



WHAT COUNTS AS HATE PROPAGANDA ?

Identifying hate propaganda is a highly contextualized, fact-driven, and complex process guided and framed by the principles as set out below taken together and considered as a whole. While the Criminal Code does not provide a specific definition, courts have interpreted hate propaganda as follows:

- Hate propaganda is the public promotion or incitement of hatred against an identifiable group.
- Hate propaganda targets persons and / or property based on such factors as colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, or mental or physical disability.
- Hate is restricted to the most extreme manifestations of emotion conveying detestation and vilification.
- Hate incites abhorrence, delegitimization or rejection likely to expose its targets to discrimination or other harmful effects including ostracism, segregation, deportation, violence, and in the most extreme cases, genocide.
- Neither the intention to delegitimize, nor proof of actual harm is required to qualify statements or conduct as hate propaganda.
- Careless belief in the truth of a statement willfully used to promote hatred is no defence.
- A hateful statement embedded within an opinion, whether religious or otherwise is still hate propaganda.

WHAT IS NOT HATE PROPAGANDA?

While the incitement or promotion of hate propaganda are inconsistent with the University's commitment to the safety and security of our members and to our interrelated values, some offensive and repugnant statements must be tolerated to ensure the liberties related to free speech, academic freedom, and creed are not unduly encumbered.

Statements that tend to ridicule, belittle, or otherwise affront the dignity of a person or a class of persons do not qualify as hate propaganda. Statements communicated in private are not hate propaganda.

YORK UNIVERSITY POLICY

York University is committed to the safety and security of all its members in an environment conducive to freedom of inquiry and expression, where all may learn, teach, work and live free from prejudice, harassment, and discrimination.

In essence, membership in York's community brings with it a responsibility to uphold a group of interrelated values in campus life: Free speech, academic freedom and freedom to engage in creed-based belief.

Free speech and academic freedom encompass the right to explore controversial questions and engage in the exchange of ideas even where passionately voiced. This kind of expression may come in the form of display using posters or banners, and/ or in speeches delivered at large open gatherings. It may be prepared or spontaneous.

Freedom of religion or creed involves the holding and manifestation of sincere beliefs, whether based in religion or in a system of belief that does not include a supreme being or deity.

York University celebrates the presence within its community of diverse modes of being, thinking and seeing the world, and the presence of myriad human identities based on systems of belief, diversity and every kind of distinctiveness.

Each person enjoys the freedoms identified above, but must exercise them within certain reasonable limits. These limits include the prohibition against incitement and promotion of hate propaganda and other restricted expression as defined under:

- (a) university guidelines, codes, and policies,
- (b) the Ontario Human Rights Code, and
- (c) the Criminal Code of Canada

FORMS OF HATE PROPAGANDA

Dissemination of hate propaganda may take many forms whether oral or written including but not limited to flyers, pamphlets, or posters, graffiti, recorded telephone messages and digital messages.





Some Examples from Across Canada

- An instructor attributed various evil qualities to adherents of a certain creed. He taught his students that followers are “treacherous”, “subversive”, “sadistic”, “power hungry”, “child killers” and “inherently evil”. He went further to suggest they are responsible for depressions, anarchy, chaos, wars and revolution. The instructor expected his students to reproduce his teachings in class and on exams. If they failed to do so, their marks suffered.
- A religious advocate distributed flyers referring to “those who identify as homosexuals” as “perverted”, “sick”, “addicted”. He openly advocated for “civil” discrimination against LGBT members who “proselytize vulnerable children”. If such discrimination were not allowed, he warned the public of a future where “our children will pay the price in disease, death, abuse and ultimately eternal judgment”.
- One denomination within a religion published pamphlets characterizing another denomination as descendants of a rebellious movement whose sole purpose was to “seize power and to establish a regime of merciless brutality”. The document warned that “if the rebellious movement ever gained strength, they would surely corrupt the whole earth. They uphold and perpetuate the belief that the corruption of others can only be cured by mass killing!” A large number of pamphlets were left in a public space on a university campus.



REMEDIES

Engaging in the incitement or promotion of hate propaganda may trigger potentially significant remedies including the disciplinary measure of expulsion for students or termination of employment for staff and faculty. However, where conduct is not considered hate propaganda as defined by the Criminal Code, but represents threats of harm or actual harm between students, workplace violence, harassment, or discrimination, further remedies may be available under university guidelines, codes, and policies and the Ontario Human Rights Code.

LINKS TO YORK RESOURCES

For more information, contact the Centre for Human Rights, Equity & Inclusion (CHREI).

YorkU Human Rights Policy

<https://www.yorku.ca/secretariat/policies/policies/human-rights-policy-and-procedures/>

YU DEDI Strategy

<https://www.yorku.ca/dedi-strategy/>

YU DEDI Toolkit

<https://www.yorku.ca/dedi-strategy/toolkitdev/>

Hate Propaganda (Guidelines)

<https://www.yorku.ca/secretariat/policies/policies/hate-propaganda-guidelines/>

EXTERNAL RESOURCES

Ontario Human Rights Commission

<https://www.ohrc.on.ca/en/taking-action-build-awareness-and-challenge-hate-ontario>



York University’s Centre for Human Rights, Equity and Inclusion (CHREI) promotes and builds a respectful, equitable, diverse, and inclusive university community. We strive to be a leader in providing accessible, impartial, non-adversarial, and confidential programs and services that uphold human rights, facilitate equitable access to opportunities, and champion diversity and inclusion.

We provide free services to current York students, faculty, and staff. To consult our team, call, leave us a message or e-mail us. Leave your name, email, and/or phone number and we will respond within 3 business days.

CONTACT US:

CENTRE FOR HUMAN RIGHTS, EQUITY & INCLUSION (CHREI)

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