

— A Justice Centre Report —

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# Speech on trial: Censorship by human rights commissions

How human rights legislation  
empowers censorship across  
Canada

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**Justice Centre**  
for Constitutional Freedoms

We Defend  
Freedom  
in Canada

## Abstract

Human rights legislation in Canada was passed to address discrimination in employment, housing, and services. However, across Canada, human rights commissions are prosecuting citizens over what they say, including political commentary, religious expression, comedy, and failure to adhere to gender ideology. Providing examples from British Columbia, Alberta, Saskatchewan, Manitoba, and Quebec, this report demonstrates how human rights commissions, empowered by problematic legislation, punish expression that does not violate the *Criminal Code*'s narrow prohibition on the wilful promotion of hatred. The Justice Centre urges governments to repeal these censorship provisions from human rights legislation and restore robust protections for free expression.

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## Updates to this report

This is Version 1.0 of this report, which may be updated periodically.

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## Executive summary

Freedom of expression is a basic human right, according to the *Universal Declaration of Human Rights*<sup>1</sup> adopted by the United Nations in 1948. Ironically, one of the greatest threats to freedom of expression in Canada today comes from human rights commissions and tribunals. These government bodies have been able to censor speech because human rights legislation across Canada empowers them to prosecute the expression of opinion and belief.

Section 319 of Canada's *Criminal Code* prohibits expression that *wilfully* promotes hatred against certain identifiable groups. The Crown must prove beyond a reasonable doubt that the accused intended to promote hatred, and truth is a recognized defence against a prosecution.

In contrast, human rights legislation in some provinces prohibits ordinary opinion and speech that is merely “discriminatory” or that is “likely to expose” someone to hatred or contempt. These provincial restrictions on speech do not consider the speaker's intent and instead focus on the *effect* or *likely effect* of expression, however earnest, true, or comedic that expression may be. Truth is no defence, and feelings reign supreme.

As a result, Canadians expressing their religious or conscientious convictions on issues such as gender, sexuality, and even the safety of children face lengthy prosecutions, damaged reputations, and incredible fines *merely for expressing their views*. As the most notorious example, in February 2026, the BC Human Rights Tribunal ordered longtime Chilliwack school trustee Barry Neufeld to pay \$750,000 to some LGBTQ teachers for injury to dignity, feelings, and self-respect, simply because Mr. Neufeld had criticized transgender ideology and its imposition on children.

In similar fashion, media entrepreneur Ezra Levant faced a lengthy prosecution before the Alberta Human Rights Commission in 2006 for publishing the internationally controversial “Danish Cartoons” of Islam's prophet in the *Western Standard*. The next year, political commentator and author Mark Steyn faced a 10-month prosecution before multiple human rights tribunals for publishing an article on the negative impact that rising Muslim immigration could have on Europe.

Even when Canadians successfully defend themselves against discrimination or hate speech complaints (as Ezra Levant and Mark Steyn ultimately did), the process is the

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<sup>1</sup> Article 19 of the UDHR states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” <https://www.un.org/en/about-us/universal-declaration-of-human-rights>;

punishment. Complaints usually take years to resolve; defendants must fund their own defenses while the state funds complainants' cases; evidentiary standards are relaxed to the detriment of defendants; and traditional defences of truth and lack of intent to harm are not available.

These assaults on free expression would not have occurred if human rights legislation did not empower commissions and tribunals to censor speech by prosecuting expression that is decidedly not criminal.

Section 7 of British Columbia's *Human Rights Code* and section 3 of the *Alberta Human Rights Act* both prohibit any publication or display *likely* to expose a person, group or class of persons to hatred or contempt. Section 14 of *The Saskatchewan Human Rights Code, 2018*<sup>2</sup> is even more broad, prohibiting any publication or display that "tends or is likely to tend" to deprive a person of their rights or that "exposes or tends to expose" a person to hatred. Human rights commissions have used these legislative provisions to prosecute citizens over their daily public expression of beliefs and opinions, including newspaper columns, social media, websites, comedy routines, political campaign literature, advocacy by elected officials, and even pronoun usage. The legislative prohibition on discriminatory signage (e.g. "Women need not apply" or "Jews not welcome here") is used to regulate (and potentially punish) all public expression by citizens.

Provincial legislatures should amend their human rights legislation such that it prohibits discriminatory language only in the context of employment, housing and services, without empowering commissions to prosecute citizens over everyday speech.

Apart from the federal *Canadian Human Rights Act* and the legislation of Ontario, Nunavut and Yukon, every other province and territory in Canada has legislation that empowers human rights commissions to prosecute "everyday expression." These laws violate freedom of expression as protected by section 2(b) of the *Canadian Charter of Rights and Freedoms* and thereby harm our society and democracy.

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<sup>2</sup> The Saskatchewan Human Rights Code. 2018, SS 2018, c S-24.2, Part -1. CanLii.  
<https://www.canlii.org/en/sk/laws/stat/ss-2018-c-s-24.2/latest/ss-2018-c-s-24.2.html>

## Introduction

This report argues that British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, and the Northwest Territories should repeal from their human rights codes those sections that empower commissions to censor citizens' ordinary speech and opinions. These jurisdictions should align their laws with the federal *Canadian Human Rights Act* and the legislation of Ontario, Nunavut, and the Yukon, which do not give human rights commissions this power to prosecute the expression of opinion.

Provincial human rights legislation that regulate speech have a much lower standard for triggering prosecutions against Canadians over what they say, compared to Canada's *Criminal Code* section 319(2) prohibition on the wilful promotion of hatred against certain identifiable groups.<sup>3</sup> Using this lower standard, human rights commissions and tribunals are authorized by law to prosecute speech that some find offensive or hurtful, but which does not qualify as criminal hate speech. These provincial and territorial laws have a profound chilling effect on freedom of expression in Canada, which is entirely contrary to the goal and purpose of the *Canadian Charter of Rights and Freedoms*.

This report highlights cases (with a special focus on British Columbia, Alberta, Saskatchewan, Manitoba, and Quebec) in which human rights commissions and tribunals, empowered by problematic legislation, prosecute non-criminal expression of opinion. These taxpayer-funded government bodies pursue ideological conformity and societal transformation.

This censorship in the name of human rights exists because commissions and tribunals do exactly what the legislation allows them to do: censor speech. As such, this problem can be promptly resolved by repealing the sections of provincial (and territorial) human rights laws that empower ideologues to censor speech they disagree with. This would not remove the prohibition on discriminatory signage related to employment, housing, and the delivery of goods and services, as such discrimination is expressly prohibited by other sections of the respective human rights legislation.

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<sup>3</sup> Criminal Code of Canada, RSC 1985, c C-46, s 319. Department of Justice Canada. <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-319.html>.

## Censoring speech in the name of human rights

The following cases illustrate how human rights commissions and tribunals have moved far beyond their original purpose of adjudicating complaints of actual discrimination in the provision of goods and services. They are now in the business of censoring Canadians' speech.<sup>4</sup> This is directly contrary to the *Universal Declaration of Human Rights*, which expressly protects the freedom to “hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>5</sup> Censoring citizens' speech also violates the *Canadian Charter of Rights and Freedoms*.

### British Columbia

Section 7 of the British Columbia *Human Rights Code*<sup>6</sup> prohibits the display or publication of anything that

(a) indicates discrimination or an **intention to discriminate** against a person or a group or class of persons, or

(b) is **likely to expose** a person or a group or class of persons to hatred or contempt [emphasis added]

#### School trustee Barry Neufeld ordered to pay \$750,000 in damages

In October 2017, Barry Neufeld, a longtime elected school trustee in Chilliwack, British Columbia, posted comments on Facebook criticizing an LGBTQ advocacy program, Sexual Orientation and Gender Identity (SOGI),<sup>7</sup> implemented by the province in 2015.<sup>8</sup> Supposedly to promote LGBTQ inclusion, SOGI integrates controversial teachings about gender identity and expression throughout the school system, and instructs teachers to

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<sup>4</sup> In some provinces, sections prohibiting discriminatory publication are followed by a contradictory subsection that states that such prohibitions shall not be interpreted to interfere with the free expression of opinion on any subject.

<sup>5</sup> United Nations. “Universal Declaration of Human Rights.” <https://www.un.org/en/about-us/universal-declaration-of-human-rights>;

<sup>6</sup> British Columbia Human Rights Code, RSBC 1996, c 210. [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00\\_96210\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01).

<sup>7</sup> Sexual Orientation and Gender Identity (SOGI 123). ART Foundation. <https://www.sogieducation.org/who-we-are/our-roots/>

<sup>8</sup> Britton, Mack. “Chilliwack school trustee apologizes for gender identity rant on Facebook.” Global News. October 25, 2017. <https://globalnews.ca/news/3824494/chilliwack-school-trustee-apologizes-for-gender-identity-rant-on-facebook/>. Retrieved May 16, 2026.

support students' chosen gender identity, including opposite-sex names or pronouns, without notifying parents. Critics, including Mr. Neufeld, argue that SOGI promotes contested ideas about gender fluidity and biological sex while also marginalizing parental concerns and dissenting viewpoints.

After Mr. Neufeld publicly criticized aspects of transgender ideology, the Chilliwack Teachers' Association filed complaints against him with the *BC Human Rights Tribunal*, alleging that his comments exposed LGBTQ and transgender persons to hatred and discrimination, contrary to section 7 of the *BC Human Rights Code*. On February 18, 2026, the BC Human Rights Tribunal ruled against Mr. Neufeld and ordered him to pay an astounding \$750,000 in damages for injury to dignity, feelings, and self-respect, along with additional costs, to various LGBTQ-identifying members of the Chilliwack Teachers' Association.

The case has quickly become one of Canada's most prominent examples of human rights processes being abused to punish citizens who seek to protect children from harmful transgender ideology.

### **Jessica Simpson (formerly Jonathan Yaniv) targets the speech of five prominent Canadians**

Throughout March and April 2026, litigious transgender activist Jessica Simpson (formerly Jonathan Yaniv) filed a series of discrimination complaints with the BC Human Rights Tribunal against five prominent Canadians as well as the *Western Standard*, for alleged discrimination and misgendering under section 7 of BC's *Human Rights Code*.

The five Canadians include distinguished journalist Barbara Kay, BC MLA Dallas Brodie, columnist and *Feminist Current* founder Meghan Murphy, citizen activist Kari Simpson, and *Western Standard* CEO Derek Fildebrandt.

The complaints are over allegedly referring to Simpson as "Jonathan Yaniv," referring to Simpson with masculine pronouns, and even for stating that Simpson is a "man who identifies as a woman" or as a "trans-identifying male."

Barbara Kay, in response to the complaint and the growing pressure for ideological conformity, wrote recently of a "growing tension between human rights legislation and the *Charter* freedom of expression," especially when stating biological reality is treated as

discriminatory “hate.”<sup>9</sup> Instead of bowing to pressure to conform, Ms. Kay insisted, “I would never give credence to something as a reality when it is not.”<sup>10</sup>

Lawyers funded by the Justice Centre are defending each of these respondents.

### **Doug Collins found guilty of discrimination for political commentary**

In 1994, *North Shore News* journalist Doug Collins published a series of columns discussing Jewish influence, Holocaust issues, and the film *Schindler’s List*. Vancouver businessman Harry Abrams and Jewish advocacy organization B’nai Brith Canada filed a discrimination complaint with the BC Human Rights Tribunal under section 7 of the *BC Human Rights Code*, arguing that his published works exposed Jewish people to hatred or contempt. Mr. Collins defended his writing as *Charter*-protected political commentary and opinion.

In its 1999 decision, the BC Human Rights Tribunal found that Collins’ columns constituted a discriminatory publication under section 7 of the *BC Human Rights Code*. The Tribunal ordered Mr. Collins and *North Shore News* to cease publishing statements “likely to expose” Jewish persons to hatred or contempt, to refrain from committing similar contraventions, and to pay \$2,000 to Mr. Abrams as compensation for injury to dignity and self-respect.<sup>11</sup>

### **Author Mark Steyn spends 10 months defending himself against discrimination complaints**

In 2007-08, Muslim activists filed discrimination complaints with three human rights tribunals against the news magazine *Maclean’s*, alleging that an article<sup>12</sup> by celebrated political commentator and author Mark Steyn amounted to hate speech. The article

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<sup>9</sup> Kay, Barbara. "Trans Activist Files Human Rights Complaints against Media for Failing to Deny Reality." *National Post*, August 16, 2023. <https://nationalpost.com/opinion/trans-activist-files-human-rights-complaints-against-media-for-failing-to-deny-reality>.

<sup>10</sup> Kay, Barbara. "Trans Activist Files Human Rights Complaints against Media for Failing to Deny Reality." *National Post*, August 16, 2023. <https://nationalpost.com/opinion/trans-activist-files-human-rights-complaints-against-media-for-failing-to-deny-reality>.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Maclean’s* had published an extract from Steyn's book, *America Alone*, in which Steyn speculated about what impact rising Muslim populations would have on European law and culture.

contained an extract from Mr. Steyn's book, *America Alone*, in which he predicted that rising Muslim populations would disrupt European law and culture.<sup>13</sup>

These human rights complaints were ultimately dismissed in October 2008.<sup>14, 15</sup> The cases took 10 months to resolve and became part of the impetus for Parliament to repeal section 13<sup>16</sup> from the *Canadian Human Rights Act*, a speech-restricting provision that was similar to laws still in force in some provinces today.

The case also brought to the public's attention the significant financial burden of defending against complaints that ultimately fail on their merits.<sup>17</sup> This win for the publishers was very expensive. *Maclean's* and its co-respondents spent approximately \$2 million in legal fees to defend against the complaints. And, while the plaintiffs lost, a student lawyer associated with the case shrugged off that loss, reasoning that the goal was to make criticizing Islam too expensive to contemplate<sup>18</sup> – an example of “process as punishment.” On the other side, *Maclean's* lawyer Julian Porter stated, “It means that when you're making an editorial decision, you have to look over your shoulder at this grey, fuzzy monster of the human rights commission... Suddenly, we're in a position where an immense group can, in effect, bring a libel action without the libel defences [of truth or fair comment].”<sup>19</sup>

### **Tribunal orders William Whatcott to pay \$55,000 for political expression**

In *Oger v. Whatcott (No. 7)*, 2019 BCHRT 58, the British Columbia Human Rights Tribunal ruled against Christian activist William Whatcott after he distributed election flyers

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<sup>13</sup> Maxwell, G.D. "The Right to Be Offensive." *Pique Newsmagazine*, February 4, 2010. <https://www.piquenewsmagazine.com/piquen-yer-interest/the-right-to-be-offensive-2480522>.

<sup>14</sup> The Canadian Human Rights Commission concluded Mark Steyn's article was “polemical” and provocative but not “extreme” under Supreme Court standards. The British Columbia Human Rights Tribunal similarly ruled that, despite inaccuracies and hyperbole, the article contributed to legitimate public debate rather than unlawful discrimination. In Ontario, the commission declined jurisdiction altogether.

<sup>15</sup> Shaulis, Joe. October 13, 2008. “British Columbia rights panel dismisses Muslim complaint against *Maclean's*.” *Jurist news*. <https://www.jurist.org/news/2008/10/british-columbia-human-rights-panel/>.

<sup>16</sup> Section 13(1) stated: “It is a discriminatory practice for a person ... to communicate ... any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.”

<sup>17</sup> Maxwell, G.D. "The Right to Be Offensive." *Pique Newsmagazine*, February 4, 2010. <https://www.piquenewsmagazine.com/piquen-yer-interest/the-right-to-be-offensive-2480522>.

<sup>18</sup> Wikipedia. "Human Rights Complaints against *Maclean's* Magazine." Wikipedia. Last modified December 11, 2025. [https://en.wikipedia.org/wiki/Human\\_rights\\_complaints\\_against\\_Maclean%27s\\_magazine](https://en.wikipedia.org/wiki/Human_rights_complaints_against_Maclean%27s_magazine).

<sup>19</sup> Goldfarb, Michael. "Pussy Riot's Real Crime: Hurting Feelings." *Washington Free Beacon*, August 20, 2012. <https://freebeacon.com/blog/pussy-riots-real-crime-hurting-feelings/>.

criticizing transgender ideology and NDP candidate Morgane Oger during the 2017 provincial election campaign. The flyers referred to Morgane Oger, a transgender-identifying candidate, as a biological male and warned voters about gender ideology, transgender activism, and the social implications of gender self-identification policies.

Morgane Oger filed a complaint under section 7 of the *British Columbia Human Rights Code*, which prohibits discriminatory publications likely to expose persons or groups to hatred or contempt on the basis of protected characteristics, including gender identity and gender expression. The Tribunal considered this political commentary during an election to be an illegal “discriminatory” publication. The Tribunal ordered William Whatcott to pay \$35,000 in damages to Morgane Oger and an additional \$20,000 to another complainant for injury to dignity, feelings, and self-respect.

## Alberta

Section 3 of the *Alberta Human Rights Act*<sup>20</sup> is nearly identical to the law in BC, and prohibits the display or publication of anything that

(a) indicates discrimination or an **intention to discriminate** against a person or a class of persons, or

(b) is **likely to expose** a person or a class of persons to hatred or contempt  
[emphasis added]

### Karen Richert prosecuted over online comments about drag show

In May 2024, a Leduc dance studio hosted and promoted a drag show advertised as “family friendly.”<sup>21</sup> Business owner and former municipal candidate Karen Richert, along with others, expressed concerns about the appropriateness of such performances for children in a local Facebook group, “Voice of Leduc.” In June 2025, more than one year after Ms. Richert had expressed her concerns, the dance studio filed a complaint against Ms. Richert for discrimination under section 3 of the *Alberta Human Rights Act*. Because the

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<sup>20</sup> Alberta Human Rights Act, RSA 2000, c A-25.5. [https://kings-printer.alberta.ca/1266.cfm?page=A25P5.cfm&leg\\_type=Acts&isbncln=9780779845767](https://kings-printer.alberta.ca/1266.cfm?page=A25P5.cfm&leg_type=Acts&isbncln=9780779845767).

<sup>21</sup> Justice Centre for Constitutional Freedoms. “Human rights complaint targets Alberta woman for online opinions about “family-friendly” drag show.” Cases. April 8, 2026. [https://www.jccf.ca/court\\_cases/human-rights-complaint-targets-alberta-woman-for-online-opinions-about-family-friendly-drag-show-2/](https://www.jccf.ca/court_cases/human-rights-complaint-targets-alberta-woman-for-online-opinions-about-family-friendly-drag-show-2/). Retrieved May 16, 2026.

one-year statutory deadline for filing a complaint had passed, the Alberta Human Rights Commission initially rejected the application in late 2025. However, in January 2026, the Commission unexpectedly reversed course and informed Ms. Richert that it would allow the complaint to proceed, revealing a bias in favour of the complainant.

Lawyers funded by the Justice Centre are representing Ms. Richert's defence and will argue that her comments fall squarely within non-criminal speech that is protected by the *Charter*. However, even if Ms. Richert succeeds in having this complaint dismissed, she will still have been punished by the process. In contrast, the complainant will walk away without consequences.

### **Benita Pederson faces discrimination complaint for standing against childhood exposure to transgender ideology**

Benita Pedersen is an Albertan DJ, children's entertainer, event coordinator, and workshop facilitator. In June 2023, after learning that the Town of Westlock planned to paint a rainbow crosswalk featuring pride and transgender symbols, she created and distributed a flyer encouraging residents to contact their local officials and oppose the project.

Ms. Pedersen said she distributed the flyer as part of a broader public conversation about issues affecting children and families. "Based on my personal experience in interacting with parents and children," she reported, "I have learned that this practice of 'gender affirmation' harms kids more than it helps. When I composed the flyer, one of my objectives was to warn parents about the potential consequences of children pursuing the pathway of transgenderism. The way we solve problems is by having open communication. Accusations of 'incitement to hatred' shut down the conversation and therefore hinder the ability to solve problems."<sup>22</sup>

On June 19, 2023, Laurie Hodge, now a member of Westlock Town Council, filed a complaint under section 3 of the *Alberta Human Rights Act*, alleging that the flyer discriminated on the basis of gender, gender identity, and gender expression. A two-week hearing before the Alberta Human Rights Tribunal has been scheduled for September

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<sup>22</sup> Justice Centre for Constitutional Freedoms. "Alberta woman faces human rights complaint over flyer opposing rainbow crosswalk." News Release. May 1, 2026. <https://www.jccf.ca/alberta-woman-faces-human-rights-complaint-over-flyer-opposing-rainbow-crosswalk/>

2026.<sup>23</sup> At that hearing, Justice Centre lawyers will defend Ms. Pedersen’s right to engage in matters of public importance without fear.

### **Journalist Ezra Levant defends himself after publishing Danish cartoons**

In September 2005, the Danish newspaper *Jyllands-Posten* published 12 cartoons, depicting Islam’s Prophet Muhammad as part of a project on freedom of expression and self-censorship. Many Muslims viewed what became known as the “Danish cartoons” as blasphemous, sparking international debate and violent protests across the globe, resulting in dozens of deaths.

Ezra Levant, then a journalist and publisher with the *Western Standard* and a long-time advocate of a free and independent press, believed that his readers should be informed about the cause of the global controversy. As such, he republished the Danish cartoons in the *Western Standard*, when almost all other media refused to do so.

In response, several complaints were filed with the Alberta Human Rights Commission, alleging that this publication of the Danish cartoons exposed Muslims to hatred or contempt, contrary to the *Human Rights, Citizenship and Multiculturalism Act* (now the *Alberta Human Rights Act*).

Mr. Levant was investigated and compelled to attend questioning<sup>24</sup> before the Commission, though the complaint was ultimately dismissed before a full tribunal hearing.<sup>25</sup> Mr. Levant publicized video footage of his interrogation by Commission officials, where he criticized the Commission as a censorship body<sup>26</sup> engaged in pressuring ideological conformity, sparking national criticism of human rights commissions as censorship bodies.

### **Pastor Stephen Boissoin ordered to pay \$5,000 for expressing his religious opinion**

In 2002, Red Deer Pastor Stephen Boissoin published a letter to the editor in the *Red Deer Advocate* newspaper, criticizing gay political activism and what he called the “homosexual

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<sup>23</sup> Ibid.

<sup>24</sup> Ezra Levant’s opening statement is posted here: <https://www.youtube.com/watch?v=FQnNCGN2ywE>

<sup>25</sup> Alberta Human Rights Act, RSA 2000, c A-25.5. [https://kings-printer.alberta.ca/1266.cfm?page=A25P5.cfm&leg\\_type=Acts&isbncln=9780779845767](https://kings-printer.alberta.ca/1266.cfm?page=A25P5.cfm&leg_type=Acts&isbncln=9780779845767)

<sup>26</sup> Ezra criticizing the commission as censors: <https://www.youtube.com/watch?v=CUAQGqoQsrY&t=3s>

agenda.”<sup>27</sup> University of Calgary professor Dr. Darren Lund filed a discrimination complaint with the Alberta Human Rights Commission, alleging that the letter exposed gay people to hatred or contempt under section 2 of the *Human Rights, Citizenship and Multiculturalism Act*<sup>28</sup> (now section 3 of the *Alberta Human Rights Act*<sup>29</sup>). The Alberta Human Rights Tribunal ruled against Pastor Boissoin, ordering him to cease making similar comments, issue a public apology in the *Red Deer Advocate*, and pay \$5,000 in damages to Dr. Lund.<sup>30</sup>

This is another example of a human rights tribunal policing moral and religious opinion on sexuality. In 2009, the Alberta Court of Queen’s Bench overturned the ruling, finding that the Tribunal had improperly restricted freedom of expression and religion. The Court found that the letter did not reach the threshold of exposing people to hatred or contempt.<sup>31</sup> In 2012, the Alberta Court of Appeal upheld the Court of Queen’s Bench decision, dismissing Dr. Lund’s appeal. Pastor Boissoin was awarded costs for his lengthy defence.

### ***Alberta Report* defends itself against discrimination complaint**

In 2001, Harvey Kane and the Jewish Defence League of Canada filed a human rights complaint against the news magazine *Alberta Report*, alleging that *Alberta Report* had exposed Jewish people to hatred or contempt on the basis of religion or race, in violation of the *Human Rights, Citizenship and Multiculturalism Act* (now the *Alberta Human Rights Act*). *Alberta Report* had published articles and commentary discussing Zionism, Jewish influence in politics and media, and various Jewish organizations.

The Tribunal ruled against the magazine, interpreting earnest political commentary as “hatred or contempt.” In 2002, the Alberta Court of Queen’s Bench overturned the decision due to procedural unfairness.<sup>32</sup> The Court found that the Tribunal had improperly relied on outside expert evidence without allowing *Alberta Report* a fair opportunity to respond to that evidence, causing further concerns about the lack of procedural safeguards in Tribunal cases.<sup>33</sup>

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<sup>27</sup> Canadian Justice Review Board. “Boissoin v. Lund, 2009 ABQB 592.”

<https://www.canadianjusticereviewboard.ca/articles-caselaw/case-law/boissoin-v.-lund,-2009-abqb-592>

<sup>28</sup> Individual’s Rights Protection Amendment Act, 1996, SA 1996, c 25, Part -1, <https://canlii.ca/t/53nsl>.  
retrieved on 2026-05-17

<sup>29</sup> Alberta Human Rights Act. <https://albertahumanrights.ab.ca/media/1utjxb3e/alberta-human-rights-act.pdf>

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> *Alberta Report v. Alberta (Human Rights Commission)*, 1998 CanLII 29906 (AB KB). Vlex.  
<https://ca.vlex.com/vid/alta-report-v-hrc-681477853>.

<sup>33</sup> Ibid.

## Saskatchewan

Like legislation in BC and Alberta, Section 14 of the Saskatchewan *Human Rights Code*<sup>34</sup> prohibits the display or publication of anything

(a) tending or **likely to tend to** deprive, abridge or otherwise restrict the enjoyment by any person or class of persons, on the basis of a prohibited ground, of any right to which that person or class of persons is entitled under the law; or

(b) that exposes or **tends to expose to hatred** any person or class of persons on the basis of a prohibited ground. [emphasis added]

### Christian man Hugh Owens prosecuted for displaying Bible verses

In June 1997, during Gay Pride week in Saskatoon, Hugh Owens published a newspaper advertisement citing Bible verses condemning homosexual conduct alongside a symbol of two men holding hands with the “no” symbol (i.e., red circle with diagonal line through it).<sup>35</sup> Several complainants alleged that this ad exposed gay people to hatred and ridicule, contrary to section 14 of Saskatchewan’s *Human Rights Code*.

Four years later, in 2001, the Tribunal ruled against Mr. Owens and ordered him to pay \$1,500 to each of the three complainants. The Saskatchewan Court of Queen’s Bench upheld this ruling in 2002. However, in 2006, the Saskatchewan Court of Appeal overturned most of the ruling, deciding that while the ad was offensive to many, it did not rise to the extreme level required for prohibited hate speech.<sup>36</sup>

### Christian activist fined for publishing flyers criticizing homosexuality

In a similar case, Christian activist William Whatcott distributed flyers criticizing same-sex relationships in 2001. He was prosecuted under Saskatchewan’s section 14 *Human Rights Code* prohibition on publications “likely to expose” persons to hatred or ridicule.<sup>37</sup> In the 2005 case of *Saskatchewan Human Rights Commission v. Whatcott*, the Tribunal ruled

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<sup>34</sup> Saskatchewan Human Rights. “The Saskatchewan Human Rights Code, 2018.” <https://saskatchewanhumanrights.ca/wp-content/uploads/2020/03/Code2018.pdf>

<sup>35</sup> The Court of Appeal for Saskatchewan. “2006 SKCA 41.” Owens v. Saskatchewan Human Rights Commission. <https://ccrl.ca/doc/Owens%20decision%20april%2006.pdf>

<sup>36</sup> Ibid.

<sup>37</sup> Supreme Court of Canada. *Saskatchewan (Human Rights Commission) v. Whatcott*. 2013 SCC 11. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/12876/index.do>

against Mr. Whatcott, finding that several of the flyers violated the *Code*, and ordered him to stop distributing the flyers and to pay a total of \$7,500 in damages.

Ultimately, in 2013, the Supreme Court of Canada narrowed the scope of the law, striking down the section 14 prohibitions on speech that merely “ridicules,” “belittles,” or “affronts dignity” as unconstitutional infringements on freedom of expression.<sup>38</sup> The Court upheld most of the law and some sanctions against Mr. Whatcott.

Some believe that the Supreme Court in *Whatcott* clarified the extent to which human rights legislation in Canada can justifiably violate freedom of expression. Others argue that the Court failed in this task, and that trying to parse the difference between “hate” and its near-synonyms “dislike” and “contempt” is a futile exercise. Regardless of which side of this debate might be correct, there is no obligation on any province (or on the federal government) to have legislation in place that punishes non-criminal “discriminatory” speech. Neither *Whatcott* nor any other court ruling stands in the way of elected representatives repealing provisions of human rights legislation that regulate or punish Canadians’ speech.

## Manitoba

Section 18 of Manitoba’s *Human Rights Code*<sup>39</sup> prohibits the publication, display, broadcast or circulation of anything that

*(a) discriminates or indicates intention to discriminate in respect of an activity or undertaking to which this Code applies; or*

*(b) incites, advocates or counsels discrimination in respect of an activity or undertaking to which this Code applies;*

### **B’nai Brith Canada faces discrimination complaint for conference on anti-terrorism**

In 2003, Shahina Siddiqui of Winnipeg’s Islamic Social Services Association filed a complaint under section 18 of Manitoba’s *Human Rights Code* against B’nai Brith Canada over statements and materials presented at an anti-terrorism conference. Mr. Siddiqui

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<sup>38</sup> Supreme Court of Canada. Saskatchewan (Human Rights Commission) v. Whatcott. 2013 SCC 11. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/12876/index.do>

<sup>39</sup> Manitoba Human Rights Code. C.C.S.M. c. H175. [https://web2.gov.mb.ca/laws/statutes/ccsm/\\_pdf.php?cap=h175](https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=h175)

alleged that the conference portrayed Muslims as linked to terrorism and therefore incited hatred or discrimination on the basis of religion. The Manitoba Human Rights Commission investigated the complaint for several years before dismissing it in 2009 for insufficient evidence. Although the complaint ultimately failed, this case is another example of human rights legislation being used to try to censor political and religious expression.

## Quebec

Section 11 of Quebec's *Charter of Human Rights and Freedoms*<sup>40</sup> states that

*No one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so.*

### Comedian Mike Ward ordered to pay \$47,000 for comedy routine

In 2012, comedian Mike Ward was prosecuted before the Quebec Human Rights Tribunal after mocking disabled singer Jérémy Gabriel over his appearance and disability, during a comedy routine.<sup>41</sup> The complaint was brought by Quebec's Commission *des droits de la personne et des droits de la jeunesse* under the Quebec *Charter of Human Rights and Freedoms*, alleging that the jokes constituted discriminatory harassment and impaired Mr. Gabriel's dignity. "In its decision, the Quebec Human Rights Tribunal misinterprets 'equality' as including a legal 'right' not to be offended by 'discriminatory' comments...This false understanding of 'equality' chills free speech for everyone, not just comedians,"<sup>42</sup> according to one of the authors of this paper.

In July 2016, the Human Rights Tribunal ruled against Mr. Ward and ordered him to pay \$47,000 in damages and penalties - a decision partially upheld by the Quebec Court of Appeal. In 2021, the Supreme Court of Canada substantially overturned the ruling, holding that although the jokes were offensive and hurtful, freedom of expression protects even deeply unpopular or disturbing artistic expression.

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<sup>40</sup> Quebec. Charter of Human Rights and Freedoms.

<https://www.legisquebec.gouv.qc.ca/fr/document/lc/c-12?langCont=en>

<sup>41</sup> Supreme Court of Canada. "Ward v. Commission des droits de la personne et des droits de la jeunesse." Case in Brief. October 29, 2021. <https://www.scc-csc.ca/judgments-jugements/cb/2021/39041>

<sup>42</sup> Carpay, John. "John Carpay: There's no 'right' not to be offended." National Post. July 28, 2016. <https://nationalpost.com/opinion/john-carpay-theres-no-right-not-to-be-offended>

## Overview of the legislative problem across Canada

The human rights laws of British Columbia, Alberta, Saskatchewan, and the Northwest Territories are particularly damaging to freedom of expression because they contain express prohibitions against publications and displays likely to expose people to hatred and/or contempt. Several of the cases highlighted in this report pertained to such provisions, demonstrating that this legislative language gives rise to many speech prosecutions.

The following provinces and territories also prohibit “discriminatory publication” *without referencing hatred or contempt*. Nevertheless, the following provinces do not limit commissions’ prosecutorial power to instances of discrimination within the narrow areas of employment, housing, or the provision of services (etc.) Whether or not Canadians are susceptible to human rights prosecutions depends, therefore, on prosecutorial restraint, not on legislative safeguards. These provisions should be repealed, or amended such that they prohibit only signage that applies to employment, housing, and the provision of goods and services (e.g., “Whites need not apply” or “Restaurant reserved for Jews only”).

- Manitoba’s *Human Rights Code*<sup>43</sup> – section 18
- Quebec’s *Charter of Human Rights and Freedoms*<sup>44</sup> – section 11
- New Brunswick’s *Human Rights Act*<sup>45</sup> – section 7
- Nova Scotia’s *Human Rights Act*<sup>46</sup> – section 5 (f) and 7
- Newfoundland and Labrador’s *Human Rights Act*<sup>47</sup> – section 19
- Prince Edward Island’s *Human Rights Act*<sup>48</sup> – section 12

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<sup>43</sup> Manitoba Human Rights Code. C.C.S.M. c. H175.

[https://web2.gov.mb.ca/laws/statutes/ccsm/\\_pdf.php?cap=h175](https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=h175)

<sup>44</sup> Quebec. Charter of Human Rights and Freedoms.

<https://www.legisquebec.gouv.qc.ca/fr/document/lc/c-12?langCont=en>

<sup>45</sup> New Brunswick Human Rights Act. 2011, ch. 171.

<https://www2.gnb.ca/content/gnb/en/departments/nbhrc/human-rights-act/acts-and-regulations.html>

<sup>46</sup> [RSNS 1989, c 214 | Human Rights Act | CanLII](#)

<sup>47</sup> Newfoundland and Labrador Human Rights Act. 2010. Amended: 2013 c16 s25; 2013 c23.

<https://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>

<sup>48</sup> Prince Edward Island Human Rights Act. <https://www.peihumanrights.ca/prince-edward-island-human-rights-act>

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The following jurisdictions limit prohibitions on publications and displays to the areas of employment, housing, contracts, and the provision of services (etc.), without empowering human rights commissions to censor speech or opinions outside of these areas.

- Ontario's *Human Rights Code*<sup>49</sup> – section 13
- Yukon's *Human Rights Act*<sup>50</sup> – section 9
- Nunavut *Human Rights Act*<sup>51</sup> – section 12
- Federal *Canadian Human Rights Act*<sup>52</sup> – section 12

Note that section 13 of the federal *Canadian Human Rights Act*, which also prohibited the publications and displays likely to expose people to hatred and/or contempt, was repealed by Parliament in 2013. Since section 13 of the *Canadian Human Rights Act* was abolished in 2013, Canadians have no longer been subjected to non-criminal speech prosecutions. However, in 2024, the federal government introduced the *Online Harms Act* (Bill C-63), which included provisions to empower the Canadian Human Rights Commission to prosecute speech, as it did formerly before section 13 was repealed. Bill C-63 died with the 2025 federal election, but the federal government suggests that it plans to bring back similar legislation.

## Procedural unfairness and politicization

While the state funds the prosecution of citizens, defendants must pay their own legal costs and have no opportunity to recover these costs, even when they succeed in having complaints dismissed.<sup>53</sup> Further, in speech prosecutions, the defendant cannot raise the defense of truth, nor the defense of lack of intent to harm, both of which are available to accused persons in criminal hate speech prosecutions. Relaxed evidentiary rules in human rights proceedings frequently allow hearsay and conjecture to replace rigorous

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<sup>49</sup> [RSO 1990, c H.19 | Human Rights Code | CanLII](#)

<sup>50</sup> [RSY 2002, c 116 | Human Rights Act | CanLII](#)

<sup>51</sup> Nunavut Human Rights Act. 2025. <https://www.nunavutlegislation.ca/en/consolidated-law/human-rights-act-official-consolidation>

<sup>52</sup> Canadian Human Rights Act (R.S.C., 1985, c. H-6). Government of Canada. <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html#h-256819>

<sup>53</sup> Rudner Law. "No Authority to Award Costs." December 11, 2018. <https://www.rudnerlaw.ca/no-authority-awards-costs/>.

evidence.<sup>54</sup> Finally, proceedings often stretch on for years at great expense to defendants, such that the process itself becomes the punishment.

## Conclusion

The Justice Centre urges provincial governments across Canada to repeal the sections of their human rights laws that empower commission and tribunals to prosecute and punish the expression of beliefs and opinions. Free speech is a basic human right. Therefore, removing censorship provisions from human rights legislation is in harmony with the purpose of these laws.

Each province should ensure that its human rights legislation prohibits discriminatory publications and displays *only in the areas of employment, housing, the provision of services, etcetera*. No human rights legislation should empower human rights commissions to prosecute the opinions or speech of Canadians. Whereas federal legislation and the legislation of Ontario, Nunavut, and Yukon do not prohibit such opinions and speech, the legislation of all other provinces and territories does prohibit such speech and ought to be amended immediately.

If restrictions on speech are removed from human rights legislation, these laws would still continue to prohibit actual discrimination in the provision of goods and services. Further, if these censorship provisions were repealed, the *Criminal Code* would continue to prohibit the wilful promotion of hatred toward select identifiable groups.

Other reforms should also be pursued, and these will be addressed in future reports by the Justice Centre.

Ultimately, neither freedom nor democracy can survive if citizens fear prosecution for expressing their opinions on matters of public significance. Unless governments restore clear protections for freedom of expression, human rights commissions will continue to erode Canadian's *Charter* freedoms.

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<sup>54</sup> [CHRT material provided to assist complainants states](#): "Hearsay means that a witness reports things they heard about from someone else, rather than things they heard or saw firsthand. Unlike the courts, the Tribunal allows hearsay evidence."

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## Appendix A: Legislation in question

### Legislation that ought to be immediately amended

Jurisdiction	Legislation	Section
British Columbia	<i>Human Rights Code</i> <sup>55</sup>	Section 7 Prohibits publication that: (a) is “likely to expose” people to “hatred and/or contempt” (b) discriminates or is “likely to discriminate.”
Alberta	<i>Alberta Human Rights Act</i> <sup>56</sup>	Section 3 Prohibits publication that: (a) is “likely to expose” people to “hatred and/or contempt” (b) discriminates or is “likely to discriminate.”
Saskatchewan	<i>Human Rights Code</i> <sup>57</sup>	Section 14 Prohibits publication that: (a) is “likely to expose” people to “hatred and/or contempt” (b) discriminates or is “likely to discriminate.”
Manitoba	<i>Human Rights Code</i> <sup>58</sup>	Section 18 Prohibits publication that: discriminates or is “likely to discriminate.”

<sup>55</sup> British Columbia Human Rights Code, RSBC 1996, c 210.

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<sup>56</sup> Alberta Human Rights Act, RSA 2000, c A-25.5. [https://kings-printer.alberta.ca/1266.cfm?page=A25P5.cfm&leg\\_type=Acts&isbncIn=9780779845767](https://kings-printer.alberta.ca/1266.cfm?page=A25P5.cfm&leg_type=Acts&isbncIn=9780779845767).

<sup>57</sup> Saskatchewan Human Rights. “The Saskatchewan Human Rights Code, 2018.” <https://saskatchewanhumanrights.ca/wp-content/uploads/2020/03/Code2018.pdf>

<sup>58</sup> Manitoba Human Rights Code. C.C.S.M. c. H175. [https://web2.gov.mb.ca/laws/statutes/ccsm/\\_pdf.php?cap=h175](https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=h175)

Quebec	<i>Charter of Human Rights and Freedoms</i> <sup>59</sup>	Section 11 Prohibits publication that: discriminates or is “likely to discriminate.”
New Brunswick	New Brunswick’s <i>Human Rights Act</i> <sup>60</sup>	Section 7 Prohibits publication that: discriminates or is “likely to discriminate.”
Nova Scotia	<i>Human Rights Act</i> <sup>61</sup>	Section 5 (f) and 7 Prohibits publication that: discriminates or is “likely to discriminate.”
Newfoundland and Labrador	<i>Human Rights Act</i> <sup>62</sup>	Section 19 Prohibits publication that: discriminates or is “likely to discriminate.”
Prince Edward Island	<i>Human Rights Act</i> <sup>63</sup>	Section 12 Prohibits publication that: discriminates or is “likely to discriminate.”
Northwest Territories	<i>Human Rights Act</i> <sup>64</sup>	Section 13 (a) is “likely to expose” people to “hatred and/or contempt” (b) discriminates or is “likely to discriminate.”

<sup>59</sup> Quebec. Charter of Human Rights and Freedoms.

<https://www.legisquebec.gouv.qc.ca/fr/document/lc/c-12?langCont=en>

<sup>60</sup> New Brunswick Human Rights Act. 2011, ch. 171.

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<sup>61</sup> Nova Scotia Human Rights Act. Chapter 214 of the Revised Statutes, 1989

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<sup>62</sup> Newfoundland and Labrador Human Rights Act. 2010. Amended: 2013 c16 s25; 2013 c23.

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**Legislation that does not empower human rights commissions to prosecute the ordinary opinions and speech of Canadians**

<b>Jurisdiction</b>	<b>Legislation</b>	<b>Section</b>
Ontario	<i>Human Rights Code</i> <sup>65</sup>	Section 13 Prohibits “discriminatory publication” only in areas of employment, housing, contracts, and the provision of goods and services (etc.)
Yukon	<i>Human Rights Act</i> <sup>66</sup>	Contains no prohibition on displays, publication, or broadcast
Nunavut	<i>Human Rights Act</i> <sup>67</sup>	Section 14 Prohibits “discriminatory publication” only in areas of employment, housing, contracts, and the provision of goods and services (etc.)
Federal	<i>Canadian Human Rights Act</i> <sup>68</sup>	Section 12 Prohibits “discriminatory publication” only in areas of employment, housing, contracts, and the provision of goods and services (etc.)

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<sup>65</sup> [RSO 1990, c H.19 | Human Rights Code | CanLII](#)

<sup>66</sup> [RSY 2002, c 116 | Human Rights Act | CanLII](#)

<sup>67</sup> Nunavut Human Rights Act. 2025. <https://www.nunavutlegislation.ca/en/consolidated-law/human-rights-act-official-consolidation>

<sup>68</sup> Canadian Human Rights Act (R.S.C., 1985, c. H-6). Government of Canada. <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html#h-256819>

