

## **SHRC Applies to Supreme Court on Hate Speech Ruling**

The Saskatchewan Human Rights Commission is seeking leave from the Supreme Court of Canada to appeal the recent Saskatchewan Court of Appeal decision in *William Whatcott v. Saskatchewan (Human Rights Tribunal)*. That Court overturned a lower court ruling that Mr. Whatcott violated *The Saskatchewan Human Rights Code* when he circulated flyers using extreme speech directed against gay men. The *Code* prohibits publications which expose individuals or groups to hatred or contempt because of their sexual orientation, gender, nationality, ancestry or other prohibited grounds of discrimination.

The *Code* also protects religious freedom and freedom of expression. However, the Commission believes that Mr. Whatcott's comments were so extreme as to be irreconcilable with the *Code's* general objectives of promoting equality and eliminating discrimination.

The anti-hate provisions of human rights legislation have been the subject of recent public debate. The Saskatchewan Human Rights Commission is seeking direction from the Supreme Court on the proper balance to be struck between the right to free expression and the right to freedom from the harmful effects of publications which incite discriminatory actions or contain extreme, discriminatory words and images. "The Commission and the public need guidance from the Supreme Court on when, if ever, extreme speech could constitute a violation of human rights legislation," said Judge David Arnot, Chief Commissioner. Because of the *Whatcott* decision, the Commission believes its current ability to accept hate speech complaints is very limited.

The Supreme Court of Canada generally limits its hearings to cases having national significance. The Commission hopes to learn by the end of the summer whether its application will be granted.