

# **Preventing and Combatting Hate Speech & Hate Crimes in Canada**

Recommendations from the Anti-Hate Crime Community Leaders Working Group

*February 2020*

- 1) Form an inter-provincial and-territorial committee to create a national anti-hate strategy and oversee its implementation. Support provincial and territorial ministries in establishing inter-ministerial committees to combat hate crimes and hate speech.**
  - a) Organize the committee via the Ministry of Public Safety and Emergency Preparedness, involving appropriate provincial and territorial government stakeholders.
  - b) In provincial and territorial committees, support the involvement of ministries including: Ministries of the Attorney General, Solicitor General, Community Safety and Correctional Services, and Education and Training, Colleges and Universities, and the federal and provincial Human Rights Commissions.
  - c) Ensure the development of implementation, monitoring and evaluation mechanisms for the national anti-hate strategy.
  - d) The federal government to work with the provinces to ensure all municipalities are equipped with dedicated resources to respond to hate crimes such as resources for a Hate Crimes Unit in larger local police forces.
  - e) Include mandatory anti-hate training curriculum – developed in partnership with civil society and experts – for all police officers as part of their required education.
  - f) Create a joint community-based Hate Crimes Governance Committee to include community members, representatives from the private sector and government officials with knowledge and experience in hate crime issues. The committee would be responsible for monitoring the implementation of the strategy, coordinating joint community and government initiatives, and act as a resource for the inter-provincial and -territorial committee. The Hate Crimes Governance Committee should include an accountability framework, transparency measures, and an annual reporting requirement to Parliament on the status of hate in Canada.
  
- 2) Reinstate a provision comparable to the previous Section 13 of the Human Rights Act in order to provide a needed tool to hold individuals promoting hatred of identified groups accountable, especially for online postings on websites and social media.**
  - a) Consult with civil society experts and advocates to study shortcomings of previous Section 13 and create mechanisms to mitigate those weaknesses.
  - b) Increase funding to the Canadian Human Rights Commission and the Canadian Human Rights Tribunal in order to provide resources sufficient to deal with hate speech complaints made using Section 13 in a timely manner.

**3) Provide the Canadian Human Rights Commission the responsibility and resources to enforce penalties stemming from online hate activity on social media platforms and through website services providers.**

- a) Consult with the Canadian Human Rights Commission to determine their capacity and required resources to take on this role.
- b) Create and enforce industry standards according to which social media platforms and service providers must review anti-hate laws.
- c) Create requirements to mandate social media platforms and service providers in regulating social networking feeds and taking down hate websites.
- d) Enforce fines for platforms and service providers that do not remove content or shut down websites in a certain amount of time.
- e) Create and enforce requirements that require social media firms to publish transparency reports which provide information on how many hate incidents were reported, what action was taken, and the speed with which they respond to victims. Require reporting on additional information, including what posts are prioritized to users, the performance of machine learning systems, and the accuracy of responses measured by third party random sampling.

**4) Require Attorneys General to publish an annual report in order to report details of hate crime cases that requested Attorney General consent on Section 318 and 319 of the Criminal Code in order to increase transparency with the public.**

- a) Create and enforce defined criteria for cases requiring Attorney General consent.
- b) Require Attorney General reporting on:
  - i) All cases that requested approval
  - ii) When it provided consent and did not provide consent
  - iii) Why it provided consent or why it did not provide consent

**5) Collect, monitor and share national hate crime data.**

- a) Utilize Statistics Canada's General Social Survey to collect more robust data on hate crimes.
  - i) Repeat the Victimization portion of the General Social Survey on an annual basis.
  - ii) Expand questions in the Victimization portion of the General Social Survey to gather data on all bias motivations including Islamophobia, anti-Black racism, Anti-Semitism, anti-Indigenous racism, homophobia, sexism, and other forms of Anti-faithism.
- b) Through Statistics Canada's Canadian Centre for Justice Statistics program, provincial Attorneys General, appropriate provincial Ministries, and police boards, develop standard forms and procedures for collecting and keeping statistics on police-reported hate incidents.

- i) Through an intersectional race and gender-based analysis (GBA+), design these forms to capture, at a minimum, all incidents that complainants have identified as hate crimes or hate incidents and all incidents for which there is evidence that suggests that they may qualify as hate crimes or hate incidents, including:
  - (1) What investigation was undertaken
  - (2) What charges, if any, were laid
  - (3) Why charges were not laid
  - (4) What other charges might reasonably have been laid in the circumstances but were not
  - (5) Whether any charges laid proceed to trial and if they did it, why they did not
  - (6) What the disposition of the charges was
  - (7) Whether, if the accused was convicted, the Crown raised hate or prejudice as an aggravating factor in sentencing
  - (8) Whether, in such instances, the court took hate or prejudice explicitly into account as an aggravating factor in sentencing, and what the sentence, if any, was
- ii) Enact regulations requiring that such statistics be kept and made available as indicated above.

**6) Provide sufficient funding to create community-based civilian groups, composed of community members, including communities with negative experiences with the police, in order to act as a neutral reporting and advocacy body between police boards and communities. Victims would feel safer reporting to this body as opposed to working directly with the criminal justice system. And/or, provide funding to support existing community health centres and local agencies to allow for third-party reporting where victims could report hate crimes or incidents.**

**7) Provide sufficient funding to partner with leading community organizations with an expertise in addressing hate to develop and implement a multi-year 'Canada against hate' public education campaign. This campaign must use multiple platforms of media and broadcast communications to creatively and effectively raise public awareness about the manifestations of hate in Canada. The campaign must also equip Canadians with the means to identify hate, question it and challenge it in their daily lives.**

[Here's an example from the City of Toronto: <https://www.toronto.ca/community-people/get-involved/community/toronto-for-all/>]

References:

1. *Hate Crimes Community Working Group*. (2006). Final Report of the Hate Crimes Community Working Group to the Attorney General and the Minister of Community Safety and Correctional Services.  
[https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/hatecrimes/HCCWG\\_full.pdf](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/hatecrimes/HCCWG_full.pdf)
2. *Standing Committee on Justice and Human Rights*. (2019). Taking Action to End Online Hate.  
<https://www.ourcommons.ca/Content/Committee/421/JUST/Reports/RP10581008/justrp29/justrp29-e.pdf>

## **Appendix A: Anti-Hate Group Members and Endorsements**

1. Across Boundaries
2. Alliance for South Asian AIDS Prevention
3. Amira Elghawaby
4. Anela Jadunandan
5. Bernie Farber
6. Canadian Anti-Hate Network
7. Canadian Arab Federation
8. Canadian Centre for Victims of Torture
9. Canadian Muslim Vote
10. Catholic Cross Cultural Services
11. Chinese Canadian National Council - Toronto
12. Chinese and Southeast Asian Legal Clinic
13. City of Toronto - Confronting Anti-Black Racism Unit
14. Colour of Poverty - Colour of Change
15. Council of Agencies Serving South Asians
16. Hispanic Development Council
17. Islamic Foundation of Toronto
18. Jeewan Chanicka
19. Labour Community Services of Metropolitan Toronto Inc.
20. Dr. Karen R. Mock
21. Midyanta Community Services
22. Naseem Mithoowani
23. Ontario Agency for Health Protection and Promotion
24. Ontario Council of Agencies Serving Immigrants
25. Salaam Canada
26. Social Services Network
27. South Asian Legal Clinic of Ontario
28. Tamil Canadian Centre for Civic Action
29. United Way Greater Toronto Area
30. University of Toronto Mississauga Students' Union
31. Urban Alliance on Race Relations
32. Walied Khogali Ali
33. World Sikh Organization
34. YWCA Canada