

## Understanding Canadian Law Governing Hate: Information for Canadian Libraries

### Purpose

The following is provided to inform library workers about laws governing hate in Canada and to support libraries in responding to complaints about speakers, room bookings or items in their collections. The vast majority of the time, complaints about hate publications or speech in libraries in Canada will be unfounded given Canadian law.

### 1. What Canadian law is important for libraries to be aware of?

The Criminal Code defines hatred in Canada at s.319(7) and identifies related offences in sections 318 and 319. Conduct that violates the law has been further developed through case law. In some provinces, human rights law may add considerations, including in [Saskatchewan](#) (s.14), [Alberta](#) (s.3), [British Columbia](#) (s.7) and the [Northwest Territories](#) (s.13) For the purposes of libraries, two concepts from the Criminal Code are important, hate propaganda and hate speech.

The relevant law for libraries is found in sections [318 and 319 of the Criminal Code](#), covering Hate Propaganda, including advocating genocide, defining an identifiable group, public incitement of hatred, willful promotion of hatred, and wilful promotion of anti-semitism, as well as defences.

The legislation has been interpreted through case law, with these leading cases considering the boundaries between protected expression and illegal hate propaganda:

- R. v. Keegstra [\[1990\] 3 SCR 697](#)
- Saskatchewan (Human Rights Commission) v. Whatcott, [2013 SCC 11](#)

### 2. What do these definitions mean for material in library collections?

Most material in library collections has been produced through a “traditional” publishing process that will have considered the risks associated with hate speech, and the material will have been widely distributed in Canada. It is unlikely that traditionally published material will contain content that would be considered hate propaganda in Canada.

There is a small risk of undiscovered content in self-published material if it **has not** been widely distributed, particularly content originating from gifts and donations and streaming aggregators that are provided by vendors and not curated by the library’s selectors. **When material has been widely distributed and talked about in media**, it is very likely that concerns about hate would already have been considered by appropriate authorities. Hate propaganda charges under the Criminal Code are brought by the Crown in Canada, and investigations are handled by the police.

If library management believes material received may violate the Criminal Code, consulting with police is appropriate.

### **3. What can libraries do to prepare for complaints related to hate speech or hate literature?**

Libraries should ensure that they have collection policies that address selection, acquisition and deselection of materials, as well as policies that guide how the library handles challenges to items in the collection and procedures for requests for reconsideration.

For public libraries, board-level policy should identify the core responsibility of libraries to provide access to the full range of knowledge and to reject denial and restrictions of access, upholding the commitments in the CFLA Statement on Intellectual Freedom and Libraries and the CFLA Code of Ethics. Libraries can view example collection policies from other libraries on public websites and in the policy database hosted by the Centre for Free Expression.

For academic and school libraries, policy is likely to be at the level of the institution. Libraries should reference relevant institutional policy when drafting library guidelines, policies and/or procedures.

Libraries that have meeting rooms and book public speakers should have policies governing the activities in the space and the use of the meeting rooms.

Libraries should also have documented procedures for submitting and handling requests for reconsideration of collections, programs, exhibits, and rentals as applicable to their services, that refer to the board or institution-level policy. Within the procedures, guidance for staff to reference board or institutional policy, the CFLA Statement on Intellectual Freedom and Libraries, and the CFLA Code of Ethics in responding to patrons may be helpful.

Given the definitions of hate in Canada and the history of decisions about hate by the courts, libraries are unlikely to have material in their collections that contains hate. However, each library needs policies that support the implementation and practice of their core responsibilities related to access to information, and that align with Canadian law and fundamental rights. Library policies should resist efforts to limit the exercise of these responsibilities and recognize the right of criticism by individuals and groups.

Often the risk with these complaints is not that the material will meet the threshold of criminal code violation, but that the presence of the material and the handling of the complaint will impact the reputation of the library. Libraries can prepare for these situations by ensuring that policy and communication identifies that providing access to materials and programs does not constitute endorsement of the views, and ensuring reputational considerations are part of crafting responses to complaints.

**4. Where can I see examples of relevant library policies?**

The [Centre for Free Expression](#) (CFE) at Toronto Metropolitan University provides access to a [database](#) of library policies in Canada related to intellectual freedom, which libraries can use for background when developing their own policies. Relevant policies include Collections, Programs, Displays/ Exhibits, Internet Use, Room Rental/Use, Social Media Policy, Customer Code of Conduct, Privacy Policy, Donations, AI and Intellectual Freedom Policies.

- [Academic Libraries](#)
- [Public Libraries](#)
- [School Libraries](#)

Library and Archives Canada provides a page of [notices about their collections](#), including an historical language advisory notice and a harmful content advisory notice, which may be useful for libraries to reference when developing their own policies and communication.

**5. Where can libraries get help responding to requests for reconsideration?**

Any library seeking assistance with responding to requests for reconsideration can connect with the [Centre for Free Expression \(CFE\)](#) and their provincial member library associations. [CFE](#) provides private and confidential support for libraries when responding to requests for reconsiderations related to Intellectual Freedom. The CFE has a short guide on [Legal Restrictions on Hate Speech](#) in Canada.

**6. Our library can't afford to get legal advice. Are there funds available to help us?**

The [Intellectual Freedom Fund](#) is available to support public libraries serving populations under 29,999 or small libraries in other sectors (for example an academic library in a small college or university) that would face undue financial hardship defending an intellectual freedom case. This may include legal defense or legal advice, and other associated needs may be considered. Funding will be disbursed up to \$5,000 to libraries operating in Canada and is coordinated by the Ontario Library Association.

**7. How is this topic handled in existing CFLA-FCAB policy?**

Two of CFLA's core policy documents are relevant to this topic:

- [Statement on Intellectual Freedom and Libraries](#)
- [Code of Ethics](#)

**8. How can I learn more about the legal aspects of how hate speech and freedom of expression are considered by the courts in Canada?**

The Centre for Media, Technology and Democracy at McGill University prepared a [report for the Canadian Commission on Democratic Expression in June 2020](#) that explains hate speech and its relationship to freedom of expression in Canada, the legal and policy questions, and the ways that our understanding is changing.

**9. How do the changes in the Combatting Hate Act (Bill C-9) affect libraries?**

The changes to the Criminal Code in Bill C-9 came into force on July 18, 2026. There were no changes that specifically impacted the work of libraries in this bill. Bill C-9 "defines hatred as an

emotion of an intense and extreme nature that is clearly associated with vilification and detestation. This definition reflects existing Supreme Court of Canada jurisprudence that courts across the country already apply.” ([Department of Justice Canada, June 19, 2026](#)).