

Honorable Chrystia Freeland

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Letter re: Politicizing Charitable Status

November 26, 2024

Dear Honourable Ministers Freeland, Bibeau, and Ien,

On October 29, Honourable Minister Ien [announced proposed changes](#) to the Income Tax Act (*ITA*) for “anti-choice organizations” that are “concealing the true nature of their services.” The proposed legislation requires certain charities to meet significant disclosure requirements regarding activities they do not conduct. Charities that fail to “clearly and prominently provide the required transparency” can have their charitable states revoked.

The Canadian Centre for Christian Charities (CCCC) believes in a transparent, accountable, and effective charitable sector. To be abundantly clear, as a Christian organization, CCCC does not and would not support charities that conduct their activities in deliberately deceptive ways, regardless of their charitable purposes or objectives.

However, these proposed amendments are the wrong way forward. These amendments politicize charitable status and will destabilize the entire charitable sector, impacting the future of every single Canadian charity. The charitable sector deserves better.

Issue 1: Politicizes Charitable Status

The amendments single out a subset of charities based on activities that reflect a particular opinion, view or belief on a specific issue that does not align with those of the current government, and therefore can be viewed as informed solely by political considerations. As such, the proposed amendments constitute an unwarranted politicization of charitable status.

Here, “anti-choice” charities (e.g. crisis pregnancy centres) are targeted. But perhaps another government will take issue with environmental charities, or charities with certain views about [Canada’s seal harvest](#), or charities that promote humanist ideals and policies. This proposal makes it easy, where ideological differences are significant, for future governments to suggest that charities with which they disagree are concealing the true nature of their activities, that

they suppress access to a desired service or market, or that they push people away from making a free choice about what to believe.

Issue 2: Destabilizes the Charitable Sector

If an organization's charitable status is at risk simply because its activities reflect different beliefs or opinions than those of the government of the day, all charities are at risk. It means that every time a new government is elected new requirements can be imposed and charitable status for specific groups could be in jeopardy. Certain charities could be singled out for additional monitoring, reporting, audits and revocation simply because they hold different views, or engage in a specific subset of activities that do not align with the current government's beliefs, preferences and priorities.

Issue 3: Mischaracterization Makes Poor Legislation

No category of charity should have the entirety of its organizations or work mischaracterized as spreading misinformation or be labelled as "[nefarious predators](#)."

Even if we take these accusations at face value – that some organizations deliberately spread misinformation – that still does not justify targeting an entire category of charities. In fact, that approach is entirely at odds with how charities are regulated. If one foundation is revoked for undue benefit in its scholarship awards, other scholarship-granting foundations are not mischaracterized as noncompliant or "nefarious", nor are they all subject to audits or revocation simply for the fact that they also grant scholarships. Such an approach would wreak havoc on the charitable sector and underscores the problem of politicization.

Issue 4: Lack of Data

The proposal is troubling because it is based solely on assumptions and assertions that only "anti-choice organizations ... push women away from accessing the reproductive care of their choice." It suggests that a charity's decision to engage or not engage in certain activities is problematic only when done by a particular kind of charity. But there is no evidence or objective basis on which to suggest that engaging – or not – in particular charitable activities has created compliance concerns that cannot otherwise be addressed. Decisions impacting charitable registration, which are serious and significant, should be evidence-based, supported by robust, objective data.

Issue 5: Jeopardizes a Diverse Charitable Sector

Canada is a diverse and pluralistic nation. Its diversity is represented in many ways, including through its charitable organizations. When it comes to all matters of conscience, belief, and non-belief the government must neither "favour nor hinder any particular belief, and the same holds true for non-belief."¹ It is very dangerous territory when a government wades into debates over matters of opinion, even those that are strongly held. One only need recall the provincial and federal scrutiny into environmental charities to see the danger of characterizing an opinion as misinformation or deceptive simply because a government may disagree.

¹ [Mouvement laïque québécois v Saguenay \(City\)](#), 2015 SCC 16 at para 72

Issue 6: Charter Infringements

This proposal raises many potential *Charter* infringements. Here we highlight only two.

Freedom of expression ensures that everyone can express their thoughts, opinions, and beliefs, however unpopular or contrary to the mainstream.² Freedom to fully and openly express views on social and political issues is fundamental to democracy and therefore to all other *Charter* rights and freedoms. Restrictions that touch the core of social and political issues raise concerns about the “dangers inherent in state censorship of such debate.”³ A state-imposed burden, such as mandatory, comprehensive and prohibitive disclaimers, “need not amount to an outright prohibition” to be an unjustifiable infringement of free expression.⁴

Freedom of religion means the government must preserve a neutral public space where there is “true freedom to believe or not to believe.” Neutrality does not mean “the homogenization of private players in that space.” Rather, neutral public spaces “preserve and promote the multicultural heritage of Canadian society” (*Saguenay* at para 74).

Issue 7: Failure to Exhaust – or Even Use – Existing Tools

As CCCC has previously expressed regarding Mandate Letter concerns, there are existing tools in the *ITA* to address issues with dishonest conduct by charities.⁵ Further, CRA has [an entire guidance document](#) explaining how it interprets and applies the law for charities that promote health. It includes an expectation that health care services meet applicable quality and safety requirements. Importantly, the guidance explains that to be charitable, the purpose must provide “effective health care services or products to the public.” It does *not* indicate that the purpose must provide ‘comprehensive, all-encompassing’ health care services.

CRA already has tools to address legitimate compliance concerns for individual charities, none of which have either been applied or therefore been proven inadequate to address actual charitable compliance issues for the charities targeted by this proposal.

Issue 8: Chilling Charitable Advocacy

Charities are entitled to carry out public policy dialogue and development activities (PPDDAs). This means that [charities can](#) “advocate for retaining, opposing, or changing any law, policy, or decision of government in furtherance of its stated purpose.” But if charities that pursue their charitable purpose through self-evidently expressive means – including information on their own websites about themselves – are subject to comprehensive, burdensome, and subjective reporting requirements on pain of revocation, there will inevitably be a chill on charities’ expressive activities.

² *Irwin Toy Ltd. v Quebec (Attorney General)*, [1989] 1 SCR 927 at 968

³ *R. v. Keegstra*, [1990] 3 SCR 697 at 849

⁴ *Canada Without Poverty v AG Canada*, 2018 ONSC 4147 at para 44, citing *R v Jones*, [1986] 2 SCR 284

⁵ See, for example, *ITA* s 149.1(4.1)(c), 168(1)(d), 188.1(9), 188.2(2)(f).

Issue 9: Revocation is not the Right Response

Revocation is appropriately reserved for the most serious circumstances, such as [deliberate or repeat non-compliance](#), and should always be substantiated by the facts of a particular charity's operations, not generalizations or mere ideological disagreement.

Conclusion

The government should not move forward with the proposed amendments. The amendments politicize charitable status, raise serious *Charter* concerns, and set a dangerous and destabilizing precedent for the charitable sector.

We encourage you, as have other organizations, to abandon this proposal and allow CRA to apply existing law to deal with any organizations that seek to misuse charitable status.

As always, CCCC remains available and willing to participate in meaningful and collaborative discussions on this issue. We look forward to hearing from and working with you.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Deina Warren', is positioned below the 'Yours truly,' text.

Deina Warren
Director of Legal Affairs
The Canadian Centre for Christian Charities