

## INTERNATIONAL CIVIL LIBERTIES MONITORING GROUP

### SUBMISSIONS TO THE STANDING COMMITTEE

### ON PUBLIC SAFETY AND NATIONAL SECURITY

RE BILL C-51 -An Act to Enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to Amend the Criminal Code, the Canadian Security Intelligence Service Act, and the Immigration and Refugee Protection Act

#### EXECUTIVE SUMMARY

Bill C-51, the *Anti-Terrorism Act, 2015*, represents a massive expansion of state power without adequate oversight or safeguards, and no evidence that the new provisions are necessary or effective. Further, there is no indication that the drafters paid any heed to past abuses in the national security field, despite repeated findings by courts, commissions of inquiry, and review bodies that Canadian officials have often been responsible for serious human rights violations. The International Civil Liberties Monitoring Group (“ICLMG”) wishes to register its objection to the Bill and highlights the following concerns:

- (i) The *Security of Canada Information Sharing Act* shall give government officials across several departments and agencies the mandate to spy on Canadians and share that information with the police or the Canadian Security Intelligence Service. Further, the proposed Act would expand the definition of “security of Canada” to include acts that are nothing more than peaceful civil disobedience and demonstrations.
- (ii) The *Secure Air Travel Act* perpetuates and expands a “no-fly” regime that is likely unconstitutional and for which there is no evidence that it makes Canadians safer.

- (iii) Bill C-51 would amend the *CSIS Act* to confer extraordinary powers on Canadian security agents to violate the human rights of Canadians, all in secret. This extension of state power into private life, carried out largely in secret, is an invitation to abuse. Further, the system depends on the good faith and candour of CSIS, an agency that has a bad track record of “seriously misleading” courts and review bodies. The many cases of serious human rights violations by CSIS over the past 15 years heightens concerns that these “disruption” powers are unprecedented, dangerous, and have no place in a free and democratic society.

The ICLMG would like to emphasize that, although it is providing detailed analysis on only these three areas, it is not implicitly expressing agreement with the other proposed amendments. In particular, the ICLMG shares the concerns raised by others with the creation of a criminal offence for advocating or promoting terrorism “in general” as well as the perpetuation of preventive arrest. Any attempts to criminalize expressive activity in a free and democratic society must always be met with extreme caution, even when the expression is unpopular, distasteful or contrary to the mainstream. Criminal offences for “general” comments can create a chilling effect on expression and association in ways that can be detrimental to democratic practice.

To conclude, for democratic societies, it is a false dichotomy to pit national security as being opposed to civil liberties. The protection of national security in Canada must *include* protecting our fundamental values as a free and democratic society. If we abandon our values and principles in the name of national security, the terrorists have won.