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## Hate Propaganda Under Bill C-250: What to do in Response to the New Law (Power Point Presentation)

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**Section 318 - Hate Propaganda**

**Advocating genocide**

- (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.
- (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,

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- (a) killing members of the group; or
- (b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

- (3) No proceeding for an offence under this section shall be instituted without the consent of the Attorney General
- (4) In this section, “identifiable group” means any section of the public distinguished by colour, race, religion (or) ethnic origin or sexual orientation.

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**Section 319**

- (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.

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- (2) Every one who, by communicating statements, other than in private conversation, willfully 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

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**(3) No person shall be convicted of an offence under subsection (2)**

- (a) if, he establishes that the statements communicated were true;**
- (b) if, in good faith, he expressed or attempted to establish by argument an opinion on a religious subject or an opinion based on a belief in a religious text;**

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- (c) if, the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or**
- (d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada**

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**(6) No proceeding for an offence under subsection (2) shall be instituted without the consent of the Attorney General.**

**(7) In this section,**

**“communicating” includes communicating by telephone, broadcasting or other audible or visible means;**

**“identifiable group” has the same meaning as in section 318;**

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#### **Section 319**

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

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### **Defences for 319 subsection (1)**

**Defences are very limited:**

- 1. Statements not likely to lead to a breach of the peace**
- 2. Statements made in a private area**
- 3. Statement is protected by speakers freedom of religion – a constitutional right – however this defence has not been effective in protecting faith based discussions**

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- There is no statutory protection or exemption for sub-section (1) statements**
- Several key words such as “hatred” or “sexual orientation” are not defined. This leaves open their meanings for uncertain interpretations**
- Even child pornography has a wide defence available**

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### **Suggestions**

- 1. The decision to speak publicly about activities of an identifiable group must be made by the speaker who is aware of the risks and the boundaries**
- 2. Biblical references may illustrate but not denigrate**
- 3. Materials utilized in educational institutions should be neutral (non judgmental) and expansive (include all aspects of human sexuality)**

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### **Avoid**

- 1. Condemning the individual based on his/her group membership**
- 2. Suggesting different treatment for different groups**

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### **Difficulties With Speaking Publicly**

1. How can a religious text on same sex issues be interpreted without being judgmental
2. Public statements require extra care

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### **Conclusions**

1. Exercise your constitutional right to remain silent in the event of being targeted
2. Consult someone experienced in hate propaganda situations
3. Submit all organization's documents to a section 319 screen

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