



# **National security, counterterrorism and systemic racism and Islamophobia in Canada**

**Report Submission to Dr. Ashwini K.P., United Nations Special  
Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance**

International Civil Liberties Monitoring Group  
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**About the International Civil Liberties Monitoring Group**

The International Civil Liberties Monitoring Group (ICLMG) is a national coalition of Canadian civil society organizations established after the rushed adoption of the *Anti-Terrorism Act* of 2001 in order to protect and promote human rights and civil liberties in the context of the so-called “war on terror.” The coalition brings together 45 NGOs, unions, professional associations, faith groups, environmental organizations, human rights and civil liberties advocates, as well as groups representing immigrant and refugee communities in Canada. See more of our work at [iclmg.ca](http://iclmg.ca).

## **Introduction**

As a broad-based coalition deeply concerned by the impacts of all forms of hate and racism in Canada, we are pleased to submit this brief to the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance regarding the impacts of Canada’s anti-terrorism and national security laws.

Our coalition’s focus is on the impacts of national security and anti-terrorism laws in Canada, and our country’s role and actions post 9/11, throughout the so-called War on Terror, and the evolving views on terrorism, extremism and violence today.

We have documented, criticized and proposed solutions to the negative impacts that these laws have had on freedom of speech, association, religion and movement; on privacy; on levels of government surveillance; on the rule of law; on due process and access to justice; and on equality rights.

Throughout all this, we have also seen a deeply problematic and consistent problem of racial, religious and political profiling, abetted by the vague and overreaching definitions of terrorism and national security. Central to this has been the targeting of Muslims, Arabs, and those perceived to be Muslim, although it has also deeply impacted other communities, most notably Indigenous peoples as well as environmental and climate activists.

This undue focus on the so-called “Islamist” threat, espoused even by a former prime minister as being the “greatest” threat to Canada, has led to more than two decades of state-sanctioned, systemic racism against Muslims and other racialized communities in Canada.

Much needs to be done to address individual acts of hatred and Islamophobia; however, the role of state systemic Islamophobia must also be clearly and immediately addressed. And while the response to “individual” vs. “systemic” Islamophobia may take different shapes, it is crucial to recognize how one supports the other. Decades of government agencies and officials framing Muslims in Canada and internationally as being the most direct threat to national

security – despite a lack of evidence demonstrating that threat, and in ignorance of other more direct threats such as the horrific treatment of Indigenous peoples, the threat of climate change, and increasingly the threat of white supremacist violence – have fed the fears of the public, causing individuals to view their Muslim neighbours and colleagues with fear and suspicion.<sup>1</sup>

Over the past two decades, studies by academics and civil liberties organizations have repeatedly documented the disproportionate impact of national security measures on Muslim communities. Laws like the *Anti-Terrorism Act, 2015*<sup>2</sup> and the *National Security Act, 2017*<sup>3</sup> have expanded national security powers without adequate transparency and oversight, disproportionately threatening the fundamental rights and freedoms of communities across Canada. While Muslim communities have faced some of the most direct impacts, the intersection of municipal and provincial policing, federal policing and intelligence agencies means that the impacts have been felt more widely, including the growing use of facial recognition and other algorithmic policing tools that are known to be biased against people with darker skin tones, and especially Black and Indigenous women; the framing of South Asian and Indian migrants, among others, are either national security or terrorist threats; the use of national security measures to criminalize and repress Indigenous land defenders; and the targeting of Palestinians, especially those advocating against the genocide and for Palestinian self-determination and human rights as terrorist threats.

In the following report we identify several areas of concern that require urgent action that we hope will assist in the Special Rapporteur's research and upcoming report on Canada.

## **1. Surveillance and algorithmic policing**

The past twenty-five years have seen the Canadian government pass multiple legislative and regulatory provisions to substantially expand the surveillance capacities of national law enforcement and intelligence agencies. This legislative expansion has been accompanied by the rapid adoption of new surveillance tools by these same agencies, often with little to no oversight or assessment for their impact on privacy and other fundamental rights.

Many of these laws and tools have had disproportionate impacts on racialized communities both through the targeting of these communities and the nature of the tools being used.

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<sup>1</sup> "Islamophobia in Canada: Submission to the UN Special Rapporteur on Freedom of Religion or Belief" (30 Nov. 2020) International Civil Liberties Monitoring Group, Islamic Social Services Association, and Noor Cultural Centre. Online: <https://www.ohchr.org/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/Noor-ICLMG-ISSA.pdf>

<sup>2</sup> *Anti-terrorism Act, 2015* (S.C. 2015, c. 20), [https://laws.justice.gc.ca/PDF/2015\\_20.pdf](https://laws.justice.gc.ca/PDF/2015_20.pdf)

<sup>3</sup> *National Security Act, 2017* (S.C. 2019, c. 13), <https://laws-lois.justice.gc.ca/eng/acts/N-16.56/>

For example, Canada lacks a comprehensive, appropriate or transparent framework for evaluating human rights impacts when adopting new surveillance technologies. This has led to the use, for example, of facial recognition tools from companies like ClearviewAI, which raise significant concerns around the lack of accuracy or effectiveness in evaluating the features of people with darker skin tones.<sup>4</sup> While the use of ClearviewAI is the most well-known and publicly documented case, Canadian agencies continue to use facial recognition and other algorithmic policing tools without appropriate legal frameworks setting the criteria for assessing or evaluating technologies before their adoption, or for independent oversight of their use.<sup>5</sup> In fact, to the contrary, multiple pieces of legislation over the past two decades have significantly expanded the surveillance and intelligence collection capabilities of these agencies.<sup>6</sup> Where the government has proposed stricter regulation on the development and use of AI technology, they have sought to explicitly exempt national security agencies from these rules.<sup>7</sup>

Beyond the tools used, law enforcement and intelligence agencies have been shown to target racialized communities for disproportionate surveillance activities. For example, the Royal Canadian Mounted Police's Integrated National Security Enforcement Team (INSET) – formed in 2002 as a direct response to the attacks of 9/11 and mandated to investigate terrorism threats – was revealed to have opened dossiers and monitored the activities of dozens of Indigenous activists who had not engaged in illegal activities, on the basis that they participated in protest movements for protection of their traditional lands, the environment and their overall rights.<sup>8</sup> Further, the Muslim community in Canada has been the target of mass surveillance and other tactics from the Canadian Security Intelligence Service for the past twenty five years, being seen – without basis - as the primary risk for terrorist violence in the country. This has included surveillance at the border, at mosques, in schools and at protests.<sup>9</sup> In the latter case, recent reporting has revealed a vast network of police surveillance and repression across Ontario and other jurisdictions, involving federal police, targeted towards Canadian Palestinians and their

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<sup>4</sup> Kate Robertson, Cynthia Khoo, and Yolanda Song, "To Surveil and Predict: A Human Rights Analysis of Algorithmic Policing in Canada," CitizenLab, 1 Sept. 2020. Online at: <https://citizenlab.ca/research/to-surveil-and-predict-a-human-rights-analysis-of-algorithmic-policing-in-canada/>

<sup>5</sup> Office of the Privacy Commissioner of Canada, "Investigation of the RCMP's collection of open-source information under Project Wide Awake," Government of Canada, 15 Feb. 2024. Online at: [https://www.priv.gc.ca/en/opc-actions-and-decisions/ar\\_index/202324/sr\\_pa\\_20240215\\_rcmp-pwa/#toc0](https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/202324/sr_pa_20240215_rcmp-pwa/#toc0)

<sup>6</sup> International Civil Liberties Monitoring Group, "Bill C-22, And Act respecting lawful access: Brief to the Standing Committee on Public Safety and National Security," 24 May 2026. Online at: <https://iclmg.ca/wp-content/uploads/2026/05/ICLMG-Brief-Bill-C-22.pdf>

<sup>7</sup> International Civil Liberties Monitoring Group, "People's Consultation on Artificial Intelligence: Submission by the ICLMG," 23 March 2026. Online at: [https://iclmg.ca/wp-content/uploads/2026/03/PCAI\\_ICLMG.pdf](https://iclmg.ca/wp-content/uploads/2026/03/PCAI_ICLMG.pdf)

<sup>8</sup> Jorge Barrera, "Former Idle No More organizer unfazed RCMP have him under surveillance," APTN National News, 21 October 2014. Online at: <https://www.aptnnews.ca/national-news/former-idle-organizer-unfazed-rcmp-surveillance/>

<sup>9</sup> Nagra, B., & Maurutto, P. (2023). Anti-Muslim Surveillance: Canadian Muslims' Experiences with CSIS. *Sociology of Race and Ethnicity*, 9(3), 311-325. <https://doi.org/10.1177/23326492231151587>

allies following the Hamas attacks of Oct. 7<sup>th</sup>, 2023, and the waves of protest against the state of Israel's disproportionate and genocidal attack on Gaza.<sup>10</sup>

#### Recommendations:

- 1a. That Canada adopt transparent, rigorous and independent human rights evaluation of new surveillance and algorithmic policing tools before adoption
- 1b. That Canada review national security and counter-terrorism legislation through an anti-racist, intersectional and anti-oppressive lens
- 1c. That Canadian law enforcement and intelligence agencies end their targeted surveillance of racialized communities

## **2. Civil society organizations and NPOs**

Over the past five years, multiple reports have found that Canadian anti-terrorist financing laws and regulations have been disproportionately targeting Muslim-led charities and humanitarian organizations, as well as humanitarian organizations in general but which operate in political complex regions – especially regions with Muslim-majority populations.

For example, this has resulted in the Canadian Revenue Agency, which is the federal regulator of charities in Canada, being found to disproportionately target Muslim-led charities for surveillance, investigation, audit and status revocation, based on information, which is weak, disproven or of questionable provenance. These investigations and enforcement are carried out by the CRA's Review and Analysis Division. A recent independent review of the activities of the CRA RAD by the National Security and Intelligence Review Agency found that the more than 65% of those charities reviewed by RAD were based in the Muslim community, and nearly 20% in the Sikh community, but that the agency failed to document the reasons and decisions for investigating these charities, and in those where documentation existed, often it did not support the decisions of the RAD. The NSIRA determined that due to the lack of documentation, it could not state categorically that RAD's activities were discriminatory, but that their activities opened them up to a potential eventual finding of discriminatory practices under the Canadian Charter of Rights and Freedoms.<sup>11</sup>

More recently, two reports have identified how Canada's anti-terrorism framework governing the private financial sector has had similarly discriminatory impacts on Muslim-led charities, though de-risking and de-banking. Both found that the regime's primary focus on Muslim-led

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<sup>10</sup> Anti-Racism Program of the CJPME Foundation, "[Policing Palestine Solidarity: A Crisis of Civil Liberties in Canada \(2021-2025\)](https://www.cjpmefoundation.org/pr_2025_12_22_groundbreaking_report_on_the_policing_of_pro_palestinian_activism_in_canada_finds_pattern_of_repression)," Canadians for Justice and Peace in the Middle East Foundation, 22 December 2025. Online at: [https://www.cjpmefoundation.org/pr\\_2025\\_12\\_22\\_groundbreaking\\_report\\_on\\_the\\_policing\\_of\\_pro\\_palestinian\\_activism\\_in\\_canada\\_finds\\_pattern\\_of\\_repression](https://www.cjpmefoundation.org/pr_2025_12_22_groundbreaking_report_on_the_policing_of_pro_palestinian_activism_in_canada_finds_pattern_of_repression)

<sup>11</sup> National Security and Intelligence Review Agency, "Review of Canada Revenue Agency's Review and Analysis Division (RAD)," Government of Canada, 2 Oct. 2025. Online: [https://nsira-ossnr.gc.ca/wp-content/uploads/23-08\\_Rvw\\_CRA\\_RAD\\_-EN-46815.pdf](https://nsira-ossnr.gc.ca/wp-content/uploads/23-08_Rvw_CRA_RAD_-EN-46815.pdf)

charities results in these organization being unjustly viewed as being “high risk” for terrorist financing – without evidence, and even information to the contrary – leading to significant penalties, such as bank account closures, restrictions on online fundraising, being blocked by payment processors, and being subject to privacy-invasive and biased reporting by financial institutions to Canada’s financial crimes regulator. The impacts have also been shown to extend to personal accounts of administrators, staff and even their families. These decisions take place in secret, with no information shared about the reason for account closures, no independent oversight, and no recourse for those organizations and individuals impacted.

For more information & detailed recommendations, see ICLMG’s reports:

- **The CRA’s Prejudiced Audits: Counter-Terrorism and the Targeting of Muslim Charities in Canada** <https://iclmg.ca/prejudiced-audits/>
- **The Damage of De-risking: How Canada’s Policies to Counter Terrorism Financing Drive Financial Exclusion** <https://iclmg.ca/damage-of-de-risking-report/>

#### Recommendations:

- 2a. That the Ministry of Finance revisit the anti-terror regulatory, policy and legislative landscape, particularly the 2015, 2023 and 2025 National Risk Assessments and their impacts, particularly on the Muslim community.
- 2b. That the Minister of National Revenue declare an immediate moratorium on the targeted audit of Muslim charities by the CRA RAD until such a review is completed and legislative changes put in place
- 2c. Integrate civil liberties and financial inclusion impact analyses into National Risk Assessments (NRA).
- 2d. Issue policy guidance to relevant departments and bodies on de-risking and financial inclusion, including reporting requirements.
- 2e. Amend the *PCMLTFA* to require reporting entities to report annually on de-risking, including volumes and rationale.
- 2f. Amend the *PCMLTFA* to clarify that failing to safeguard against disproportionate de-risking constitutes a compliance failure.
- 2g. Develop training on risk-based decision-making regarding the NPO sector, including systemic bias and discrimination.
- 2h. Allow independent review of financial institutions’ risk-based decision-making in complaint investigations.

### **3. Border controls**

ICLMG and others have widely documented the racial and religious profiling of Muslims while traveling to, from and even within Canada. In 2014, ICLMG published the *Report of the*

*Information Clearinghouse on Border Controls and Infringements to Travellers' Rights*, documenting widespread incidences of racial profiling at Canada's borders and airports based on national security and anti-terrorism suspicions, the vast majority being Muslim individuals.<sup>12</sup> More recently, Nagra and Maurutto have documented the impacts of no-fly lists on Canadian Muslims, finding "the Canadian no-fly list targets Muslim communities, restricts mobility, separates individuals from family and friends, diminishes professional and economic opportunities, and stigmatizes those labelled a security risk," and concluding that "no-fly lists erode fundamental aspects of justice, and reproduce racial hierarchies."<sup>13</sup> A recent review conducted by the National Security and Intelligence Review Agency found that the federal government was failing to adequately review the list, as mandated by law, leading to individuals remaining listed despite either never meeting the criteria for being listed or no longer being investigated as a national security threat.<sup>14</sup>

Examples of this include:

- No Fly List Kids: Children as young as a few years old have been flagged as being on the "No Fly List" despite their age. While this affected people of all ages, and from various communities, its primary impact has been on Muslim individuals, unable to fly in safety out of fear of delays, detention, or even arrest both in Canada and internationally. While efforts have been made to resolve the issue of "false positives", concerns about the list itself, who is listed, and the disproportionate impact on Muslims remain. For example, ICLMG has received multiple reports of Muslim and Arab individuals who have been unable to fly from Canada either due to the Canadian no fly list or the US no fly list, which is applied to all Canadian flights that pass through or near US airspace – accounting for, by some estimates, 85% of international flights in and out of Canada. This has also led to individuals being stranded internationally, unable to fly home through direct flights and being forced to find round-about travel routes at their personal time and expense.
- Secret trial five: Adil Charkaoui, Hassan Almrei, Mahmoud Jaballah, Mohamed Harkat and Mohammad Mahjoub all spent years in prison, and experienced extreme release conditions, without being charged with a crime while under immigration security certificates. Mr. Harkat and Mr. Mahjoub continue to fight against their security certificates and their deportation to Algeria and Egypt, respectively, where they both face threats of persecution, mistreatment and even torture.

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<sup>12</sup> International Civil Liberties Monitoring Group, "Report of the Information Clearinghouse on Border Controls and Infringements to Travellers' Rights" (2014), online at: <https://iclmg.ca/wp-content/uploads/2014/03/R-Clearinghouse-border-controls.pdf>

<sup>13</sup> Nagra, B., & Maurutto, P. (2023). Anti-Muslim Surveillance: Canadian Muslims' Experiences with CSIS. *Sociology of Race and Ethnicity*, 9(3), 311-325. <https://doi.org/10.1177/23326492231151587>

<sup>14</sup> National Security and Intelligence Review Agency, "Review of the Passenger Protect Program and Secure Air Travel Act," Government of Canada, 16 Feb. 2026. Online at: [https://nsira-ossnr.gc.ca/wp-content/uploads/24-06\\_Review\\_PPP\\_SATA-EN-571645.pdf](https://nsira-ossnr.gc.ca/wp-content/uploads/24-06_Review_PPP_SATA-EN-571645.pdf)

More recently, Canada passed legislation in 2026 known as the *Strengthening Canada's Immigration System and Borders Act*. This legislation was roundly criticized for weakening Canada's refugee protection regime and expanding the ability of the government to share the private information of migrants across government departments and internationally without adequate justification or safeguards. It also created new, discretionary powers – based on a vague notion of “public interest” – to cancel or suspend entire categories of visas and immigration documents based, including based on country of origin or category of visa. Such discretionary powers have not been seen in Canada since the 1970s, when they were revoked after their abuse led to rampant discrimination and fatal decisions.

Despite new legislation and ever-expanding powers for border and immigration agents, Canada has failed to establish an independent complaints, oversight and review body for the Canada Border Services Agency, even though legislation to do so was adopted in late October 2024. Currently, all complaints regarding border officials are investigated by the border services agency itself.<sup>15</sup>

#### Recommendations:

- 3a. That Canada establish an independent complaints and review body for the Canada Border Services Agency
- 3b. That Canada amend the provisions of the *Strengthening Canada's Immigration System and Borders Act* to prevent discretionary decision-making, protect privacy and uphold the rights of refugees
- 3c. That Canada withdraw the immigration security certificates against Mr. Harkat and Mr. Mahjoub, and repeal the security certificate system
- 3d. That Canada abolish its secretive, discriminatory No Fly List regime

## **4. Terrorist Entities Listing**

While presented as an impartial tool, the vast majority of groups placed on the Terrorist Entities List are entities alleged to be associated with terrorism motivated by Islamist ideology, with several others tied to movements for self-determination in the Global South. Only since 2018 have a small number of white supremacist groups been added – all while listing more entities linked to “Islamist” terrorism. This perpetuates the discriminatorily Muslim-centric focus of Canadian anti-terrorism in general, and the listing procedure in particular, despite the far greater toll inflicted by White supremacist and right-wing actors within Canada. The listing of organizations like the Proud Boys alongside Palestinian and Kashmiri groups – as well as charities like IRFAN, proscribed for donating medical equipment to the Gaza Strip – conflates

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<sup>15</sup> Catherine Tunney, “RCMP watchdog without senior leadership for months, stalling investigations,” CBC.ca, 30 Oct. 2025. Online at: <https://www.cbc.ca/news/politics/rcmp-bill-c-20-9.6959004>

groups originating under or responding to long-term military occupation, with White supremacists and neo-Nazis, all under the rubric of a broad and inconsistent concept of “terrorism.”

Furthermore, Canada’s terrorist listing procedure is seriously flawed: the imposition of serious financial and possibly criminal consequences on the basis of unaccountable executive listing decisions; the use of secret evidence; the likelihood of false positives; and the absence of adequate avenues for challenging listings and obtaining redress. This is exacerbated by the seizure of assets, making legal counsel difficult if not impossible to retain. The fact that this blunt and flawed instrument is used mostly against groups associated with Islam, is a clear indication of its Islamophobic impact.<sup>16</sup>

#### Recommendations:

- 4a. Canada should rescind the Terrorist Entities Listing process in favour of transparent, targeted sanctions

### **5. Canadian complicity is detention, mistreatment and torture abroad**

Canadian government agencies were complicit in the indefinite detention and torture of several Muslim men after 9/11, including the notorious cases of Maher Arar, Ahmad El-Maati, Abdullah Almalki, Muayyed Nureddin, Omar Khadr, Benamar Benatta, and Abousfian Abdelrazik. While several have received compensation and apologies after many years of advocacy, the UN Committee Against Torture has condemned Canada for continuing to obstruct justice for other victims, particularly Abousfian Abdelrazik.<sup>17</sup> Mr. Abdelrazik’s civil case for reparations and redress against the Canadian government is still ongoing, more than a decade later; Canada has refused to acknowledge its well-documented complicity in his torture in Sudan.<sup>18</sup>

Moreover, none of the Canadian security and foreign affairs officials implicated in torture have been prosecuted – as required by the UN Convention Against Torture – and the recommendations of two official inquiries into the Arar, El-Maati, Almalki, and Nureddin cases (the Iacobucci and O’Connor Inquiries) for preventing future abuses have largely not been implemented.<sup>19</sup>

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<sup>16</sup> Azeezah Kanji, Tim McSorley et al., “Open Letter to Federal Leaders: Do Not Expand Anti-Terrorism Laws in the Name of Anti-Racism,” (22 Feb. 2021) International Civil Liberties Monitoring Group. Online at: <https://iclmg.ca/letter-federal-leaders-terrorist-entities-list>

<sup>17</sup> UN Committee Against Torture, “Concluding Observations on the Seventh Periodic Report of Canada,” 21 December 2018, CAT/C/CAN/CO/7; Jolson Lim, “Feds Spent Over \$2M in Last Year to Fight Abdelrazik Torture Lawsuit,” 24 June 2019, <https://ipolitics.ca/2019/06/24/feds-spent-over-2m-in-last-year-to-fight-abdelrazik-torture-lawsuit/>

<sup>18</sup> ICLMG, Correspondence with The Right Honourable Mark Carney, P

<sup>19</sup> Frank Iacobucci, “Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin” (2008), [http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal\\_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-](http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-)

Canada has also failed to take steps necessary to repatriate its remaining nationals being held indefinitely in Iraq and northeastern Syria under allegations of links to Daesh. In Iraq, at least seven Canadian Muslim men remain held in prisons in arbitrary detention in Iraq after being held for upwards of 9 years in prisons in NE Syria. In Syria, five children remain detained in a prisoner camp, for more than seven years now; they face the prospect of remaining in the camp with their mothers or being brought to Canada but forcibly separated from their only parent. All of these detainees face life threatening conditions, with the men facing the additional prospect of torture, unfair trials and eventual execution. While Canada previously repatriated other women and children, the entire process has been marked by delays, obstructionism and fearmongering, often based on the premise that even Muslim children, let alone their adult mothers or the imprisoned men, pose such a severe national security threat that they cannot be safely returned to Canada, even with the possibility of being charged and tried in Canada for any criminal activities they participated in (including the crime of travelling to participate in or in order to provide assistance to a terrorist organization).

For more details, and specific recommendations, we would refer you to the brief submitted by Stop Canadian Involvement in Torture.

Finally, Dr. Hassan Diab, a Canadian-Lebanese professor, has suffered through a decades long ordeal or being falsely accused, and unfairly convicted *in absentia* in a French court, for a bombing that took place outside a synagogue in Paris in 1980. Dr. Diab was extradited to France on incredibly weak evidence, and it was later revealed that Canadian officials did not reveal exculpatory evidence at extradition, leading to three years in prison in France without charge or trial. He was eventually released due to both a lack of incriminating evidence, as well as the existence of exculpatory evidence that places him in Lebanon at the time of the bombing. France continued to pursue the case, and eventually overturned the dismissal order. The ensuing trial ignored exculpatory evidence and relied heavily on discredited evidence and secret, unsubstantiated intelligence. The Canadian government has failed to commit to no new extradition of Dr. Diab to France, despite the grave problems with how French authorities have conducted this case.

#### Recommendations:

- 5a. Resolve the case of Abousfian Abdelrazik and apologize for the Canadian government's role in his mistreatment.
- 5b. Take action to safely repatriate all Canadians currently detained in Northeastern Syria and Iraq.
- 5c. Commit to no new extradition of Dr. Diab to France.

## 6. Dissent and free expression

Following the Hamas attacks of Oct. 7, 2023, and Israel's disproportionate and genocidal response, we have raised concerns about the growth of both antisemitism and Islamophobia in Canada, and the need for more action from the government on both. However, we have also seen mounting criminalization of Palestinian solidarity. Samidoun, also known as the Palestinian Prisoner Solidarity Network, was added to the list of "terrorist entities," in a move that many have denounced as an attempt to intimidate the entire Palestine solidarity movement with threat of criminalization.<sup>20</sup>

Palestinians and their supporters in Canada have also faced smear campaigns, surveillance, harassment, fining and criminalizing of people, for expressing support for the rights of Palestinians, and their opposition to Israeli occupation and the ongoing genocide. In particular, we have seen the conflation of *Charter*-protected expression and dissent with "support for terrorism," the violent arrests of peaceful protestors,<sup>21</sup> and the adoption or consideration of "bubble zone" laws in multiple cities across Canada, which ban or limit protests across vast areas of cities, violating freedom of assembly.<sup>22</sup>

Thankfully, many of the fines and charges against anti-genocide protesters have been dropped or their cases have been resolved without convictions, including against Ottawa protesters for using megaphones and the Toronto Indigo 11. Their lives were severely disrupted, though, most likely leading others to think twice before exercising their right to peaceful dissent. More than 133 pro-Palestine protesters were charged between October 2023 and October 2025.<sup>23</sup> Many charges are still pending; the rest have ended in withdrawals or discharges. Recently, though, a Canadian Muslim activist was arrested on terrorism charges, allegedly for statements made at a protest, although federal prosecutors have not made public what evidence – is any – they have of any link to a terrorist organization or activity.<sup>24</sup>

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<sup>20</sup> Independent Jewish Voices, "IJV Condemns Police Repression Against Palestine Solidarity Movement," 2 Dec. 2024. Online at: <https://www.ijvcanada.org/ijv-condemns-police-repression-against-palestine-solidarity-movement>

<sup>21</sup> Glass, M. "Four pro-Palestinian protesters arrested for allegedly blocking road," *Ottawa Citizen*, 19 Nov. 2024. Online at: <https://ottawacitizen.com/news/local-news/four-pro-palestinian-protesters-arrested-for-allegedly-blocking-road>

<sup>22</sup> Anti-Racism Program of the CJPME Foundation, "Bubble Zone Laws: Protecting communities or cracking down on pro-Palestine dissent?" *Canadians for Justice and Peace in the Middle East Foundation*, May 2025. Online at: [https://assets.nationbuilder.com/cjpmefoundation/pages/1304/attachments/original/1747753319/EN-Bubble\\_zone\\_law.pdf?1747753319](https://assets.nationbuilder.com/cjpmefoundation/pages/1304/attachments/original/1747753319/EN-Bubble_zone_law.pdf?1747753319)

<sup>23</sup> Arash Ghiassi and Riaz Sayani, "Carney's so-called Combatting Hate Act is an attack on pro-Palestine expression," *The Hill Times*, 1 Oct. 2023. Online at: <https://www.hilltimes.com/2025/10/01/carneys-so-called-combatting-hate-act-is-an-attack-on-pro-palestine-expression/475086/>

<sup>24</sup> Matthew Scace and Maura Forrest, "Toronto police charge man with terrorism over alleged conduct during pro-Palestinian protests," *The Globe and Mail*, 22 July 2026. Online at: <https://www.theglobeandmail.com/canada/article-toronto-police-demonstrations-terrorism-charge/>

Instead of addressing the over-policing of protests, though, the federal government recently introduced passed C-9, the *Combating Hate Act*, which will give police discretionary powers to determine what symbols are hateful and to discern protestors' intentions. We fear the adoption of this legislation will further criminalize dissent, violate freedom of assembly and chill free expression. This bill is one more attempt to criminalize pro-Palestine and anti-genocide protesters, and must be rescinded.

#### Recommendations:

- 6a. Canada must stop considering all Palestinians as potential security threats, welcome the Gazan families of Palestinian Canadians accepted through the "emergency" program, and reopen the program to process more applications to save more lives before it's too late.
- 6b. The federal government must ensure law enforcement and intelligence agencies halt their targeted surveillance and criminalization of Muslim, Palestinians and their allies.
- 6c. Canada must significantly amend the Combating Hate Act to remove provisions that impinge on freedom of expression and assembly, and that can be used in discriminatory, arbitrary ways.

## **7. Combatting hate online**

Our coalition recognizes the urgent importance to address increases in online hate, including rises in online antisemitism, Islamophobia, anti-Black and anti-Indigenous racism, among others.

However, such efforts must also ensure that they protect freedom of expression and privacy online. This is especially true in order to ensure that the rights of racialized communities that are meant to be protected do not face further harms when raising concerns around justice and human rights. Unfortunately, Canada's recently proposed Bill C-34, known as the *Safe Social Media Act*, raises substantial concerns.<sup>25</sup>

Of primary concern is that alongside six other new categories of online harms, the federal government is proposing a harm of content which incites terrorism or violent extremism. While we agree that calls to violence online must be appropriately addressed, the bill also contains a proposed harm of content that incites violence. This harm would largely cover the same acts of harm proposed under the content that incites terrorism and violent extremism, but without the qualifiers based on alleged motivation. Beyond being redundant, the inclusion of content terrorist and violent extremist content raises concerns about how platforms will be expected to determine what content falls under this category. This is exacerbated by the fact that the

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<sup>25</sup> ICLMG, "Much Needed Online Safety Rules Must Not be Used as Backdoor to Expand Terrorism, Violent Extremism Definitions," 16 June 2026, Online at: <https://iclmg.ca/online-safety-must-not-expand-terrorism-violent-extremism-definitions/>

definition of “terrorist and violent extremism” goes beyond current legislative definitions of terrorism (violent extremism is not explicitly defined in Canadian legislation), opening the possibility for terms that are already used in broad, arbitrary and discriminatory manners to be used even further in this manner. As mentioned in the previous section, calls of support for Palestinian human rights are already conflated with support for terrorism – without anything resembling a call to violence. Moreover, platforms such as Meta and X have already been accused of either removing or shadow-banning content in support of Palestinian human rights.

In addition to the expanded definitions, Bill C-34 does not include appropriate redress measures for those whose content has been taken down or rendered inaccessible in Canada because of Bill C-34. This means that if a post has been removed or blocked, it will be incredibly difficult to seek independent recourse for the company to reinstate the content. At the same time, there are more explicit measures and safeguards that can be enacted if hateful content is not removed.

These concerns can also be applied to other acts of dissent that challenge governments and the status quo. Movements for justice and self-determination, and against colonialism and fascism, have been deemed terrorists or extremists at one time or another – and many still today – as terrorist or extremist movements. Politicians and national security agencies in Canada have dubbed Indigenous land defenders, Black Lives Matter activists and anticapitalist organizers as extremists, for example.

Without substantial modification, we fear that this legislation to combat online hate will ultimately run the very real risk of exacerbating the censorship of calls for justice and against racism and hatred.

#### Recommendations:

- 7a. Remove the definition of content that incites terrorism or violent extremism from Bill C-34, the *Safe Social Media Act*.
- 7b. Ensure a clear and effective redress mechanism for instances when social media platforms engage in overcompliance/censorship as a result of online harms regulations.

### **8. Review and Accountability**

Much of the activities carried out in the name of national security and anti-terrorism take place in secret. While this is necessary in some cases to protect the integrity of investigations, the privacy of individuals involved, and other reasons, there is a culture of secrecy that has continued to expand and engulf government, law enforcement and intelligence agency activities. This culture of secrecy is a central reason why systemic racism and discrimination has been able to proliferate across these departments. The situation improved in with the establishment of the National Security and Intelligence Committee of Parliamentarians in 2017,

and both the National Security and Intelligence Review Agency and Intelligence Commissioner in 2019, three new bodies with broad review, oversight and reporting powers over the national security activities of the federal government. While gaps persist, this was a significant improvement over the previous, limited and siloed review bodies that existed previously.

Funding and resources for Canada's national security agencies have rapidly expanded over the past several years, including a \$1.3 billion investment in border security announced in Dec. 2024<sup>26</sup> and vast new powers as part of a new package of national security legislation. At the same time, funding for these review bodies stagnated or have been cut as part of an overall effort by the federal government to address "inefficiencies." This includes a 13% cut at NSICOP, and a 15% cut for both NSIRA and the IC.<sup>27</sup> These cuts will hamper what was already limited oversight and review, putting in question whether these agencies will be able to appropriately monitor for systemic racism and other concerns around bias, discrimination or rights violations taking place in the name of national security.

Recommendation:

- 8a. That the federal government restore funding cuts to NSICOP, NSIRA and IC, and engage in consultations to increase their funding to be commensurate with their work to oversee Canada's national security regime.

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<sup>26</sup> Tim McSorley and Xan Dagenais, "Authoritarian Rise: Canada Is Not Immune!" ICLMG, Spring 2026. Online: <https://iclmg.ca/authoritarian-rise/>

<sup>27</sup> Catherine Tunney, "Intelligence watchdog facing cuts as Liberals seek new powers for national security agencies," CBC.ca, 03 Dec. 2025. Online at: <https://www.cbc.ca/news/politics/nsira-funding-cut-9.7001484>