

## Canadian legislative obligations regarding Racism, Discrimination, Hatred

Combating Racism, Discrimination & Hatred Advisory Committee (CRDHAC)  
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### International:

- Canada was instrumental in the creation of the *Universal Declaration of Human Rights* in (1948)
- *International Convention on the Elimination of All Forms of Racial Discrimination* (1970)
- *Convention on the Prevention and Punishment of the Crime of Genocide* (1952)
- *International Covenant on Economic, Social and Cultural Rights* (1976)
- *International Covenant on Civil and Political Rights* (ICCPR) (1976)
- *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) (1981)
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1987)
- *Convention on the Rights of the Child* (CRC) (1991)
- *Convention on the Rights of Persons with Disabilities* (2010)
- *Optional Protocol to the Convention on the Rights of Persons with Disabilities* (2018)
- *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent and immediately came into force (June 2021)

### Canadian Legislation:

- *Ontario Human Rights Code* (1962)
- *Charter of Rights and Freedoms* (1982)
- *Discriminatory Business Practices Act* (1990)
- *Pay Equity Act* (1990)
- *Accessibility for Ontarians with Disabilities Act* (2005)
- *Anti-Racism Act* (2017)

### Hate Crime:

- There is no specific reference to the concept of a 'Hate Crime' in the *Criminal Code of Canada* (the "*Code*"). This said, there are at least four offences in the *Code* which touch on aspects of hate; they fall under the Hate-Propaganda section and they are as follows:
  - *Section 318* - Advocating Genocide
  - *Section 319 (1)* - Public Incitement of Hatred
  - *Section 319(2)* - Wilful promotion of hatred
  - *Section 430(4.1)* - Mischief to property (hate-motivated)
- Additionally, for any other crime in the *Code*, the court can increase the severity of the sentence if it is found that hate was a motivating factor.