



Saskatchewan Court of Appeal to Hear Hate Speech Appeal

William Whatcott v. Saskatchewan (Human Rights Tribunal) et al.

On September 19, 2008, the Saskatchewan Court of Appeal will hear William Whatcott's appeal of a decision that he violated section 14(1)(b) of *The Saskatchewan Human Rights Code*. This section prohibits speech which exposes or tends to expose a person or class of persons to hate because of gender, ancestry, sexual orientation or other prohibited grounds of discrimination.

Four individuals brought complaints to the Saskatchewan Human Rights Commission alleging that Mr. Whatcott violated the *Code* by distributing pamphlets in Regina and Saskatoon which referred to homosexual men as "sodomites" and "pedophiles" and called same-sex relationships "filthy."

On May 13, 2005, a Saskatchewan Human Rights Tribunal ruled that Mr. Whatcott's actions did violate section 14(1)(b) by promoting hatred against gay men and lesbians. It ordered him to pay \$17,500 to the complainants and discontinue distributing any materials that promote hatred against persons because of their sexual orientation. The decision was upheld by the Saskatchewan Court of Queen's Bench.

Section 14(1)(b) limits hate speech only when it is extreme. For this reason, and because the *Code* upholds the right to freedom of speech and freedom of religion as well as the right to freedom from hate speech, the Commission has accepted only a handful of complaints under section 14(1)(b). The Commission believes that Mr. Whatcott's comments go beyond protected expressions of opinion, and are inconsistent with the *Code* objectives of promoting equality and eliminating discrimination.