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Correspondence from the Minister of Justice and Attorney General of Canada

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To: "marielandryceo@gmail.com" <marielandryceo@gmail.com>

23 October 2024 at 08:23

Dear Ms. Landry:

Thank you for your correspondence concerning hate crime in Canada.

I hope you will understand that, as Minister of Justice and Attorney General of Canada, I cannot comment on a specific case or situation. However, I can provide you with general information.

I wish to assure you that the Government of Canada agrees that there is no place in Canadian society for hate propaganda and hate crime. We strongly condemn all forms of hate.

The *Criminal Code* contains a number of hate propaganda offences, including:

1. advocating or promoting genocide against an identifiable group
2. inciting hatred against an identifiable group by communicating in a public place statements that are likely to lead to a breach of the peace
3. communicating statements, other than in private conversation, to wilfully promote hatred against an identifiable group
4. wilfully promoting antisemitism by denying, condoning, or downplaying the Holocaust.

"Identifiable group" is defined as 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.

In addition to these specific offences, the *Criminal Code* addresses hate crimes, which are those committed when motivated by hatred based on various criteria such as race or religion. Judges are required to consider, as an aggravating circumstance in sentencing, any evidence that a crime was motivated by bias, prejudice, or hate based on grounds including race, colour, religion, national or ethnic origin, language, sex, age, mental or physical disability, sexual orientation, or any other similar factor. This means that evidence of hate motivation can lead to an increased sentence for the offender, in recognition of the seriousness of these

crimes and the importance of denouncing and deterring such conduct. Finally, the *Criminal Code* specifically prohibits vandalizing or damaging certain property, such as property primarily used for religious worship, as well as educational institutions and seniors' residences that are primarily used by an identifiable group.

Responsibility for prosecuting any of the hate propaganda offences or hate crimes rests with the provincial governments. Accordingly, the consent of the appropriate provincial attorney general is needed before a prosecution can begin for the offences of advocating or promoting genocide and wilfully promoting hatred. The investigation of *Criminal Code* offences also falls under provincial jurisdiction. The Minister of Justice and Attorney General of New Brunswick is responsible for the administration of justice in that province. Should you wish to share your concerns with that office, it can be reached at DPS-MSP.Information@gnb.ca.

I encourage Canadians to report potential hate crimes to the local police in the jurisdiction where the incidents occurred; it will be for them to further investigate and lay charges where appropriate.

To confront hate in all its forms, Budget 2024 proposes to provide \$273.6 million over six years, starting in 2024-25, for Canada's Action Plan on Combatting Hate to support community outreach and law enforcement reform, tackle the rise in hate crimes, enhance community security, counter radicalization, and increase support for victims.

Furthermore, on February 6, 2024, our government tabled in the House of Commons Bill C-63, *An Act to enact the Online Harms Act, to amend the Criminal Code, the Canadian Human Rights Act and An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service and to make consequential and related amendments to other Acts*, which is aimed at combatting serious forms of harmful online content, including incitement of violence, hate speech, and violent extremist and terrorist propaganda. This legislation would protect Canadians and hold social media platforms and other online services accountable for the content they host.

The legislation would also strengthen the *Canadian Human Rights Act* and the *Criminal Code* to be more effective in combatting online hate, and would reintroduce measures to strengthen hate speech provisions, including through the re-enactment of former section 13 of the *Canadian Human Rights Act*. Moreover, it would provide improved remedies for victims and hold individuals accountable for the hatred they spread.

Thank you again for writing.

Sincerely,

The Honourable Arif Virani, P.C., K.C., M.P.

Minister of Justice and Attorney General of Canada

