CANADIAN MUSLIM PUBLIC AFFAIRS COUNCIL

CMPAC Submission to the Ontario Regulatory Registry

Proposed Measures on Public Safety and Economic Development Through Barrier-Free Access to Key Infrastructure

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About the Submission

CMPAC has submitted its response to the Government of Ontario's Regulatory Registry consultation regarding potential measures to support public safety and facilitate barrier-free access to key economic and community infrastructure. The province is considering new legislation that would expand police powers, mandate identification, create new provincial offences, and introduce new arrest authorities near roadways and community or cultural sites.
CMPAC's submission firmly opposes these proposed measures, arguing that existing legal frameworks are fully sufficient to handle public safety and that expanding discretionary state authority risks arbitrary enforcement, infringes on Charter-protected civil liberties,and disproportionately impacts Palestinian, Muslim, Arab, and racialized organizers.

——————————— SUBMISSION QUESTIONS ———————————

Roadway obstructions

Question 1- Should the province consider a legislated prohibition related to unauthorized, willful obstruction of a roadway, including overpasses/bridges, where the obstruction is intentional, cannot be easily avoided and blocks travel? Why or why not?

CMPAC urges Ontario not to introduce a new prohibition on roadway obstruction without demonstrating that existing laws are inadequate for documented safety risks.

This measure directly infringes on fundamental Charter-protected rights to freedom of expression, peaceful assembly, and association (s. 2), suppressing critical democratic protest. Vague prohibitions disproportionately target Canadian Muslim, Arab, and Palestinian communities exercising their right to stand up against human rights abuses, expanding police discretion and leading to selective enforcement against human rights advocacy.

Given comprehensive existing legal frameworks, the Province must respect fundamental human rights and prioritize de-escalation over duplicative restrictions.

Question 2(A)- Should the province consider developing new police authorities to direct individuals to cease obstructing a roadway, including overpasses/bridges? Why or why not?

No. The Province should not expand police authority to direct demonstrators off roadways without first demonstrating that existing legal powers are inadequate.

Creating new police powers directly infringes on fundamental Charter-protected civil liberties, including freedom of expression and peaceful assembly. This broader authority enables officers to order the dispersal of peaceful political demonstrations based on views of traffic disruption rather than safety risks.

This discretion poses a risk to Canadian Muslim, Arab, and Palestinian communities, who already face racial profiling, heightened surveillance, and disproportionate police enforcement when organizing against human rights abuses. Expanding discretionary powers invariably leads to selective, inconsistent application against marginalized advocacy groups.

The Province must reject duplicative authority and prioritize rights-respecting de-escalation frameworks.

Question 2(B) - Should the province consider instituting a new provincial offence for individuals that do not comply with this direction? Why or why not?

No. Creating a new provincial offence for failure to comply with a police order compounds the risks of expanding discretionary enforcement and directly infringes upon Charter-protected civil liberties.

Under this proposal, peaceful demonstrators could face financial penalties simply for declining an order whose lawfulness or necessity is disputed. This dynamic suppresses democratic participation, particularly for individuals and organizations lacking the financial resources to fight tickets or contest enforcement proceedings in court.

Additionally, expanded police powers are rarely enforced equally. Canadian Muslim, Arab, and Palestinian communities already endure targeted scrutiny when speaking out against human rights abuses, leaving them vulnerable to selective ticketing and unfair criminalization.

The Province must not introduce new offences without proof that current laws are insufficient and that proposed penalties respect basic constitutional rights.

Question 2(C)- Should the province consider creating a new requirement for individuals to provide identifying information for the purposes of issuing a provincial offence notice in relation to the new offence? Why or why not?

No. The Province must not compel individuals to provide identifying information merely for participating in a demonstration that authorities deem disruptive.

Mandatory identification transforms the regulation of public space into invasive state surveillance, directly violating fundamental privacy and Charter-protected rights. Forcing demonstrators to surrender personal details exposes peaceful participants to police databases and monitoring, creating a serious deterrent against civic engagement and public assembly.

Furthermore, this requirement escalates systemic racial profiling and discretionary police overreach. Expanding officers' authority to demand identification enables targeted enforcement against racialized advocacy groups, converting peaceful demonstrations into tools for state intelligence gathering and criminalization.

The government must not dismiss mandatory identification as a minor administrative measure, nor build it upon an unnecessary provincial offence. Ontario must reject this proposal to safeguard civil liberties and protect democratic dissent.

Question 2(D)- Should the province consider making new arrest powers for police where there is a failure to comply with the duty to identify? Why or why not?

No. The Province should not create new arrest powers for failure to provide identifying information in connection with the proposed roadway obstruction offence.

Creating this authority unnecessarily expands police powers. Even where identity cannot otherwise be established, arrest must never serve as an enforcement mechanism for a provincial offence arising from peaceful demonstration.

The proposed framework escalates a peaceful demonstration into physical arrest through sequential demands to cease, comply, and identify. This compounds enforcement risks, increasing the potential for police confrontation, arbitrary application, and direct interference with Charter-protected freedoms of expression, assembly, and personal liberty.

This broad discretion is especially concerning in public protest settings, where powers are frequently exercised unevenly. Expanded authority heightens systemic racial profiling and discretionary overreach, disproportionately impacting racialized communities and advocacy groups already subject to heightened surveillance.

The Province must reject new arrest powers and ensure any enforcement framework remains proportionate, respects constitutional guarantees, and prevents police overreach.

Question 2(E)- Are there other specific legislative or non-legislative changes that the provincial government should consider to address this issue?

Rather than expanding prohibitions and police authority, Ontario must focus on policies that safeguard public safety while facilitating democratic rights.

The Province should commission an independent review on the impacts of protest policing across Black, Indigenous, and racialized communities, developed through direct partnership with affected grassroots organizations. Instead of eroding fundamental freedoms, government policy must protect civic engagement and guard against systemic overreach.

Community & Cultural Infrastructure

Question 1- Should the province consider new police authorities to direct individuals to cease intimidation or obstruction of access to community and cultural infrastructure? Why or why not?

No. The Province must not grant police expanded authority to restrict peaceful assemblies near religious, cultural, or community institutions.

Public access to community spaces remains essential, but it must never serve as a pretext to dismantle basic Charter rights. Measures that broaden terms like intimidation or obstruction introduce dangerous subjectivity into law enforcement. Demonstrations are inherently disruptive; discomfort or political disagreement cannot become grounds for state intervention. Police powers must address explicit, criminal acts rather than suppressing lawful political expression.

Protecting institutional sites also shields influential organizations from public scrutiny. Community facilities, places of worship, and cultural centers frequently host state actors, political events, and controversial policy discussions. Banning assemblies near these locations insulates powerful entities from democratic accountability and strips community members of their right to challenge institutional leadership.

Crucially, granting broad discretion to police forces invites selective enforcement. Palestinian, Muslim, Arab, Black, and Indigenous organizers are already subjected to heightened surveillance and systemic bias. Expanding these discretionary powers will inevitably be weaponized to criminalize marginalized voices and stifle legitimate human rights advocacy. Ontario must reject these expanded prohibitions and safeguard constitutional rights.

Existing provisions within the Criminal Code, including offences for criminal harassment, intimidation, mischief, and interference with religious worship, already address safety threats and unlawful conduct. The Province has not identified legislative gaps in the current framework or explain why existing statutory mechanisms are inadequate.

Creating redundant police powers simply because political assemblies are controversial, or undermines basic civil liberties. State authority must not expand to suppress lawful advocacy under the guise of managing public inconvenience.

Question 2- Should the province consider creating a new provincial offence for individuals who fail to comply with a police direction to cease intimidation or obstruction of access? Why or why not?

No. Creating a new provincial offence for failing to obey a police direction unnecessarily escalates state authority and penalizes individuals exercising their fundamental right to assemble.

The proposed offence relies heavily on an officer's initial determination of what constitutes intimidation or obstruction.Without precise and objective legal thresholds, peaceful demonstrators face penalties simply because their advocacy is perceived as disruptive rather than because it poses a genuine safety risk. This creates severe vulnerabilities outside community institutions hosting political events, where subjective disagreement with a protest's message does not justify restricting expression.

Financial penalties and police encounters place disproportionate burdens on Muslim, Palestinian, Arab, Black, and racialized community members who already face systemic barriers when navigating the justice system. The threat of fines and court proceedings deters civic participation across these populations before a case reaches a judge.

Furthermore, introducing a new offence escalates police confrontation by shifting law enforcement focus away from genuine public safety toward enforcing compliance with disputed orders. Racialized communities are disproportionately targeted during discretionary enforcement, making expanded provincial offences a direct threat to their safety and civil liberties. Ontario must not establish new offences without empirical evidence that current statutory frameworks are insufficient and that less restrictive measures cannot protect public access.

Question 3- Should the province consider requiring individuals to provide identifying information for the purpose of issuing a provincial offence notice? Why or why not?

No. The Province must not create a new identification requirement associated with demonstrations near religious, cultural,or community institutions.

This requirement acts as a tool of coercion rather than safety. Forcing demonstrators to disclose personal details gives individual officers broad scope to intimidate participants, compile intelligence, and incite fear among peaceful advocates.Granting police unchecked authority to demand identification for subjective conduct invites significant abuse of power,directly penalizing the lawful exercise of civil liberties, the right to protest, and constitutionally protected political expression.

Compelling identity disclosure converts public participation into state surveillance. Peaceful citizens face the reality of permanent police tracking, future scrutiny, and official harassment simply for making their voices heard on controversial issues.

The impacts of forced identification are particularly severe for Palestinian, Muslim, Arab, Black, and racialized communities. Officers will apply these powers inconsistently, leaving marginalized advocacy groups far more vulnerable to selective enforcement. Pro-Palestinian demonstrations inherently face heightened scrutiny and targeted policing,meaning expanded identity collection

powers weaponize state authority against these organizers and discourage vulnerable populations from engaging in public life.

Ontario must not hand officers expanded tools to surveil and intimidate residents under the guise of enforcing an unnecessary provincial policy.

Question 4 Should the province consider creating new arrest powers where an individual fails to provide identifying information, limited to circumstances where identity cannot otherwise be established and solely for the purpose of laying the provincial offence? Why or why not?

No. The Province must not create new arrest powers connected to the proposed offence of failing to comply with police directions near community and cultural infrastructure.

Depriving an individual of physical liberty represents excessive exercise of state power. Framing an arrest authority as a limited tool does not lessen its impact. Under this proposed structure, an individual faces detention through a chain of subjective decisions starting with an officer's personal assessment of what constitutes obstruction. Giving police unchecked authority at each stage invites significant abuse of power, enabling officers to incite fear and intimidate advocates who are lawfully exercising their civil liberties, right to protest, and political expression.

This authority guarantees inconsistent application against marginalized advocacy groups. Pro-Palestinian assemblies,alongside demonstrations led by Palestinian, Muslim, Arab, Black, and racialized organizers, inherently face elevated police scrutiny. Subjecting these specific groups to discretionary arrest powers directly weaponizes law enforcement tools against vulnerable populations.

The threat of detention severely deters public participation. Community members face employment,immigration, and legal consequences from police records, forcing individuals to abandon constitutionally protected expression out of fear. Rather than improving safety, expanding arrest powers escalates police confrontation and criminalizes democratic dissent.

Ontario must reject these expanded powers and uphold fundamental freedoms.

Question 5 What other enforcement tools or resources should the province consider to address intimidation or obstruction of access to community and cultural infrastructure? Are there other types of infrastructure that should be included?

No**.** The Province must not create new arrest powers connected to the proposed offence of failing to comply with police directions near community and cultural infrastructure.

Depriving an individual of physical liberty represents an extraordinary exercise of state coercion. Framing an arrest authority as a limited enforcement measure does not diminish its severe constitutional impact. Under this proposed framework, an individual faces detention through a sequence of discretionary decisions starting with an officer's subjective assessment of what constitutes obstruction. Granting unchecked authority at each stage invites arbitrary

enforcement, enabling state actors to intimidate advocates and undermine the lawful exercise of civil liberties, the right to protest, and constitutionally protected political expression.

This authority risks inconsistent application against marginalized advocacy groups. Pro-Palestinian assemblies, alongside demonstrations organized by Palestinian, Muslim, Arab, Black, and racialized communities, already face disproportionate policing and heightened surveillance. Subjecting these specific groups to discretionary arrest powers directly weaponizes enforcement tools against vulnerable populations, further entrenching systemic inequities while diminishing institutional accountability.

The threat of detention deters public participation and lawful dissent due to fear of legal repercussions, forcing community members to abandon fundamental rights. Rather than improving public safety, expanding arrest powers escalates state confrontation and criminalizes democratic engagement. Ontario must reject these expanded powers and uphold fundamental Charter protections.

Please provide any additional comments or suggestions. Do you have any other ideas for responding to obstruction and barriered access to key economic and community infrastructure in the province?

Ontario must address access concerns using existing legal protections and de-escalation measures rather than creating redundant offences or expanding restricted infrastructure zones. The Criminal Code already penalizes threats, harassment, and unlawful obstruction, making new provincial restrictions unnecessary. Granting police expanded discretion invites arbitrary enforcement that disproportionately impacts Palestinian, Muslim, Arab, Black, and racialized organizers who already face heightened surveillance. Broadening these powers risks insulating powerful institutions from public scrutiny and infringing on Charter-protected protest rights.

For further analysis on expanded state authority and civil liberties, please refer to our resources:

- CMPAC Brief on Bill C-9: Combatting Hate Act
- CMPAC Muslim Civil Society Joint Statement Rejecting Bill C-9
- CTV News: Concerns Raised Over Impact of Bill C-9

About CMPAC

The Canadian Muslim Public Affairs Council (CMPAC) is a national political advocacy organization dedicated to challenging Islamophobia and combating Anti-Palestinian Racism through policy analysis, legislative monitoring, and civic action. We actively mobilize opposition against legislative measures that infringe upon Charter-protected rights. While firmly rejecting hate and harassment, we maintain that existing legal frameworks are fully sufficient to preserve public safety without expanding state power. Rooted in the rich history of social movements, CMPAC works to safeguard civil liberties and ensure a just, equitable society for all.