

Hate crimes & religious expression: Bill C-9

Context

Bill C-9, the *Combating Hate Act*, was introduced in September 2025. It proposes changes to the *Criminal Code* requested by the Jewish community as a response to the alarming rise in antisemitism in Canada.

The EFC agrees with the intent of the bill to protect access to religious sites and services. Religious Canadians should be able to attend religious sites and services safely and without facing threats or intimidation.

However, efforts to address anti-religious threats **should not undermine existing protections** for minority religious groups.

What is Bill C-9?

Bill C-9, the *Combating Hate Act*, adds four new hate crime offences to the *Criminal Code*:

- wilfully promoting hatred by displaying terrorist symbols
- intimidating a person to impede their access to a religious or other site
- intentionally obstructing a person's access to a religious or other site
- committing an offence motivated by hatred

It also proposes adding a definition of "hatred" to the *Criminal Code*.

Why are we concerned?

Of particular concern, the bill has been changed to remove an important protection for religious expression.

The Justice Committee has voted to change the bill so that it removes the religious belief defence.

The religious belief defence is one of four defences to the charge of wilfully promoting hatred in s. 319(3) of the *Criminal Code*.

It is **an important protection for the religious expression** of minority groups.

The defence ensures that anti-hate measures in the *Criminal Code* do not capture the expression of sincerely held religious beliefs.

This proposal to remove it comes at a time when minority religious views are increasingly marginalized and often characterized as hateful.

Also of concern, Bill C-9 proposes a definition of hatred that is looser than the definition currently used by the courts. It is very important to have a careful, clear definition of hatred that is limited in scope.

See the EFC's submission to the Justice Committee for a full list of concerns and recommended changes, at TheEFC.ca/C-9.



TheEFC.ca/C-9

Background

The religious belief defence

The 'good faith' religious belief defence is **an important protection for minority religious groups** whose beliefs don't align with the majority.

Important and integral: The Supreme Court of Canada described the defences – including the religious belief defence – as part of what makes the hate speech section of the *Criminal Code* constitutional, in the 1990 *Keegstra* decision.

Not overused or misused: The courts have interpreted the religious belief defence very carefully. It has rarely been used and never successfully.

What does it communicate to minority religious groups to remove this defence?

Definition of hatred

Bill C-9 proposes a looser definition than the high bar set by the courts.

Bill C-9's proposed definition:

"hatred means the emotion that involves detestation or vilification and that is stronger than disdain or dislike."

We recommend a stronger definition:

"hatred means an emotion of an intense and extreme nature that is clearly associated with vilification and detestation, that belies reason and is predicated on destruction."

What you can do

Step 1: Pray for your MP and Canada's leaders. Ask for God's blessing, wisdom and grace for them. Pray for your MP to be open and able to hear what you are communicating.

Step 2: Find your MP's contact information. Search at www.OurCommons.ca/members using your postal code. On your MP's page, the Contact tab under the MP's photo has the phone number, email and address

Step 3: Call, write or meet with your MP.

- Ask your MP to support the religious belief defence and to oppose the proposed change to Bill C-9 to remove it.
- Ask your MP for a more precise, more limited definition of hatred in Bill C-9.

Sample wording for a phone call or voicemail message:

"I live in your riding and I appreciate your willingness to serve our community. I am really concerned about Bill C-9 – that it will remove the religious belief defence and that its definition of hatred is not as clear and limited as the one used by the courts. Could you ask your colleagues to bring back the religious belief defence and tighten the definition of hatred?"

For more impact, contact your MP in more than one way, e.g. write *and* call.