



**Manitoba  
Department of Justice  
Prosecutions**

**Guideline No. 2:HAT:1**

***Policy Directive***

**Subject: Hate Motivated Crime**

**Date: April 2023**

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**POLICY STATEMENT:**

Hate motivated crimes are serious offences and there is a strong public interest in their prosecution. This policy applies to all hate motivated crime.

Hate crimes are offences that involve the intentional selection of a victim/victim group based either entirely or in part on the offender's prejudice, bias or hate toward the victim based on characteristics such as colour, race, religion, sexual orientation, national origin or ethnic origin.

There are specific hate-crime offences in the *Criminal Code*:

- Section 318 creates an offence for advocating or promoting genocide against an identifiable group. An "identifiable group" is defined in section 318(4) as any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sexual orientation, gender identity or expression, or mental or physical disability.
- Section 319(1) creates an offence for communicating statements in any public place that incite hatred against any identifiable group where such incitement is likely to lead to a breach of the peace. "Identifiable group" has the same meaning as in section 318(4).
- Section 319(2) creates an offence for communicating statements, other than in private conversation, that willfully promote hatred against an identifiable group.
- Section 430(4.1) is a special mischief offence that relates to damaging religious property where the motivation for the offence is bias, prejudice or hate based on religion, race, colour or national or ethnic origin.

Section 718.2 (a)(i) of the *Criminal Code* legislates that offending motivated by bias, prejudice or hate is an aggravating consideration for purposes of sentencing. In this sense, offences need not be specifically designated as hate crimes in order to qualify as such. Other criminal offences could be hate crimes if they are motivated by hate.

There is the requirement for the consent of the Attorney General for proceedings under s. 318 and for willful promotion of hatred under s. 319(2). In many cases, public interest considerations would apply in favour of prosecution, however, there may be circumstances that militate against a prosecution or suggest the use of Alternative Measures, pursuant to section 717 of the Criminal Code.

**RATIONALE:**

Hate crime is a negation of the fundamental values of Canada. Consequently, there is strong public interest in seeing that Manitoba Prosecution Service assesses and handles these matters effectively. This means a consideration of all intervention options, up to and including vigorous prosecution.