

Equity, Diversity and Human Rights Policies  
Hate Activity Policy

Category: **Human Rights**



**Policy Statement**

The purpose of this policy is to assist in the identification of a hate motivated crime or incident and identify appropriate ways in which to respond. The goal of the City's Hate Activity Policy is to establish and maintain a hate-free City as required under the City of Toronto Human Rights and Anti-Harassment/Discrimination Policy, the *Ontario Human Rights Code*, the *Criminal Code of Canada* and *Canadian Human Rights Act*.

The City of Toronto believes that diversity strengthens and enriches the community socially, politically, culturally and economically. In support of this belief, the City of Toronto condemns the promotion of hatred and promotes an environment without hate. The City of Toronto is committed to eliminating hate activity by:

- ensuring that every member of Council and their staff, all City employees, employees of the City's Agencies and Corporations, Accountability Officers and their staff, and service recipients can work and are serviced in an environment without hatred;
- facilitating the combined efforts of various sectors in responding to hate, including but not limited to: staff, the police, community groups, elected officials and other levels of government; and,
- publicly condemning the actions of hate groups/individuals and racist organizations.

**Application**

This policy applies to all City of Toronto employees, volunteers, Accountability Officers and their staff, and elected officials and their staff.

Citizen advisory committees/bodies, members of the public, service recipients, visitors to and users of City facilities/public space and individuals conducting business with, for or with support from the City of Toronto, are expected to adhere to the intent of this policy, consistent with their obligations under provincial and federal law.

**Background Information**

Acts of hate are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the sole basis of who they are and/or the groups to which they belong (i.e., being Jewish, Muslim, Transgendered, Black, Aboriginal, etc.). The Hate Crimes Unit of the [Toronto Police Service](#) reports that religion, sexual orientation and race are the most frequently reported motivation factors for hate crimes.

Hate Activities may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice against an identifiable group. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions. Victims may be reluctant to report hate for a variety of reasons, including: not recognizing that the motivation was hate; fear of retaliation; embarrassment and humiliation; and/or uncertainty of the criminal justice system response.

Hate activity could take the form of:

- acts of violence
- verbal slurs accompanied by a threat
- vandalism of ethnic, religious, lesbian or gay, minority sites
- sexual assaults
- intimidation and harassment
- bomb threats
- Public messages implying that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g. graffiti, posters, flyers, hate mail, music lyrics, over the telephone, website and e-mail content, etc.)

#### **Use of Public Facilities**

Public space, facilities and properties within the jurisdiction of the City of Toronto will not be available or accessible to any individual or group that promotes views and ideas which are likely to promote discrimination, contempt or hatred for any person on the basis of race, ethnic origin, place of origin, citizenship, colour, ancestry, language, creed (religion), age, sex, gender identity, gender expression, marital status, family status, sexual orientation, disability, political affiliation, membership in a union or staff association, receipt of public assistance, level of literacy or any other similar factor.

The City of Toronto (by requiring authorized users of public space, facilities and properties, and recipients of City grants utilizing such space to sign the City's *Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy Form*) requires potential users of public space to certify that they will not be conducting any business that violates the *Criminal Code of Canada* – hate propaganda laws, the *Ontario Human Rights Code* and the Hate provisions in the *Canadian Human Rights Act*.

#### **The Law**

##### **Hate Crime**

A hate crime is defined as a criminal offence committed against a person or property that is motivated in any part by the suspect/offender's bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

The *Criminal Code of Canada* (the *Criminal Code*) provides enhanced sentencing powers when a crime is motivated by bias/prejudice/hate:

Section 718.2 notes:

*A court that imposes a sentence shall also take into consideration the following principles: (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing: (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.*

### **Hate Propaganda**

Hate propaganda can be any communication used by a person or group which promotes hatred based on colour, nationality or ethnic origin, race, religion and/or sexual orientation. The hate propaganda section of the *Criminal Code of Canada* is broken down into two sections; Advocating Genocide and Public Incitement of Hatred.

### **Advocating Genocide**

Section 318 of the *Criminal Code* notes: *(1) Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.*

#### *Definition of "genocide"*

*(2) In this section, "genocide" means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,*

*(a) killing members of the group; or*

*(b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.*

### **Public Incitement of Hatred**

Section 319 of the *Criminal Code* notes: *(1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of*

*(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or*

*(b) an offence punishable on summary conviction.*

#### *Wilful promotion of hatred*

*(2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of*

*(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or*

*(b) an offence punishable on summary conviction.*

### **Hate Activity under the *Canadian Human Rights Act***

Anyone who communicates **hate messages** by telephone or on the internet is in violation of the *Canadian Human Rights Act*.

Section 13(1) of the *Canadian Human Rights Act* notes: *It is a discriminatory practice for a person or a group of persons acting in concert to communicate over the telephone or cause to be so communicated repeatedly, in whole or in part, by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that, that person or persons are identifiable on the basis of a "prohibited" ground of discrimination.*

## Appendix C

### Equity, Diversity and Human Rights Policies Hate Activity Policy

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As per the *Canadian Human Rights Act*, a prohibited ground of discrimination is: race, national or ethnic origin, color, religion, age, sex, marital status, sexual orientation, family status, disability and conviction for which a pardon has been granted.

#### **The Ontario Human Rights Code – Announced Intention to Discriminate**

While not specifically dealing with "hate activity" the Ontario Human Rights Code deals with an announced intention to discriminate as follows:

Section 13(1) of the *Ontario Human Rights Code* notes: *A right under Part I is infringed by a person who publishes or displays before the public or causes the publication or display before the public of any notice, sign, symbol, emblem or other similar representation that indicates the intention of the person to infringe a right under Part I or that is intended by the person to incite the infringement of a right under Part I.*

Activity captured under this section of the Code may, depending on the specific context, also amount to hate under the Criminal Code. To meet the requirements of section 13:

- the display must be public;
- a person must have the intention to infringe a right under Part 1; and,
- the display must take place within the context of one of the prohibited grounds.

#### **Procedures**

Refer Hate Activity questions or concerns to the Human Rights Office, (416) 392-8383  
See Hate Activity Procedures

#### **Approved by**

City Council

#### **Date Approved**