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First Session, Forty-second Parliament,  
64-65 Elizabeth II, 2015-2016

## HOUSE OF COMMONS OF CANADA

## BILL C-16

An Act to amend the Canadian Human Rights Act and the Criminal Code

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FIRST READING, MAY 17, 2016

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MINISTER OF JUSTICE

90796

**SUMMARY**

This enactment amends the *Canadian Human Rights Act* to add gender identity and gender expression to the list of prohibited grounds of discrimination.

The enactment also amends the *Criminal Code* to extend the protection against hate propaganda set out in that Act to any section of the public that is distinguished by gender identity or expression and to clearly set out that evidence that an offence was motivated by bias, prejudice or hate based on gender identity or expression constitutes an aggravating circumstance that a court must take into consideration when it imposes a sentence.

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1st Session, 42nd Parliament,  
64-65 Elizabeth II, 2015-2016

HOUSE OF COMMONS OF CANADA

**BILL C-16**

An Act to amend the Canadian Human Rights Act and the Criminal Code

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. H-6

**Bill C-16 (First Reading)**

May 17, 2016

# Canadian Human Rights Act

1998, c. 9, s. 9; 2012, c. 1, s. 137(E)

**1 Section 2 of the *Canadian Human Rights Act* is replaced by the following:**

## Purpose

**2** The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

1996, c. 14, s. 2; 2012, c. 1, s. 138(E)

**2 Subsection 3(1) of the Act is replaced by the following:**

## Prohibited grounds of discrimination

**3 (1)** For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

R.S., c. C-46

# Criminal Code

2014, c. 31, s. 12

**3 Subsection 318(4) of the *Criminal Code* is replaced by the following:**

## Definition of *identifiable group*

**(4)** In this section, *identifiable group* means 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.

1995, c. 22, s. 6

**4 Subparagraph 718.2(a)(i) of the Act is replaced by the following:**

**(i)** evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor,

Published under authority of the Speaker of the House of Commons

## EXPLANATORY NOTES

# Canadian Human Rights Act

*Clause 1:* Existing text of section 2:

**2** The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

*Clause 2:* Existing text of subsection 3(1):

**3 (1)** For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

# Criminal Code

*Clause 3:* Existing text of subsection 318(4):

**(4)** In this section, *identifiable group* means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability.

*Clause 4:* Relevant portion of section 718.2:

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**718.2** A court that imposes a sentence shall also take into consideration the following principles:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,

...

shall be deemed to be aggravating circumstances;

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