

Offense	Statute Section	Regulated or Prohibited Conduct	Key Definition	Intention Required?	Exceptions or Defenses	Legal Sanction	Access to justice
Promoting genocide (Criminal offense)	Criminal Code s. 318 (1)	Promoting genocide	<i>Genocide</i> is the intent to destroy in whole or in part any identifiable group by murder or other means	Yes		Cease and desist; up to 5 years prison (C-63: up to life)	Provincial AG's Consent Required
Wilful promotion of antisemitism; communicating publicly (Criminal offense)	Criminal Code s.319(2.1)	By condoning, denying or downplaying the Holocaust	See definitions of “hate speech” and “identifiable group,” below, that apply to all hate speech sub sections of s. 319.	Yes	Truth, religious opinion, reasonable belief, good faith opposition to hate	Cease and desist; Up to 2 years prison (C-63 up to five years)	Provincial AG's Consent Required
Public incitement of hatred (Criminal offense)	Criminal Code s. 319 (1)	In a public place, incitement of hate against identifiable group, likely to cause breach of the peace	<i>identifiable group</i> means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.	Yes (for the act of communicating)		As above	AG consent *not* required
Wilful promotion of hatred (Criminal offense)	Criminal Code s. 319(2)	Other than private conversation, wilfully promotes hatred against any identifiable group	Supreme Court definition of “ <i>hate</i> ”: speech likely to foment detestation or vilification but *not* dislike, disdain, discredit, humiliate, hurt or offend. (C-63: <i>hatred</i> means the emotion that involves detestation or vilification and that is stronger than disdain or dislike; The communication of a statement does not incite or promote hatred solely because it discredits, humiliates, hurts or offends.)	Yes	Truth, religious opinion, reasonable belief, good faith opposition to hate (C-367 will delete defense of religious expression)	As above.	AG consent is required
Hate motivation to cause public mischief at religious property or schools/	Criminal Code s.430 (4.1) (C-63: 320.1001 hate motivation for *any* federal offense under the Criminal Code or other legislation (e.g. mischief at war memorial, violent offenses etc.))			Depends on foundational charge; usually yes.		Cease and desist; up to 10 years prison: C-63 up to life	Depends upon foundational charge.

Hate motivation as consideration in sentencing for any crime.	Criminal Code s. 718.2 (a) (i) (C-63: 320.1001 hate motivation for *any* federal offense (under the Criminal Code or other legislation) is a separate indictment, not just a post-conviction consideration for sentence)						
Peace Bond to pre-empt hate speech or actions	N/A (Bill C-63: Fear of all hate-motivated crimes, above.	Where an individual has a reasonable fear that hate speech criminal offense will be committed		Yes			No AG consent required: provincial court judge must grant relief. (C-63: requires AG consent)
Discriminatory hate: applies to speech by telecommunications	<u>Human Rights Act, section 13 (Repealed 2012).</u> (C-63: 13 (1) It is a discriminatory practice to communicate or cause to be communicated hate speech by means of the Internet or any other means of telecommunication in a context in which the hate speech is likely to foment detestation or vilification of an individual or group of individuals on the basis of a prohibited ground of discrimination.)	Discriminatory speech that is likely to expose identifiable group to hate or contempt. (C-63 see new wording, left column)	<u>See above.</u> for Supreme Court ruling. The statutory definitions of hate speech for Criminal Code and Human Rights legislation are very similar to each other, prior to C-63 and also in C-63.	Intentional conduct, but discriminatory effect is the key.	Telco or ISP has no liability for the speech. (C-63: no liability for broadcasters, social media platforms and ISPs)	<u>For violations of *any* human right:</u> cease and desist order; up to \$20G compensation; up to \$20G fines. (C-63: fines up to \$50G)	No AG consent, but HR Commission may not support: the complainant must appeal to the HR Tribunal (C-63: (1) Allows anonymous complaint if real and substantial risk of retaliation. (2) Commission can reject complaint if no hate speech identified. (3) Tribunal can award legal costs if complainants committing “abuse of process.”