

The Crucible Civil Liberties and C-51

Read the following article on Canada's controversial Anti-Terrorism law by Laura Beaulne-Stuebing (from Canada Politics – Thu, 12 Mar, 2015). Respond to this article by stating whether you agree with the purpose of this new bill (step one to becoming a law). **Why** or **Why not**?

The scope of the Conservative government's anti-terror legislation is broad, and it may be difficult hear what the real issues and concerns are amid the noise and clatter of Ottawa.

So, as best we can, *Yahoo Canada News* presents an anti-terror bill 101; or, as we'd like to call it, "Bill C-51 for Dummies."

What is Bill C-51?

Bill C-51 was introduced at the end of January, and sets out to extend Canada's anti-terror laws beyond legislation the then-Liberal government implemented just after 9/11.

The bill comes at a time when tension over threats of terrorism on home soil are high. Attacks on two Canadian soldiers in October, as well as the attack on the Charlie Hebdo office in Paris, are often cited by members of the government as justification for tougher laws.

Bill C-51, according to Public Safety Minister Steve Blaney, is in line with the government's "firm commitment" to protect Canadians from jihadist terrorists who seek to destroy the values Canadians hold dear.

"The international jihadist movement has declared war on Canada and our allies," Blaney told the House of Commons on Feb. 18. "As we have seen, terrorists are targeting Canadians simply because they despise our society and the values it represents."

The bill, though, is not just about terrorism. It's about granting greater powers to police authorities to target activities that could "undermine the security of Canada" as well as activities that are detrimental to Canada's interests.

More coverage of Bill C-51 from *Yahoo Canada News*:

(It should be noted, too, that this has been tabled in an election year. The Conservative party has been using images of jihadi terrorists in emails and on social media to drum up support for the bill and the party in general. For some, national security will be as much of an election issue as the economy.)

If and when implemented, Bill C-51 would mean broad and significant changes to national security measures.

Its main provisions would facilitate information sharing among 17 (and some say more than 17) federal institutions, give police powers that would allow them to preventatively detain or restrict terror suspects, ban the “promotion of terrorism,” allow the public safety minister to add people to Canada’s “no-fly list,” and enhance the powers of Canada’s spy agency CSIS.

And the provisions have received widespread criticism.

Why are people concerned?

One of the biggest concerns critics have raised with the bill surround the measures that would grant greater powers to the Canadian Security Intelligence Service.

Craig Forcese is a law professor at the University of Ottawa who has been quick to critique C-51 and who, along with Kent Roach from the University of Toronto, has been providing real-time analysis on the bill’s development.

Forcese has noted that, before the anti-terror legislation, CSIS’s role was to, in essence, spy, to collect intelligence. The bill gives CSIS what’s known as “disruptive” powers, meaning it would allow the spy agency to do things above and beyond mere observation.

The problem with this is that Canada’s Security Intelligence Review Committee (SIRC) — which provides independent oversight of CSIS — has been starved of staff and resources in recent years. The government maintains that SIRC provides robust oversight, but many worry the committee, already strained, could be stretched beyond its limit with the implementation of C-51.

In February, a handful of former prime ministers released a joint statement calling for stronger oversight of Canada’s spy agency.

One current safeguard to expanded CSIS powers, as Forcese and Roach pointed out in the New York Times, is a requirement for the agency to seek a warrant in its efforts to “take measures, within or outside Canada, to reduce” threats to national security. But under C-51, the spy agency would only need a warrant if it’s conducting activity that contravenes existing laws or Canada’s charter.

“This safeguard is imperfect,” the professors wrote. “CSIS warrant proceedings are secret and one-way: The target of the requested warrant is not represented. Such proceedings always run the serious risk of wrongly penalizing an innocent person. This trade-off may have been (barely) acceptable when requests were limited to surveillance.”

They continued: “Bill C-51 could see Canadian Federal Court judges asked to authorize law-breaking or unconstitutional behavior by a covert agency whose mandate would extend beyond spying.”

Privacy concerns

Canada’s privacy commissioner Daniel Therrien has warned, in particular, about the information-sharing aspect of C-51. Therrien won’t be appearing in front of the House of Commons committee that is currently studying the bill, although both the NDP and Liberals requested that he do so.

Therrien noted on March 5 in a submission to the House public safety committee that certain measures could allow federal institutions access to any and all information a federal department has on any Canadian.

“While the potential to know virtually everything about everyone may well identify some new threats, the loss of privacy is clearly excessive,” he wrote.

“For instance, all the tax information held by the Canada Revenue Agency, which historically has been highly protected information, would be broadly available if deemed relevant to the detection of new security threats.”

A chill on freedom of expression

The ban on promoting terrorism also has freedom of expression advocates worried. A statement from Amnesty International on March 9 noted that a provision within C-51 could cast a chill on freedom of speech.

“It is not clear why a new offence is necessary when directly inciting, threatening, counseling, or conspiring to commit terrorist activities are already offences,” the statement reads. Amnesty adds that internationally-guaranteed human rights such as liberty, privacy and freedom of expression are not protected from the expanded CSIS powers afforded by the bill.

On Feb. 23, a group of more than 100 academics wrote an open letter outlining five specific concerns with C-51, including concerns over privacy rights and freedom of speech.

Where do the parties stand?

While all opposition parties have noted concerns with Bill C-51, the Liberals are currently supporting it. The NDP, however, is pushing back and proposed that a committee meet 25 times to study the bill.

The government conceded slightly, agreeing to hold eight parliamentary committee meetings featuring witnesses, after initially planning to only hold four.

It's expected that C-51 will make its way through Parliament and — because of the Conservative majority in the House of Commons — come into force before the end of the spring sitting in June.

Short Answer Response Sheet

Question: _____

Brain Storming
