

Bill C-9, the Combatting Hate Act: Assessing the Bill's Impact on 2SLGBTQI Communities in Canada

In Canada, there is a growing reactionary movement threatening the safety, rights, and freedoms of 2SLGBTQI people, especially those who are Two Spirit, trans, nonbinary, and/or gender non-conforming. Since 2016, 2SLGBTQI communities have experienced an exponential rise in hatred aimed towards them, with anti-2SLGBTQI hate crimes growing 274%.¹ However, hate does not end there. From coast to coast to coast, drag story times are protested,² pride flags are burned or removed from municipalities and schools,³ and online violence is escalating, exemplified by 25% of adolescents in Canada experiencing at least one form of cybervictimization, with trans and non-binary adolescents almost twice as likely to be targeted.⁴ The message could not be clearer – 2SLGBTQI communities are under attack and require concrete action from the federal government to ensure that our communities are protected.

What is Bill C-9?

On September 19, 2025, the Minister of Justice introduced Bill C-9, the *Combatting Hate Act*, in the House of Commons. Bill C-9 introduces several significant amendments to the *Criminal Code* to address hate-motivated behaviour in Canada, including the creation of three new categories of offences: the *Intimidation and Obstruction Offences*, which criminalize the act of intentionally instilling fear to impede access, or otherwise obstructing or interfering with access, to protected spaces, such as places of worship, certain buildings (e.g. community centers) primarily used by an identifiable group, and cemeteries; the *Hate Symbols Offence*, which prohibits the public display of hate symbols associated with terrorist or extremist groups; and a new *Hate Crimes Offence*, which makes committing any

¹ Statistics Canada, *Police-Reported Crime Statistics in Canada, 2024* (Statistics Canada, 2025), <https://www150.statcan.gc.ca/n1/daily-quotidien/250722/dq250722a>

² Yvette Brend, "Drag Storytimes Have Become a Target of Hate. Why Some Families Love Them Anyway," CBC News, December 16, 2022, <https://www.cbc.ca/news/canada/drag-queen-storytime-attacks-usa-canada-diversity-inclusion-hate-groups-gender-1.6685395>

³ "Egale Explains: Pride Flag Bans," Egale Canada, accessed October 14, 2025, <https://egale.ca/awareness/egale-explains-flag-bans/>

⁴ Statistics Canada, *One in Four Canadian Youth Report Experiencing at Least One Form of Cybervictimization*, (Statistics Canada, 2023), <https://www.statcan.gc.ca/o1/en/plus/4985-one-four-canadian-youth>

existing criminal act with hateful intent a distinct crime punishable by harsher penalties. The Bill also eliminates the requirement for Attorney General consent to prosecute hate propaganda offences and introduces a statutory definition of “hatred,” specifying that hate is “the emotion that involves detestation or vilification and that is stronger than disdain or dislike.” These provisions mark a significant expansion of the state’s authority to regulate protest and expression.

Impacts and Concerns for 2SLGBTQI Communities

Bill C-9, the *Combatting Hate Act*, can offer certain benefits to 2SLGBTQI communities, if implemented correctly. The creation of a hate crimes offence carries symbolic value, sending a message of recognition and support for marginalized groups, and harsher sentencing could theoretically act as a deterrent against anti-2SLGBTQI violence. The intimidation and obstruction offences may be used to protect community centres from targeted protest activity – an action that could benefit 2SLGBTQI communities. Additionally, the Bill will eliminate the requirement for a prosecutor to need Attorney General consent to bring about a hate crimes charge. This removal may make it easier for prosecutors to bring hate-based charges under the *Criminal Code of Canada*, reducing a barrier for anti-2SLGBTQI hate crimes to be prosecuted.

While the Bill aims to strengthen protections against hate, several potential concerns remain for 2SLGBTQI communities. Bill C-9’s intimidation and obstruction offences are overly broad, vague, and pose the risk of criminalizing peaceful protests – a risk particularly concerning given the rise in 2SLGBTQI activism amid growing hostility. 2SLGBTQI protesters will be forced to question whether they could be seen as provoking a state of fear or interfering with access to a broad list of buildings, placing a tremendous burden on 2SLGBTQI organizers at a time when our communities are increasingly the subject of oppressive legislation and are facing being stripped of our recourse under the *Charter*. Moreover, as the Bill’s protections are tied to the type of building or venue rather than the nature of the activity inside, non-violent protesters could be charged with a hate crime offence simply because of the speaker’s chosen venue.

Similarly, while the hate symbols offence is intended to target extremist imagery, it may fail to address the kinds of hatred faced by 2SLGBTQI communities. Although hate symbols are often used against other communities, 2SGLBTQI communities use symbols such as the pride flag, lambda and pink triangle for connection, inclusion and, when necessary, protest. While the law is intended to only target those with hateful intent, many members of our communities remember instances where our activism has been decried as persecution. In extreme cases, this provision could be misapplied to symbols used by 2SLGBTQI advocacy groups if political decisions about terrorist designations shift.

Conclusion

The broader reality of the growth of anti-2SLGBTQI animosity in Canada is the main driver for such concern surrounding Bill C-9, such as the emerging political movement to label trans organizations as terrorist entities and the history of police discretion being exercised against 2SLGBTQI communities.⁵ In this light, Bill C-9 appears less as a tool for protecting marginalized groups and more as a broad expansion of police power with a high risk of misuse. While some provisions may offer symbolic reassurance, the overall legal and political risks to 2SLGBTQI communities are considerable, with the Bill providing limited protection against the forms of hate 2SLGBTQI communities most frequently experience. Overall, while Bill C-9 represents a significant attempt to strengthen Canada's anti-hate legal framework, its effectiveness and safeguards for marginalized groups, particularly 2SLGBTQI communities, remain concerning.

Recommendations

- Following the Black Legal Action Centre, the government must revisit its approach to Bill C-9 in close consultation with marginalized communities to ensure that newly created offenses do not further expose these communities to harm.⁶
- The Government of Canada must address the root causes of surging hate crimes, starting with denouncing anti-trans rhetoric that has begun infiltrating Canadian politics. This includes denouncing the overuse of the notwithstanding clause to limit the Charter rights of trans and gender diverse people as well as other vulnerable marginalized groups.
- Involve and allocate funding to organizations supporting 2SLGBTQI individuals to assist with identifying and combatting anti-2SLGBTQI hate as well as to those providing support to victims of anti-2SLGBTQI hatred.
- Mandate that agents across the criminal legal system understand 2SLGBTQI needs and experiences, ensuring that hate crime survivors are treated with respect.

⁵ "Egale Recognizes the 35th Anniversary of the Toronto Bathhouse Raids," *Egale Canada*, accessed October 10, 2025, <https://egale.ca/egale-in-action/egale-recognizes-the-35th-anniversary-of-the-toronto-bathhouse-raids/>

⁶ Black Legal Action Centre, "The Proposed Combatting Hate Act May Disproportionately Curtail the Charter Rights of Marginalized Communities: Black Legal Action Centre," *NewsWire*, October 6, 2025, <https://www.newswire.ca/news-releases/the-proposed-combatting-hate-act-may-disproportionately-curtail-the-charter-rights-of-marginalized-communities-black-legal-action-centre-827908786.html#:~:text=TORONTO%2C%20Oct.%206%2C%202025%20%2FCNW%2F%20-%20Black%20Legal,rights%20central%20to%20the%20Black%20and%20marginalized%20communities.>

- Invest in better tracking of and knowledge generation surrounding anti-2SLGBTQI motivated violence by harmonizing reporting standards across the country to mainstream the tracking of hate crimes motivated by gender identity.⁷

About Egale Canada

Egale is Canada's leading organization for 2SLGBTQI people and issues. We improve and save lives through research, education, awareness, and by advocating for human rights and equality in Canada and around the world. Our work helps create societies and systems that reflect the universal truth that all persons are equal and none is other.

⁷ "Written Submission for the Pre-Budget Consultations in Advance of the Upcoming 2025 Federal Budget," *Egale Canada*, accessed October 10, 2025, <https://egale.ca/awareness/pre-budget-2025/>