

The Working Group's Process

The Working Group met ten times in person, usually for two-day meetings, approximately monthly from January to September 2006. Between meetings, several members contributed to the work of sub-committees, and kept in touch with one another and with staff by telephone and electronically.

The Working Group reached three conclusions at the outset of its deliberations. First, that it could not address effectively the incidence of hate "crime" unless it looked more broadly at the full range of hate phenomena and manifestations, and at the social and historical context that has given rise to them. Secondly, it found that it needed to agree upon provisional definitions of the relevant terms in order to demarcate the size and shape of the task assigned. It was clear from the outset that it could not simply take its bearings from the *Criminal Code*, both because the *Criminal Code* itself does not define hate crime as such, and because, again, such an orientation would focus the inquiry too narrowly on those hate phenomena that qualify as "crimes." Finally, it decided that it could not rely exclusively upon its own expertise in fulfilling its mandate. The Working Group needed to learn more about existing municipal, provincial and federal government arrangements in response to hate phenomena and about the nature, extent and impact of hate activity in as many as possible of the racialized and other communities in Ontario that most frequently experience it.

Working Definitions

The Working Group addressed the first two of these concerns by adopting the following as working definitions of "hate incidents" and "hate crimes". These are the lenses through which we would approach our research tools and the rest of our deliberations. The working definitions were drafted by a sub-committee and adopted early in the process as follows:

- "Hate incidents" are expressions of bias, prejudice and bigotry that are carried out by individuals, groups, organizations and states, directed against stigmatized and marginalized groups or communities, and intended to affirm and secure existing structures of domination and subordination.
- "Hate crimes" are hate incidents that are also criminal offences committed against a person or property and motivated, in whole or in part, by bias or prejudice based on real or perceived race, national or ethnic origin,

language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor.

Using the working definitions enabled an opening up of the discourse, particularly from community members who would have otherwise been reluctant to speak of their lived experiences that they might not name as hate crime. The Working Group's ongoing deliberation on definitions was extensive, as the literature and our research pointed to the importance of developing a standard definition. The results of our deliberations appear under the Strategy and Recommendations.

Community and Stakeholder Engagement

The Working Group addressed the third concern identified above by engaging in deliberate and extensive attempts at outreach. Most of the time was spent in monthly plenary meetings from January through to the end of June, hearing **oral submissions** and reviewing **written representations** from provincial and municipal officials responsible for law enforcement, criminal prosecutions, police training, local and provincial educational policy, existing victims' services programs and funding arrangements, provincial Aboriginal justice initiatives, and law reform measures underway to deal with human rights and police oversight. Members also heard from academics and lawyers working on issues of hate, racism, discrimination and victimization. Most importantly, the Working Group heard from representatives of the most victimized groups according to reported data, including the African Canadian, Aboriginal, LGBTI, Jewish, Arab, Muslim and South Asian communities, and from multicultural organizations about the incidence of hatred and prejudice, and the nature and particular quality of the damage that hatred and prejudice causes, in each of those communities. (Appendix C lists the individuals from whom, and the organizations from which, the Working Group received submissions or representations.)

In addition to the wealth of materials and resources provided by members, the Working Group also instructed staff to conduct a detailed **literature review**, to ensure that its deliberations were informed as fully as possible by the best current thinking on hate crime issues and by the approaches undertaken in other jurisdictions. The Ministry of Community Safety and Correctional Services conducted an **environmental scan** of all Ontario police services, in order to determine what procedures are in place to plan, respond to and mitigate hate/bias motivated crime. There was an 86% response rate, with 60 services filing a response by the end of April.

The Working Group engaged consultants to design and administer an **electronic questionnaire** on hate crime and hate crime services, especially in Ontario, to groups and individuals from all sectors we believed to have useful information or expertise to share. There were 339 responses received. Different consultants were engaged to facilitate and to summarize the findings from **regional meetings** with representatives of community organizations, individuals, and relevant officials in Windsor, Ottawa, Thunder Bay and Kenora. Working Group members and staff joined the consultants at those meetings and toured correctional facilities in Kenora. (Appendix C includes the participants in these regional meetings.) The same consultants facilitated **focus groups** for the Working Group in Toronto with community group representatives, academics, educators and law enforcement

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officials. Working Group members also hosted a discussion group with Toronto lawyers involved with hate issues at legal clinics, in the criminal courts or in human rights proceedings. The purpose of the focus and discussion groups was to obtain informal response to the Working Group's initial thinking on some key hate crime issues.

A summary of the relevant findings from all these forms of outreach appears in the next section of this volume. In addition, several individual members of the Working Group conducted **personal interviews** with hate crime victims known to them from the constituencies with which they are most familiar. The victims' interviews added voice to many of the points raised by third party service providers or community leaders. Most recently, the Chair of the Working Group and staff met with senior officials in the Ministries of the Attorney General and Community Safety and Correctional Services, with a view to identifying and rectifying possible impediments to the prompt implementation of its recommendations.

The Working Group does not claim full representativeness or statistical significance for the findings that have emerged from extensive efforts at outreach. Time, budget and circumstance did not permit a full province-wide consultation that would have provided a larger sample size and greater regional representation. In total, the number of participants and contributors to the process approached 700 Ontarians. The Working Group *does* claim however, that despite some limitations, we were able to gather relevant, useful information about the nature, incidence and impact of hate activity in Ontario, providing a sound empirical basis for the proposed strategy and recommendations.

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"Even the smartest people, with all the education in the world – still, as victims, have ambivalent feelings about reporting – even when we know the system and aren't afraid of it. When you live with racism every day, what do you do?"

African Canadian Woman, Victim of racial harassment, Toronto

"I am concerned not only for myself, but also everyone in my community. These people have rights. They should not have to tolerate this. The police force symbolizes the justice system for many civilians. It's devastating when police officers are seen as betraying the system."

Arabic Muslim Male, Victim of racial harassment and assault,
Greater Toronto Area