



April 11, 2023

Email: mcu@justice.gc.ca

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa ON K1A 0H8

Dear Minister Lametti:

Re: Reintroducing Bill C-36 to combat dramatic rise in hate crimes

We are writing on behalf of the Canadian Bar Association to urge the Government of Canada to introduce legislation to combat the recent and dramatic rise in hate crimes, particularly against Canada's lesbian, gay, bisexual, transgender, two-spirited, queer, intersex, and otherwise gender and sexually diverse (2SLGBTQI+), religious minority, racialized and ethnic communities.

The CBA is a national association of 37,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice.

The CBA takes concern with the dramatic rise in hate crimes, particularly those targeting the 2SLGBTQI+ community, certain religious groups and racialized or ethnic communities in Canada. According to data released in 2023 by Statistics Canada, hate crimes motivated by sexual orientation rose 64% from the previous year to a record high of 423 incidents. Hate crimes targeting a given religion rose 67% (884 incidents) and those targeting race or ethnicity rose 6% (1,723 incidents).ⁱ

An increase was also reported in harassment, intimidation, threats of violence, and hate-motivated protests throughout Canada, targeting primarily gender-inclusive public facilities hosting gender-neutral washroomsⁱⁱ and drag story time events.ⁱⁱⁱ There have also been further reports of increased threats of violence against 2SLGBTQI+ service and events providers leading to event cancellations due to safety concerns.^{iv}

To combat rising hate crimes, we urge the federal government to re-introduce the legislative reforms in the previous Bill C-36, *Criminal Code* and *Canadian Human Rights Act* amendments on hate propaganda, hate crimes and hate speech,^v which died on the Order Paper with the 2021 election. It would make it a discriminatory practice to communicate or cause to be communicated hate speech on the internet that is likely to foment detestation or vilification of an individual or group on the basis of a prohibited ground of discrimination.

The CBA is supportive of Bill C-36 provisions such as peace bonds for the existing *Criminal Code* hate offences – ss. 318 (advocating genocide), ss. 319 (public incitement and wilful promotion), and ss. 430(4.1) (property-based mischief based on hate) – and *Canadian Human Rights Act* amendments to reintroduce hate publication protections.^{vi}

We trust our comments are helpful and would be pleased to offer further clarification.

Sincerely,

(original letter signed by Steeves Bujold and Véronique Morissette for Hossein Moghtaderi, Balraj K. Dosanjh, and Kevin B. Westell)

Steeves Bujold, he/him-il/lui

Hossein Moghtaderi
Chair, Sexual Orientation and Gender and
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- cc. Blake Desjarlais, M.P., Co-chair, Parliamentary Caucus for 2SLGBTQI+ issues, (blake.desjarlais@parl.gc.ca)
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ⁱ Statistics Canada, Police-reported hate crime, 2023, [online](#).

ⁱⁱ For example, a recent Calgary demonstration and counter-demonstration about transgender people in washrooms and children's exposure to drag shows. See Global News, Protests continue in Calgary over change rooms and drag events, March 4, 2023, [online](#).

ⁱⁱⁱ Drag shows – typically drag queens reading stories to children in story time – have been cancelled. In Calgary the event was cancelled for a specific targeted threat. For other examples, see CBC News, Children's drag fairytale event cancelled due to concerns over protest, October 20, 2022, [online](#); Daily Hive, Calgary's mayor is frustrated after a drag show is cancelled due to protests, February 10, 2023, [online](#); Peterborough Examiner, Drag performer cancels latest show after threats, December 18, 2022, [online](#); CBC News, Drag storytime cancelled in Nelson after online threats, library says, March 8, 2023, [online](#).

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- iv For example, a drag performance at Chinook Blast in Calgary was cancelled in light of a threat; and a threatening call was made to Twisted Element also in Calgary. See Global News, *Calgarians frustrated after Chinook Blast events postponed over safety concerns*, February 10, 2023, [online](#); CBC News, *Facing escalating threats, Calgary LGBTQ activist says community remains resilient*, March 6, 2023, [online](#); CBC News, *Family-friendly drag show in Victoria cancelled after violent threats*, June 16, 2022, [online](#).
- v Bill C-36, *An Act to amend the Criminal Code and the Canadian Human Rights Act and to make related amendments to another Act (hate propaganda, hate crimes and hate speech)*, [online](#).
- vi The bill adopted some of the CBA Sections procedural recommendations including allowing complaints that are clearly not hate speech to be dismissed at an early stage and allowing the Tribunal to order costs where there has been an abuse of process. See CBA, *Legal Remedies for Victims of Hate Crimes*, 2020, [online](#).