

# Hate Crimes vs. Hate Incidents

The following resource is an over simplification of information outlined in the Criminal Code (RSC, 1985, c. C-46). Please consult legal counsel for further information.

As a society, we often use the term ‘hate crime’ whenever something hateful occurs.

It’s important for us to define these terms as **some hate is a crime** whereas **other hate, although harmful, is not a crime**. Knowing this difference can help us understand statistics around rising anti-2SLGBTBQI hate as well as how to combat hate.

## What is an Identifiable Group?

When we’re talking about hate crimes and hate incidents, we’re talking about hate motivated by extreme bias of an “identifiable group.” An identifiable group is defined in the law 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”**

*(section 318(4) of the Criminal Code).*



## What is a Hate Crime? (Criminal Offence + Bias Motivation)

Hate crimes are **criminal acts** done by a person who is **motivated by an extreme bias** or **hatred** towards a particular **identifiable group**.

Hate crimes may be directed at physical, **symbolic targets** (such as a mosque or rainbow crosswalk/flag) or at **individuals or groups** of people.

If the person is convicted of the crime, they will be given a harsher sentence if it has also been proven that the crime was motivated by hatred. The reason why hate-motivated offences are punished more severely is that hate-motivated crimes make entire communities feel unsafe and even that they can't participate fully in society.

### Hate Crime Examples:

- Violence, threats of violence
- Acts of mischief or graffiti
- Distribution of hate propaganda
- Threatening phone calls
- Destruction of religious property or symbols



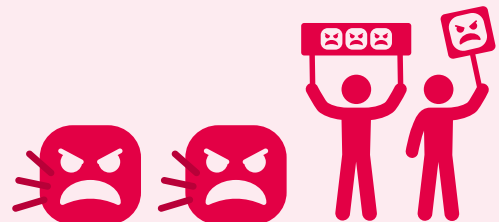
## What is a Hate Incident? (Non-Criminal Action + Bias Motivation)

A hate incident is a hurtful action or behaviour that is motivated by hate against an identifiable group but does not rise to the level where a person could be charged with a crime.

Although not a criminal act, **hate incidents are still hate**. They still have deep personal and community impacts.

### Hate Incident Examples:

- Transphobic comments or slurs
- Offensive symbols



## How does this connect to Police-Reported Hate Crimes?

It should be noted that “police-reported data on hate crimes” reflect only incidents that come to the attention of police and that are subsequently classified as confirmed or suspected hate-motivated crimes”.

So, when we look at statistics around rising anti-2SLGBTQI hate we are only talking about hate that meets the criteria of a hate crime and hate that is reported.

Hate incidents (such as transphobic slurs) are not represented in this type of reporting.

## What to do if you experience or witness hate

If you witness or become the victim of a hate-motivated hurtful action, you don't need to decide for yourself whether it counts as a hate crime or a hate incident. The police and potentially the criminal justice system will make that determination.

Remember these tips:



- It is always the victim's choice whether or not to report the crime or incident to the police.



- If it's an emergency, you can call 911.



- Regardless of whether you choose to report the crime or incident, it's a good idea to write down everything you remember as soon as you can.



- Ask (or, if you're at an event, have organizers ask) witnesses for their recollections or any videos or photos they may have taken.