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News Release

Bill S-208 Can Help Get Canada Out of Its Cruel and Costly Mandatory Minimums Mess

FOR IMMEDIATE RELEASE

OTTAWA, FEBRUARY 6, 2026—As [government data](#) reveals skyrocketing incarceration rates of Indigenous Peoples and Black Canadians, the launch of [Bill S-208](#) in the Senate provides a vital opportunity to honour commitments to reconciliation and mitigate human, social and economic costs of ongoing, politically performative, punitive and ineffective criminal law proposals.

Canada missed its Truth and Reconciliation Commission (TRC) commitment to eliminate mass incarceration of Indigenous Peoples in prisons by 2025. Bill S-208 would facilitate the government's implementation of TRC Calls to Action 30 and 32, by ensuring judges are not required to impose mandatory minimum penalties where doing so would create injustice.

Mandatory minimum penalties prevent judges from doing their jobs and meeting requirements set out in the Criminal Code to ensure appropriate sentences, in particular for Indigenous Peoples. This results in unjustly harsh sentences that have been condemned by [courts](#) as cruel, unconstitutional, and playing no role in deterring crime.

As a result of mandatory minimums, Canada spends [hundreds of thousands of dollars per person per year](#) to fill jails with those who are poor and homeless, survivors of violence, living with mental health and addictions issues, and others whom Canada's shrinking health and social support systems have failed at every turn.

“Rather than double down on mandatory minimums by making them more difficult to challenge in court, we have the opportunity to do better,” said Senator Pate. “We need to be clear what sentencing measures achieve and at what cost. Instead of funneling bottomless amounts of taxpayers’ hard-earned money into prisons, we could use these collective resources to build up social, housing, health, and economic supports that will actually make communities safer and healthier.”

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Senator Pate's Speech: [transcript](#) & [video](#)

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