



CANADIAN MUSLIM  
PUBLIC AFFAIRS  
COUNCIL

## **CMPAC's Preliminary Analysis of Bill C-34**

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CMPAC recognizes the importance of protecting Canadians from genuine online harms and supports efforts to improve accountability for social media platforms and digital services. Measures to address terrorism-related content, incitement to violence, and other serious online harms are legitimate public policy objectives. However, these objectives must be pursued in a manner that remains consistent with the [Canadian Charter of Rights and Freedoms](#), established principles of criminal law, and Canada's commitment to protecting lawful expression and civic participation.

Bill C-34 raises significant concerns because it expands the legal framework surrounding terrorism and violent extremism beyond existing [Criminal Code](#) definitions while imposing broad obligations on online platforms to identify, assess, and remove prohibited content. Without clear statutory limits and robust safeguards, these provisions risk restricting lawful speech and disproportionately affecting communities that have historically experienced heightened scrutiny under national security and counterterrorism frameworks, including Canadian Muslims. These concerns are shared by a number of Canadian civil liberties organizations, including the [International Civil Liberties Monitoring Group](#) (ICLMG), the [Canadian Civil Liberties Association](#) (CCLA), and [OpenMedia](#), all of which have called for significant amendments to ensure the legislation better protects fundamental rights while achieving its online safety objectives.

One of CMPAC's principal concerns is the introduction of a new definition of "violent extremism" and the expansion of what may constitute acts of terrorism. Unlike the Criminal Code, Bill C-34 introduces broader and less clearly defined concepts, including conduct that may "undermine, weaken or destroy fundamental institutions or political, economic or social stability." The absence of clear legal definitions creates uncertainty regarding how these provisions may be interpreted and applied, particularly in politically sensitive contexts. The ICLMG has similarly [warned](#) that these expanded definitions create a broader terrorism framework than currently exists under the Criminal Code and risk introducing vague legal standards that could capture lawful expression.

The legislation also lowers the threshold for content moderation by expanding prohibited material beyond content that instructs, recruits, or counsels terrorism offences to include content that may be interpreted as encouraging or promoting terrorism or violent extremism. These broader and more subjective standards create a significant risk that online platforms, seeking to avoid regulatory penalties, will remove lawful content out of caution rather than legal necessity. The CCLA has likewise [cautioned](#) that broadly framed content regulation may create a chilling effect on lawful expression, while the ICLMG has warned that these provisions could result in the censorship of legitimate political advocacy, journalism, education, and human rights advocacy.

For Canadian Muslims, these concerns are particularly significant. Since the introduction of Canada's post-9/11 national security framework, Muslim communities have been disproportionately subjected to heightened surveillance, racial profiling, exceptional security measures, and suspicion under counterterrorism policies. [Numerous inquiries](#), [parliamentary studies](#), and [independent reviews](#) have documented how national security powers have disproportionately affected Muslim communities, reinforcing concerns that broad and vaguely defined counterterrorism authorities can result in unequal impacts on lawful civic participation and expression. Muslim individuals, charities, advocacy organizations, journalists, academics, and community leaders have long experienced disproportionate surveillance, profiling, and scrutiny under Canada's national security framework. Broad and undefined concepts relating to terrorism and violent extremism may inadvertently capture lawful political discourse, human rights advocacy, religious expression, or discussion of international conflicts, particularly where such issues are already subject to heightened public controversy. The result may be the disproportionate suppression of Muslim voices and perspectives in digital spaces.

CMPAC is also concerned that Bill C-34 provides insufficient protection for lawful advocacy, protest, dissent, and political expression. While the legislation contains exceptions for journalism, education, and artistic expression where they serve a "legitimate purpose," it provides little clarity regarding who determines what constitutes a legitimate purpose or how those determinations will be made. Unlike the Criminal Code, the legislation does not explicitly protect advocacy, protest, or dissent, creating uncertainty for individuals and organizations engaged in lawful civic participation. The ICLMG has similarly [observed](#) that Bill C-34 departs from existing Criminal Code safeguards by failing to expressly protect advocacy, protest, and dissent, increasing the risk that lawful civic participation could be subject to unnecessary restrictions.

These concerns are further compounded by the practical reality that complex legal determinations regarding terrorism and violent extremism would largely be delegated to private technology companies. Online platforms are neither courts nor law enforcement agencies, yet Bill C-34 would require them to interpret highly complex legal concepts under the threat of significant financial penalties. This creates strong incentives for over-removal of content and increases the likelihood that lawful speech will be censored before any independent legal review occurs. OpenMedia [expressed concern](#) that the bill's broad regulatory framework may incentivize platforms to over-moderate lawful content in order to avoid liability, while the CCLA has warned against granting expansive powers that could undermine freedom of expression and procedural fairness.

CMPAC is also concerned by the bill's departure from existing Criminal Code language regarding activities governed by international law. The removal of references to customary international law and international humanitarian law risks creating uncertainty surrounding discussion of armed conflicts, accountability under international law, and other issues that are frequently the subject of legitimate public debate and human rights advocacy.

Canada can and should address harmful online content without unnecessarily expanding terrorism-related definitions or creating new risks to Charter-protected freedoms. A more balanced approach would focus on clearly defined criminal conduct, including the incitement

of violence, while preserving lawful political expression, religious discourse, journalism, academic debate, and human rights advocacy.

CMPAC also recommends that the Government of Canada establish a formal and ongoing engagement process with Canadian Muslim organizations, civil liberties organizations, digital rights experts, and other affected communities throughout the implementation and future review of Bill C-34. Given the disproportionate impact that national security and counterterrorism measures have historically had on Muslim communities, meaningful consultation is essential to identify unintended consequences, strengthen public confidence, and ensure that online safety measures are implemented in a manner consistent with the Canadian Charter of Rights and Freedoms.

As Bill C-34 proceeds through Parliament, CMPAC will continue to proactively engage to recommend amendments that strengthen legal certainty, enhance independent oversight, and ensure that efforts to improve online safety do not disproportionately impact Canadian Muslim communities or undermine the constitutional rights and freedoms of all Canadians.