

Policy Statement

The purpose of the Hate Activity 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 policy is to establish and maintain a hate-free City as required under the City of Toronto [Human Rights and Anti-Harassment/Discrimination Policy](#), and consistent with the [Ontario Human Rights Code](#), the [Criminal Code of Canada](#), and other relevant legislation.

The City of Toronto embraces the principle that diversity strengthens and enriches the community socially, politically, culturally and economically. In support of this principle, 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 served 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.

Applicable agencies and Corporations are required to have policies consistent with this Policy.

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 on City property and when engaging with the City, in addition to 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, Indigenous, etc.).

The Hate Crimes Unit of the [Toronto Police Service](#) reports that religion, sexual orientation, gender identity, gender, expression and race are the most frequently reported motivation factors for hate crimes. In recent years, the Hate Crimes Unit reported the highest incidence of hate crimes towards the Jewish community, the LGBTQ2S community, the Black community, and the Muslim community. The report also finds that while hate crimes motivated by religion and race are more likely to be mischief to property, the LGBTQ2S communities and Black communities are the most victimized group for assault and criminal harassment occurrences.

Interpretation

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, and/or 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 or group 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, and the [Ontario Human Rights Code](#).

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 or 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 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.

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.

Procedures

See [Hate Activity Procedures](#)

Approved by

Toronto City Council

Date Approved

December 17, 1998

Administrative Review and Update

Insert Date