricia Lattanzio:** Creating a separate offence for hate crimes emphasizes that hatred is never just one motive among many others.

How significant is this symbolic and practical statement by Parliament?

**Marcel-Olivier Nadeau:** Are you still talking about creating a specific offence for hate speech? If so, I will let Mr. St-Jacques answer that question.

**Nicholas St-Jacques:** This is a question that legislators must ask themselves: is it necessary, in the circumstances, to create a new, separate offence? Would it be possible instead to introduce elements into the Criminal Code, in the sentencing regime, that emphasize the fact that this type of offence is unacceptable in Canadian society and that it is the circumstances in which such an offence is committed that increase the associated penalty? Would that message be sufficient in these circumstances? It is up to the legislator to decide whether to depart from the general structure of the Criminal Code.

**The Chair:** Thank you both.

Thank you, Ms. Lattanzio.

Mr. Fortin, you have the floor for two and a half minutes.

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

I will address Mr. Shack.

You heard me read earlier the comments made by Adil Charkaoui last fall. I will not necessarily repeat my quote, because I do not want to weigh down the debate. I am sure you have heard about it.

As we consider hate-related offences today, I wonder whether we should consider removing the religious defence from the Criminal Code. Isn't this the kind of provision that could influence a prosecutor when deciding whether or not to bring charges against an individual who makes statements such as those made by Adil Charkaoui last fall?

What do you think, Mr. Shack?

[English]

**Noah Shack:** Unfortunately, the example you cited isn't isolated. We've heard similar things being spoken about and preached in other parts of the country as well, and I think it speaks to the serious issue that we have, the deficiency with Attorney General consent. The jurisprudence seems to be clear that the religion defence should not and cannot be used as a Trojan Horse.

• (1805)

[Translation]

**Rhéal Éloi Fortin:** I have about 30 seconds left, if you would like to add anything.

[English]

**Noah Shack:** I'll just say that the jurisprudence is clear that the religion defence cannot be used, as a Trojan Horse, to allow otherwise hateful speech to come through, and yet we don't see any prosecutions moving forward with this. That's something that needs to be addressed. We need to find the right balance to ensure that legitimate religious expression is not coming under attack but, at the same time, that the auspices of religious speech are not being abused to advance hateful rhetoric and incite hatred against people here all across the country.

[Translation]

**Rhéal Éloi Fortin:** Thank you.

[English]

**The Chair:** Go ahead, Vice-Chair Brock.

**Larry Brock:** Thank you, Chair.

Thank you, witnesses, for your participation.

Mr. Jain, I don't want you to feel left out. Is that okay? We appreciate your attendance today, so I'm going to ask you some questions. The first question I want to put to you, sir, is that you raised a lot of interesting points in your opening statement—and I thank you for that—and I want to talk to you about consultation. Now, the government speaks quite a bit about regularly consulting with all major stakeholders, and even minor stakeholders, when they introduce legislation. This legislation, known as Bill C-9, given its focus on the swastika, which closely, if not...almost mirrors the religious sacred symbols in your faith, I'm wondering whether you were consulted at all by the Liberal government.

**Vijaykumar Jain:** No, there was no such thing.

**Larry Brock:** It doesn't surprise me. It's very disappointing. In addition to what you described in your opening statement, in terms of the request for clarification, there really could have been an easy answer to this. Simply defining the *hakenkreuz*, the Nazi swastika, and that it does not relate to symbolism in your faith, could have been an easy answer. The government chose not to do that.

Is there anything else about this particular bill? There's another aspect of this bill about a symbol that closely resembles a symbol that's described in (a) and (b) and likely to be confused with that symbol. How is that going to impact your religion?

**Vijaykumar Jain:** Yes, I read points (a), (b) and (c) under that section, and point (c) mentions anything that nearly resembles a symbol in point (b) should be banned. Yes, that can be addressed,

and in my submission I did mention that, if we remove the words "Nazi swastika", just leave those words out of part (b), that's good enough. Under the defences section, you did include the sentence that, if you are using it for religious purposes, then that will be protected.

Besides that, in my submission—which will be translated, and then you will get it—we are asking for an explicit exception for the Hindu and Jain communities, which was done in Victoria state, Australia. They made an explicit exception—and there they used the word "swastika"—that it should be exempted if it is used for religious purposes, and they said that, sometimes, it is conflated with the Nazi *hakenkreuz*. They are making a very clear distinction.

Also, I have submitted educational material that was done by the education department of Oregon state, U.S.A. It's more a matter of an education. If we educate the media, officers of the law and police personnel, I think this can be very well addressed. People will not be charged for that as long as they know the intent here is religious in purpose and not to incite hatred against the Jewish community or any community.

**Larry Brock:** Thank you.

Mr. Shack, you also raised some very interesting points in your opening statement, as well as when addressing questions from my colleagues.

On the issue of intent and, specifically, AG consent, you support the removal of the AG consent, but I'm wondering if you have some concerns with respect to the new hate offence that not only applies to the Criminal Code but actually applies to any other act of Parliament.

Do you see a space in that regard where Attorney General consent would be appropriate?

• (1810)

**Noah Shack:** In terms of the broad application of the new hate offence, I know there has been discussion about confining that only to criminal offences or to explicitly enumerated violations of acts of Parliament, and I think that's a logical and reasonable approach in order to ensure that people aren't being held criminally accountable for violations of the law where that isn't appropriate.

With regard to Attorney General consent, there are multiple ways we can address the deficiency. One of those ways is to ensure that there are clear guidelines and requirements for transparency, for what AGs should be looking at and considering and for timelines so that when one of these crimes is committed, it doesn't just go into a black hole and disappear. This would go a long way to ensure that these incidents are addressed and restore confidence in the justice system.

**The Chair:** Thank you, Mr. Shack.

Mr. Housefather, go ahead for five minutes.

**Anthony Housefather:** Thank you, Mr. Chair.

Thank you to the witnesses for coming forward today.

I'm going to reiterate something that I said at previous meetings. Last year, this committee studied anti-Semitism with a focus on anti-Semitism on campus. We put out a report from this committee last December, and the majority of items in this bill were recommendations from the justice committee in its report, which CIJA and other organizations testified on.

Mr. Shack, I previously asked this question today to the Edmonton Police Service, and I got an affirmative answer.

This bill does three things: One, it creates new offences to give police more tools in the tool box to tackle, for example, intimidation and obstruction in front of Jewish community buildings and other communities' buildings; two, it clarifies certain elements of existing laws; and three, even where there are existing offences and we've had a lot of trouble getting them prosecuted, this sends a message to police, to the extent that the federal government can send a message to police, that it is important for them to prosecute these hate crimes against all identifiable communities in Canada.

Would you agree with that?

**Noah Shack:** This bill puts on the table a new offence to deal with the intimidation and obstruction that we've been experiencing, providing greater impetus for action.

We're beyond the need for reports; we're at a stage where we need action. I think that sends a strong message and an important message. No mother should be forced to endure hateful epithets and intimidation dropping her child off at day care, examples of which I've heard myriad times in meetings with local officials in Toronto.

We have a serious problem and we need to be sending the right messages in a unified way to ensure that these issues are being tackled effectively. It's important that moves forward.

**Anthony Housefather:** I'm in agreement, but each of those three elements is true, and I think we've heard for a very long time that words aren't enough and action is required.

Amending the criminal law is the strongest action the government can take, and they're taking these actions straight out of this very committee's report related to anti-Semitism.

Can I ask you about the Attorney General consent? I think your position is that, and I may be paraphrasing, you think there may be other ways to address it, but as you know, this committee can't address that in this bill in the ways you've just suggested to Mr. Brock. We as a committee can't give guidelines to how Attorneys General should or should not give consent or timelines to provincial Attorneys General. We can't amend the bill in that way.

What we could do, if we felt it was necessary, is remove it from private prosecutions and leave it for public prosecutions.

Is that essentially CIJA's preferred position?

**Noah Shack:** Removing the requirement for Attorney General consent on private prosecutions would go a long way to addressing the clearest area where there could be vexatious prosecution. As your colleague mentioned earlier, there are concerted campaigns across this country to vilify the Jewish community based on who we are and what we believe, and there have already been calls for Jews across the country to be prosecuted for criminal offences just

based on who we are. That's something that we need to guard against, and retaining Attorney General consent for private prosecutions would be essential.

• (1815)

**Anthony Housefather:** Okay, I understand that. I would just point out that, in the justice committee report from last December, that was one of the recommendations. I didn't see anyone actually dissent from that recommendation, but I understand the point.

**Noah Shack:** Absolutely, which is important because—

**Anthony Housefather:** Can I ask you one more thing? You were trying at the end of your five minutes to get to the request that we add a provision in the bill for wilful promotion of terrorism or wilful support for terrorism. Could you speak to that and why it's important?

**Noah Shack:** The way the bill is constructed right now, it's important to include reference to terror symbols, to clarify that those are indeed symbols of hate targeting communities, but I don't know if it meaningfully changes the challenge that the Ontario situation I mentioned in my remarks brought forward, which was that it was impossible for the Crown, in their estimation, to prove hateful intent on top of the display of those terror symbols. It's our position that the symbols of a listed terrorist entity are inherently hateful. They're inherently symbols of hateful violence, and they should be addressed outright.

The promotion of terrorism that we have seen that's driving radicalization, violence and extremism across this country needs to be addressed. That can be done in a straightforward way through the inclusion of a wilful promotion of terrorism provision that mirrors the other provisions. We've decided as a country—

**The Chair:** Mr. Shack, we're out of time, so please sum up.

**Noah Shack:** —that promoting genocide and promoting hate are not acceptable. Promoting terrorism is no less evil.

**The Chair:** Thank you for that. I didn't mean to interrupt you both.

We'll get a brief, final, truncated round, so we'll do this: We'll have Mr. Bailey for four minutes and Ms. Dhillon for four minutes.

[*Translation*]

Mr. Fortin will now have the floor for two minutes and a few seconds.

[*English*]

**Burton Bailey:** Thank you, Chair.

Mr. Shack, have a sip of water because I have one more question for you, and we have four minutes.

Your organization's letter proposed developing clear federal directives to guide the Attorney General's consent decision. I believe there were seven. Is that correct?

**Noah Shack:** There were seven recommendations, yes.

**Burton Bailey:** Could you take a few minutes to go through those seven with us? I think these directives should be published in the interest of transparency.

**Noah Shack:** I'm happy to provide those in writing to make things faster.

The challenge that we've faced in terms of the status quo is that cases will be brought forward where it's clear something criminal has taken place, and then they disappear. We don't know if there's a timeline for them to be considered. We don't know what considerations are being undertaken. There's no communication, no transparency and no process.

It's very difficult to retain confidence in a justice system where a plausible crime has been committed and there are no answers for how that's going to be addressed. We need to fundamentally change that dynamic. We need to make sure that when somebody is allegedly promoting hatred there is a clear path forward to have that addressed, have that considered and move that forward.

If we can't align on that, then we need to look at alternatives like removing Attorney General consent but retaining it for private prosecution to ensure that we don't have an onslaught of vexatious prosecutions that overwhelm the system.

**Burton Bailey:** Will you provide that list to the committee? Thank you.

I have one other question, please, for Mr. Sikkema.

The Attorney General consent requires acts as filters against frivolous politically motivated complaints. In Bill C-9, as written, what will prevent private complainants from weaponizing and politicizing the provision?

**John Sikkema:** Without any Attorney General oversight, and allowing private prosecutions especially, I don't see a filter.

**Burton Bailey:** Mr. Shack, would you like to chime in on that?

**Noah Shack:** As I said, Attorney General consent was put into the law for a reason and that reason has merit. We're talking about expression crimes. There should be consideration given to that. The Supreme Court has considered that in its rulings on the constitutionality of these provisions.

The challenge is that it's not working and things are not moving through the system, so we have to find a way to ensure that the rights of Canadians are free from hate and the rights of Canadians to speak freely are both balanced and addressed.

• (1820)

**Burton Bailey:** Do I have time?

**The Chair:** You have 45 seconds.

**Burton Bailey:** Go ahead, Andrew.

**Andrew Lawton:** Mr. Shack, back in August of this year, 32 Liberal members of Parliament signed an open letter, initiated by Mr. Housefather, condemning anti-Semitism. Thirty-two is a small fraction of the governing body's caucus. The same week, every single Conservative member of Parliament signed a letter condemning anti-Semitism. That's 144 MPs.

Do you believe there has been leadership from this Liberal government in condemning and denouncing anti-Semitic hate?

**Noah Shack:** I would like to see leadership from the entire Parliament of Canada coming out of this process. I would like to see real action taken and a clear message from the broadest possible consensus, driving forward for all Canadians, that we stand against the hate that's targeted my community and others and that it's not part of the Canada we want to see in the future. That's what we need to see.

**The Chair:** Thank you both.

Ms. Dhillon has passed her time to Mr. Housefather.

**Anthony Housefather:** As Mr. Shack is well aware, and as I made the point to Mr. Lawton when he previously tried to make this implication, my letter—which wasn't only my letter; it was the Jewish Liberal caucus's letter—made very specific policy recommendations endorsing all of the recommendations from the justice committee report last year. It wasn't a simple condemnation of anti-Semitism. Mr. Lawton wouldn't have signed that letter because he doesn't support all of the recommendations in the justice committee report.

I find it hypocritical at best that Mr. Lawton is raising such a point.

Mr. Shack, I have heard from you today...and I do believe you speak for the vast majority of the Canadian Jewish community because some people will say that Independent Jewish Voices don't agree.

Would you say that the groups representing Jews that support the existence of Israel represent over 95% of Canadian Jews?

**Noah Shack:** It's not just me saying so; all available public opinion research data reinforces that the vast majority of Jewish Canadians have a clear and close identification with the people of Israel. There is one Jewish people around the world. The majority of Jewish people in the world live in Israel. That's a clear bond that we share.

Anybody who would suggest otherwise is engaging in tokenism and, frankly, outright racism.

**Anthony Housefather:** What you're saying to us today is that you do want this bill to be passed and you want all of the parties at this committee to work together to find amendments that would secure consensus on the bill. Is that correct?

**Noah Shack:** That's correct. The stakes are high. This is a serious issue that, around the world, is not just conceptual. This is costing people their lives.

We need to treat it with the kind of seriousness that it requires. We need to come together and find ways to make this work, so that we are speaking with one voice as Canadians, saying that this is not acceptable, that we won't tolerate it here and that we're taking action to address it. That kind of consensus is important.

**Anthony Housefather:** That's because anti-Semitism shouldn't be a partisan issue. Is that correct?

**Noah Shack:** Absolutely. Hate of any kind shouldn't be a partisan issue and we need to all work together on this.

**Anthony Housefather:** I think we're in agreement a hundred per cent on this side on that because we need to work together to make sure that we satisfy the concerns that are there in the bill and make sure this bill passes, so we deal with hate against all communities.

Mr. Jain, I had understood, because I had been speaking with groups from the Hindu and Jain communities, that the real concern was the confusion of the swastika that is the religious symbol with the Nazi image of the swastika. That is why, in the bill, when it refers to the swastika, it says, "Nazi swastika" and then uses the actual German name for that.

I understand the request that you're making, but I do believe the bill was trying to accommodate that by using those words.

Would you recommend we look at exactly the language used in Victoria by the Victorian parliament to create the exception that you're asking for?

**Vijaykumar Jain:** That is correct.

I welcome the use of the words "Nazi *hakenkreuz*". It's clearly highlighted there. You're calling to ban it, which is rightful. You use that word there.

Also, the problem there is, in the same line, the wording is "Nazi Hakenkreuz, also known as the Nazi swastika", and that is problematic because Nazi hakenkreuz is different. There is no such thing as Nazi swastika. You should not associate the word "swastika" with "Nazi". "Swastika" is a religious, sacred word. It's a Hindu word. It has nothing to do with German or the Nazi party.

This is what we are recommending and what the Victoria state in Australia did. They clearly made a distinction. It's the same thing that the education department did in Oregon, which I mentioned. They have explicit exceptions, which I mentioned in my written submission. It clearly highlights how you add those wordings, and that can take care of this problem.

• (1825)

**The Chair:** Thank you, both.

**Vijaykumar Jain:** I'll just add that we need to spend some time and money on educating people also.

Thank you.

**The Chair:** Thank you, Mr. Jain and Mr. Housefather.

[*Translation*]

Mr. Fortin, you will ask the last questions.

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

I will address the representatives of the Barreau du Québec. Any one of the three may answer my questions.

Currently, hatred is permitted in Canada. It is not elegant, but it is not prohibited either, as far as I know. Please correct me if I am wrong.

A few years ago, the concept of hatred was added to the stage of determining evidence. Bill C-9 now proposes to make it a constituent element of an offence, specifying that a hate crime will require a greater penalty.

If we pass Bill C-9, will it still be permissible to hate in Canada?

**Marcel-Olivier Nadeau:** Mr. St-Jacques, would you like to answer this question?

**Nicholas St-Jacques:** The answer to your question is yes. What you cannot do is commit one of the offences set out in the Criminal Code. In this case, we are talking about inciting hatred or committing other offences that the bill seeks to add to the Criminal Code.

I come back once again to what hatred is. Under the Criminal Code, the definition takes hatred to a higher level in terms of emotions and feelings, and that is what we want. Essentially, we want to prevent these feelings from being propagated by an individual who incites others to commit offences. That is what we want to avoid.

This is not about prohibiting hatred. People may disagree with others for various reasons. What we want to avoid is people committing more serious offences, particularly violent offences against others, as a result of the actions and words that are propagated.

**Rhéal Éloi Fortin:** In a few seconds—

**The Chair:** No; time's up.

**Rhéal Éloi Fortin:** Oh, really? I thought I had two and a half minutes.

**The Chair:** No, it was just two minutes and a few seconds. I'm sorry.

**Rhéal Éloi Fortin:** All right.

Thank you.

**The Chair:** I would like to take this opportunity to thank everyone.

[*English*]

Thank you to all the witnesses. We're at time.

I would just briefly remind people, before we adjourn, that there will be no meeting on November 4. That's budget day. As long as we keep all our senses, we'll see you next Thursday.

Thank you.







Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :  
<https://www.noscommunes.ca>