

summary of findings

As described above, despite severe time constraints, the Working Group conducted a fairly comprehensive literature review, and devised a multi-stakeholder strategy of community meetings, electronic questionnaires, and focus group discussions on hate activity with a broad cross-section of Ontarians. This section of the report provides only a summary of the findings from the various initiatives undertaken by the Working Group to deepen its understanding of hate and hate activity in Ontario. A more detailed report of the empirical findings that provide the rationale for the strategy can be found in the accompanying documentation.

A total of approximately 170 participants contributed their views personally to members of the Hate Crimes Community Working Group. This involved four regional meetings, three focus groups, and presentations from a variety of community organizations and stakeholder groups, as well as meetings and correspondence with selected individuals with special expertise in the area, including several victims of hate crime. Presentations were made by academics, leaders of institutions and agencies, members of faith-based communities, community-based lawyers, and staff members of the Ontario government in relevant policy, programs and victims' services work. The Working Group also heard from members of several police services, as well as the Ontario Police College (OPC) and representatives of the Hate Crimes and Extremism Investigative Team (HCEIT).

There were 60 responses received from the environmental scan of Ontario Police Services conducted by the Ministry of Community Safety and Correctional Services. Three hundred and thirty-nine (339) representatives of organizations and agencies involved in hate crimes work in a variety of sectors responded to the Working Group's online survey. Through these undertakings, and including the input of our members and key personnel from Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, the Working Group heard from close to 700 Ontarians. It is on this empirical evidence that the proposed strategy is based and from which the eight key component issues emerged.

1. Definitions

The Working Group heard a consistent message across the province that many victims of hate activity and their communities are deeply concerned that their experience of hate is not recognized by police, the justice system and other public institutions. Hate motivated acts are ignored, denied, diminished and/or viewed as random criminal offences and treated as such. The critical question that needs to be addressed is: Whose experience determines when an act against a person or community is a hate crime or not?

Frustration was voiced by members of Aboriginal, African Canadian, Arab/Muslim, Jewish and LGBTI communities in particular, over a lack of common understanding of hate activity and of particular difficulties faced by them in the pursuit of justice. Too

often, taking action to prevent or redress incidents of hate activity and hate crime leaves these groups more marginalized and further victimized. The Working Group learned that not only do hate incidents and crimes impact upon different communities differently and run the continuum from very subtle incidents to extremely overt acts of physical violence, but there is a feeling that that victimization of some communities is taken more seriously than hate crimes against others.

Another serious problem associated with the lack of a common perspective on hate activity is the absence of credible statistics to measure and analyse such activities. This is not only a barrier to fully understanding hate motivated activity as it relates to all communities, but also serves to deny these communities adequate redress. The Working Group heard strong demands for an understanding and definition of hate motivated activity that would be accepted by all sectors in the society.

In seeking a common understanding of hate crime and hate incidents, the Working Group was asked to consider a number of key elements. These include understanding that hate crime and related hate activity are not random instances of individual prejudice, but have historical origins based in a culture of racial superiority that began with European colonizing practices and the dehumanizing of Aboriginal peoples. Any attempt to define hate crime and incidents must also appreciate how historically-rooted ideologies of domination continue to marginalize people of different races, Aboriginal status, religions, ethnicities, different sexual orientations and physical or mental capacities.

The Working group was told that marginalized groups experience the legacy of this discrimination in their daily encounters with public institutions, including the justice system, which in their experience, condone and in some cases, perpetuate this legacy. The Working Group also heard that any credible definition of hate crime must give consideration to the socio-political and geo-political context that surrounds it. Hate, it was pointed out, does not operate in a vacuum, as evident in the post 9/11 targeting of specific groups and to culturally derogatory definitions of "terrorist".

2. Aboriginal Peoples

The Working Group heard from Aboriginal communities about how important it is to understand their history, their deep spiritual and cultural ties to the land, and their unique legal and constitutional position in Canada as key to understanding their experiences of hate activity and hate crime. Their history of racist colonial policies resulted in loss of traditional lands and legislation that prohibited their free movement. The federal government's policy of removing children from their families and sending them to residential schools devastated communities with a lasting impact in loss of language, culture, family life and self-esteem that impacts Aboriginal communities in Ontario today.

The Working Group heard that in a society in which Aboriginal peoples - women in particular - have been historically under-valued, hate crimes and incidents rooted in racism, generally go unreported and unacknowledged. It also heard how systemic racism in Ontario's justice system, legal system and community support systems, have contributed to the continuation of hate crimes perpetrated against Aboriginal peoples. The Working Group learned that Aboriginal communities fare far worse than other communities in Ontario and that they are the most disadvantaged population. Life expectancy, high suicide rates among young men and women and the level of violence in Aboriginal communities compare poorly with non-Aboriginal communities.

Incarceration rates of women, men and youth are more than eight times the national average, and their experiences in correctional centres are filled with daily encounters of racism.

Aboriginal presenters told the Working Group that criminalization should not be the sole strategy for dealing with racist activity and hate crimes. Aboriginal communities want to see holistic approaches to victim support services and a strategy that addresses both victims and perpetrators, in a constructive manner, as necessary to restore balance. In addressing hate victimization, conventional police intervention and court-based services are enhanced by holistic approaches that encompass physical health, mental health, education and family services. The emphasis in Aboriginal communities is on linking victim assistance to community development efforts.

Aboriginal presentations made the point that lack of hard data on hate crimes against Aboriginal peoples should not be misconstrued. Aboriginal presenters told us that racism is so prevalent it has become normalized, like “the air we breathe.” They point to a system that has failed to protect the most vulnerable in the society.

3. Communities

Presenters and community members reminded the Working Group that there were significant differences in how Ontario communities experience hate and how they were able to respond to it. They pointed out that these differences must be taken into account in gaining an understanding of the differential impact of racism and other forms of hate in diverse communities. For example, representatives of the African Canadian community said they face a particular form of marginalization. These presenters and community groups spoke of “hate as the system under which we live” and the extreme under-resourcing of their community. They described significant barriers in the work force and in educational opportunities, talked about experiences of being both “over-policed” and “under-policed” and how that affected the way police perceive and treat them as hate crime victims. They spoke of powerlessness and of marginalization from decision-making roles, and the lack of recognition of their community as being one of the primary victims of hate crimes.

Representatives of several vulnerable communities described their lived experience – within a society that supports as well as perpetrates racism and hate, and they described the ways in which their daily lives are negatively impacted. The Working Group understood that these experiences were consistent with their understanding of the systemic and historical context of hate activity.

Individuals, groups and organizations conveyed strong messages to the Working Group about how hate crime and hate incidents have differential impacts on different communities. Presenters reported that there was uneven community capacity to respond effectively. Some communities are well resourced with sustainable networks and with leaders who often have strong, trusting relationships with governments and in the private and not for profit sectors. Such communities set an example in their capacity to respond effectively to the complex demands of political, social, technological and economic change with regard to hate crimes and hate incidents.

At the same time, however, the Working Group understands that there are many marginalized people in Ontario who simply do not have the infrastructure, resources or networks to provide support and assistance for them to take a stand against hate

crimes and hate incidents. While such community organizations bring expertise in providing support to their own members, they are continually under-funded, with too many struggling to provide critical services on precarious budgets.

At almost every consultation, the Working Group was made aware that funding for critical work in communities is an ongoing problem. In particular, the current focus on project-based funding (as opposed to program-based funding) is overwhelmingly seen as preventing the creation of sustainable solutions for communities.

The Working Group heard there must be specific funding for community groups to build requisite institutional structures that allow them to comprehensively assist victims of hate crimes and hate incidents to navigate and negotiate effectively through the justice system and prosecution processes. Because community-based organizations are most often the first place that community victims seek refuge and help, presenters urged the Working Group to make sustainable funding to communities an urgent priority.

Issues Related to Partnerships

The Working Group heard how essential it is for institutions and service agencies to develop respectful and collaborative partnerships with communities and their organizations, in order to develop appropriate solutions to redress hate crimes and hate incidents.

Presenters advised that the government must take great care, in its efforts to facilitate the meaningful representation of victimized communities, to avoid any approach that may be interpreted as “saving the community”. Such methods often lead to divisions among vulnerable communities and can often further stigmatize and marginalize these communities, resulting in an overall worsening of inter- and intra-community relationships.

Issues Related to Networks

The Working Group heard that attempts to network and build collaborative initiatives often fail due to lack of resources and that currently, capacity to network efficiently and share among Ontario’s diverse communities is lacking. Presenters pointed out the importance of addressing such gaps as a tremendous step towards reducing duplication of initiatives and make more effective use of their resources.

It became clear to the Working Group that the development of inter-community relationships would have a beneficial impact on the larger fight against systemic racism, hate crimes and hate incidents. Communities would be more readily in tune with other communities that may be in need or may be able to offer support in terms of information or in-kind resources. Presenters insisted that the Ontario government must take deliberate steps to assist and support cross-community collaboration that will meet the common needs of communities and the socially beneficial interests and goals they share with the Ontario government.

4. Education and Training

The Working Group heard from communities across the province how much schools, colleges and universities are valued as crucial partners in addressing hate and hate crime. There is a shared view that Ontario's education system offers a tremendous opportunity to reduce hate activity by instilling in young people an appreciation and respect for differences and by teaching skills of empathy, critical thinking, and conflict resolution.

However, representatives of several communities expressed serious concern over the inability of the system to fully meet the needs of the province's vulnerable communities. Presenters spoke of historically based inequities, of changing demographic needs in an increasingly multicultural and multiracial society and of the concern that the education system is lagging in its efforts to respond effectively. They pointed out the need for special sensitivities and cultural competence in order to create safe environments for all students and staff, where prejudice and hate-motivated behaviour are not tolerated.

Preventing and Responding to Hate Incidents

Some communities expressed great concern about their children's day-to-day experiences in negotiating the school system. Examples were shared of children and youth being significantly implicated in hate incidents and hate crimes - as both victims and perpetrators. Concerns were also raised about some teachers, administrators and support personnel who were perceived as being both targets and purveyors of hate behaviour. Participants expressed concerns about tactics used by hate groups within educational environments, to recruit young people to their ranks, both on school premises and via the internet.

The Working Group heard that children and youth in Aboriginal and racialized communities appeared to fare worse in Ontario's educational system. In some Northern Ontario communities, concern was expressed at the level of racism and hate activity in schools and playgrounds. African Canadian and Black parents, educators and academics shared deep concerns about the plight of their children, who are still faced with a "systemic belief that 'badness' comes with colour and poverty" – to quote one of the presenters. Similar to Aboriginal students' experiences of hate activity, re-victimization in the complaints process was said to be a common response. African Canadian educators expressed particular concern about the "Safe Schools" provisions of the *Education Act* through which students are re-victimized.

In the post 9/11 context, Arab, Muslim and South Asian groups spoke of increased incidents of racism and hate, while students from their communities have to bear the extra burden of "explaining" their communities in classrooms. Academics shared concerns of colleagues who indulge in hate speech under the guise of "freedom of speech". Another source of concern for students, particularly at the college level, is dealing with cultural insensitivities from increasing use of private security personnel.

The Working Group was told that homophobic behaviour is largely tolerated in schools where children and adolescents appear free to disparage those of different sexual orientations. They heard the experiences of LGBTI youth feeling afraid to come out and of the "particular hell" they experience in schools. Participants stressed the importance of implementing compulsory anti-oppression and equity school policies and programs, especially in high schools.

Many participants felt that much more can be done to promote a safe and equitable environment for all students and staff. Schools, colleges and universities, they felt, must be able to react promptly and effectively at the first sign of bias. Participants felt that for such measures to succeed, students, parents, teachers, staff and members of the community must be involved in collaboratively finding solutions to hate activity which, if not defused, can escalate to dangerous consequences.

Curriculum and Content

Presenters stressed the importance of students being taught the historical context for hate and hate crime in our society. (See Aboriginal Peoples section.) The Working Group learned that while Native Studies currently is offered in Ontario secondary schools as an option, it is not selected by a majority of students. For African Canadian students, we heard that the curriculum is another source of exclusion and marginalization, where many find themselves at a serious disadvantage. While African Canadian communities have been living in Canada for centuries, and a significant number are immigrants from different parts of the globe, presenters said they all get lumped together as newcomers to Canada and are further marginalized as such. Their particular historical experience of community is largely absent from the mainstream curriculum.

Professional and Occupational Training

In regional meetings and focus groups, participants identified as a serious issue, a lack of cultural awareness and sensitivities within mainstream institutions such as policing, the justice system, the education system, social services and medical professions in dealing with people of diverse communities.

It was stated that when the system is barely representative of, and remains stubbornly impervious to, the diversity that surrounds it, such a system supports and perpetuates hate crimes/incidents. It was stated by some participants that the top branches of most service delivery programs are still racially monolithic, with paper-cycle bureaucracy taking precedence over more human-centred approaches, while anti-racism and anti-oppression recommendations or policies are not being implemented.

The Working Group heard that in some Aboriginal communities, almost every mainstream institution has no Aboriginal representation among staff, nor do many of these institutions ensure any adequate cultural sensitivity training. Belittling people, name-calling, denial of services and general attitudes of condescension and intimidation were described as common.

In order for government agencies, businesses and social services to address the needs and problems of diverse communities, stakeholders pointed out that they must be represented at all organizational levels and that these institutions must make a firm commitment to cultural awareness and sensitivity education and training.

5. Victim Services

The Working Group learned that many communities and individuals in Ontario are largely unaware of the work or even the existence of the Ontario Victim Services Secretariat (OVSS) whose mandate is to provide services to all victims of crimes, including: providing leadership across government in victim service policy

development, providing oversight for the current Victims' Justice Fund, and providing and/or funding a broad range of support services to victims, delivered through community-based organizations as well as through court-based programs.

The Working Group also learned that the OVSS falls seriously short in dealing specifically with victims of hate crimes and hate incidents. First, many community-based organizations, groups and vulnerable communities are simply unaware of the services available to victims of hate crime. Secondly, the current services are inadequate to meet the specific needs of many communities and victims of hate crimes and hate incidents, particularly those affecting Aboriginal Peoples, LGBTI and other marginalized communities. For its part, the OVSS indicated that its efforts are limited by the small number of hate crimes victims whom the police bring to its attention, according to its mandate.

As with other mainstream agencies, cross-cultural sensitivities in service delivery are necessary in communities right across Ontario. Community members and participants from Northern Ontario in particular, spoke of deep insensitivities from various agencies' service providers and of a lack of service delivery personnel who reflected their communities.

Since the Working Group's mandate required it to be specifically concerned about the gaps in service provision to victims of hate, members became very much aware of the current limitations of the programs and initiatives offered by government as described at the consultations. It is aware that this gap tends to be mainly filled by community-based organizations. There are several characteristics that make community-based organizations a more viable option and first point of refuge for victims seeking support. They tend to be accessible and are knowledgeable of the victim's and the community's needs. They provide culturally appropriate and sensitive responses, and have expertise to tailor services to meet such needs. Their independence makes them less intimidating than government-affiliated bodies.

The Working Group was reminded of the changing demographics and needs within Ontario communities and the struggles of community agencies to keep up with these needs, particularly in large urban centres. Stories from community-based contributors and presenters - in particular from the Aboriginal communities and African Canadian communities - described how the dire social and economic marginalization with which they live continually exposes them, especially young men, women and children, to hate crimes and hate incidents.

The Working Group also received several presentations regarding continual racial profiling and pathologizing of specific communities, such as the African Canadian, and increasingly, Arab and Muslim communities. Presenters spoke of the current globalized context, in which incidents in far off places can have a devastating impact on the lives of people in Ontario communities. The recent experiences of the Arab and Muslim communities here in Canada whose everyday circumstances have changed so dramatically provide worrying examples of these evolving pressures and demands for appropriate victims' services.

While community groups and organizations are best suited to responding to most of these needs, the Working Group was reminded of the ongoing challenges faced by victims and victim-based communities, in particular the lack of sustainable funding. Accessing funding can also be a source of frustration, particularly for community groups and organizations with limited human resources.

6. Justice System

Accessing Justice:

The Working Group heard of serious constraints in the justice system's capacity to deliver essential justice to all victims of hate activity in Ontario, in particular, those most vulnerable. There is a widespread perception, especially among African Canadian, Aboriginal and LGBTI communities that there is little point in reporting hate incidents to the police. The Working Group heard that most victims of hate are unable to access justice, because their experience of hate activity is often not considered a hate crime or they do not see reporting as a viable option. A victim might be unfamiliar with how to report, have concerns about language ability or may fear reprisals from the perpetrators. Aboriginal and African Canadian stakeholders expressed a deep concern with negative consequences of attracting police attention by reporting hate incidents, and feared that they themselves would be charged or mistreated for doing so.

When they did report, their experiences with police services were in most cases negative, and the police services were unlikely to put resources into investigating their complaints. Community representatives also noted that when charges were laid, some police would reduce the charge against the accused perpetrator to a less serious offence than the incident warranted. Therefore, concerns were shared that many, probably most, hate incidents and/or crimes never come to the justice system's attention.

Community agencies, which are most often the first point of refuge for victims of hate crime, reported lacking capacity and resources to help victims to navigate the criminal justice system. In many community meetings, participants spoke of poor police/community relations, in particular in Aboriginal, racialized and LGBTI community. Examples included targeting of young men, over-policing and under-policing of specific communities and failure to consult with communities.

There was also the expressed concern that the requirement for the Attorney General's consent to lay a charge of hate crime may act as a barrier to legitimate complaints from many marginalized communities. Hence a large number of Ontario vulnerable communities – Aboriginal peoples, racialized, LGBTI and faith-based community members – do not feel they have fair and equal access to the criminal justice system in Ontario.

Criminal Law

The Working Group heard from many communities that while it is essential to deal effectively with hate incidents and hate crimes, it is also problematic to criminalize every ignorant behaviour. Presenters spoke to the real challenge of sending a clear message that hate-motivated behaviour will not be tolerated and, at the same time, preventing the misuse of the *Criminal Code*.

The Working Group heard of the lack of uniformity in reporting and recording hate crimes. Since there is no standard definition as to what constitutes a hate crime or hate incident, what is actually tracked varies from one report to another. Further, since there are no specific hate crimes offences, even where there is a conviction for a crime that may be motivated by hate, it is not recorded.

Human Rights

With regard to the proposals for change in the Ontario Human Rights Commission, the Working Group heard from many that the OHRC should have total jurisdiction over complaints about hate and/or racism. Many participants expressed concern about Bill 107, and asked for a strong enforcement body with appropriate investigative powers to protect complainants. It was felt that complaints of racism should never be resolved through “informal discipline” mechanisms which cut the victim out of the process. There was a concern that trying to expedite the human rights complaint process may result in the denial of a greater number of applications.

The Working Group was advised that a key focus with regards to human rights reform should be on legal supports and representation that was properly funded, staffed and empowered. Participants told the Working Group they wanted the OHRC to focus on systemic issues, access, and policies, with assurances that effective legal advice and representation is available, at public expense, to all human rights claimants that genuinely need it.

Policing

The Working Group heard repeatedly from vulnerable communities, particularly Aboriginal and African Canadian communities, of their lack of trust of the police, the futility of reporting, and their fear of re-victimization by the police and the court system. These communities expressed fear of the police because they had been victimized. They consistently spoke of their experience of police abuse and racial profiling, and how they are perceived as criminals and not victims because of their over-representation in the criminal justice system.

The Working Group learned that only seven police services in Ontario have dedicated Hate Crimes Units, and only 20 services have dedicated officers to manage and investigate hate/bias motivated crimes and hate propaganda. While officers in those services are provided with some awareness training on the subject of hate crime, the content and extent of training varies considerably across the province.

Having heard from several policing services, the Working Group expressed concern about the structure and function of Hate Crimes Units in some police services where a single unit of officers is responsible for both hate crime and “extremism,” and/or where units are equipped for intelligence gathering but not investigative functions. With the melding of these two approaches, communities which are vulnerable to hate incidents perceived that it is often the same communities that are subject to over-surveillance on suspicion of extremism.

The Working Group was told that since September 11, 2001, Muslim and Arab Canadian communities have attracted great scrutiny and suspicion from security and law enforcement officials as potentially being involved in terrorist activity. At the same time, hate crimes against these communities also increased and in these circumstances, assigning the same officers to address hate crime and extremism raises conflicts. Therefore, there was a strong feeling that dedicated Hate Crimes Units should be established with sufficient resources and clear mandates, in all areas of the province, and that such units should be distinct from units engaged in anti-extremism intelligence.

Regarding training of police personnel, the Working Group heard from Ontario Police College staff that currently, police training related to hate crimes is limited to short courses and only to new recruits, with little refresher training. The Working Group has learned that there should be additional ongoing training for justice system professionals and that existing protocols and procedures, such as outlined in the Policing Standards Manual, should be strictly adhered to, in order to increase sensitivity to the needs of victims of hate crime. The training of all justice system personnel needs to include the historical and other factors that have given rise to manifestations of hate and prejudice toward vulnerable communities, and the specially damaging impact on such communities and their members of hate incidents and hate crimes.

First Nations Police

The Working Group heard from First Nations Policing representatives that First Nations Constables play an important role in Aboriginal communities with respect to hate complaints. However, since they are not subject to the same requirements as other police officers, or the same opportunity for training in general or with respect to dealing with hate crime allegations, First Nations authorities in the province should be consulted about appropriate training and conduct standards for individuals appointed as First Nations constables as well as civilian oversight.

Police and Crown Protocols

The Working Group heard from the Ministry of the Attorney General that Crowns rely almost exclusively on police to provide them with evidence of hate motivation. If the police do not give this evidence to Crowns, it becomes nearly impossible for the Crown to deal with the hate aspect of a crime, or to argue for sentence enhancement based on Section 718.2(a)(i) of the *Criminal Code* (which allows for enhanced sentences when hate is found to be a motivating factor).

The Working Group heard from the Criminal Law Division that Crown prosecutors have discretion as to how to conduct a criminal prosecution, and they are guided by certain Crown policies. However, at present, there is a lack of public knowledge about the process through which victims of hate crimes can obtain information about how to file a complaint about the conduct of a criminal prosecution, and about how such complaints are addressed.

It was urged that the Ministries of the Attorney General and Community Safety and Correctional Services develop, in consultation with Crown Attorneys' offices and police services, a standard, recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes; that police services thereafter identify, in this prescribed way, cases that may be appropriate for prosecution as hate crimes, and that steps be taken to ensure that all Crown prosecutors are completely familiar with all practices and guidelines related to hate activity.

Further, the Working Group, was told that the Ministry of the Attorney General should give community groups a role throughout the criminal justice process, including but not limited to, assisting in the preparation of individual and community victim impact statements.

Police and Crown Complaints

Some members of vulnerable communities stated that members of their community are afraid to make complaints to the police when the perpetrators themselves were police officers. Furthermore, it was felt that there is not enough transparency or independence in dealing with complaints made by civilians against police and that to remedy this, the provision of independent, transparent, and accessible mechanisms for dealing with complaints about the provision of services in the justice system is necessary.

The Working Group heard that the Ministry of the Attorney General, Criminal Law Division, should take steps to publicize the recently introduced Criminal Law Division Practice Memorandum entitled “Complaints Process” so that victims of hate crime can obtain information on how to make a complaint about the conduct of a Crown prosecutor, and about the procedure for addressing such a complaint. The Working Group further heard that the publication of the complaints process for the conduct of a criminal prosecution would give the members of vulnerable communities in Ontario greater reason for confidence in the integrity of the criminal justice system regarding hate incidents.

Aboriginal Justice

The Working Group was reminded that in early 2004, the Attorney General announced an Aboriginal Justice Strategy. This is understood to be a consultative process intended initially to address the overrepresentation of Aboriginal peoples in the criminal justice system, but also to help develop ways of learning from, and showing more respect for, traditional and evolving Aboriginal legal arrangements within mainstream society.

The Working Group was informed that the Aboriginal communities participating in the Aboriginal Justice Strategy require sufficient funding to support meaningful participation in the process, and, more generally that the Strategy requires sufficient resources of all kinds to enable it to achieve its objectives. Further, the Working Group was encouraged to implore the Attorney General to reaffirm publicly the government’s commitment to the Aboriginal Justice Strategy and to clarify the Strategy’s mandate and the government’s vision for the Strategy.

Aboriginal community members expressed concerns that the criminal justice system works against Aboriginal peoples and other marginalized groups when judges and court workers are not aware of, or sensitive to, the culture or context of hate as they impact on different communities. Aboriginal community representatives called on the province of Ontario, in consultation with appropriate First Nations and Métis organizations, to create mechanisms to ensure that all Aboriginal peoples, including those who are incarcerated, have access to knowledgeable, culturally appropriate legal advice and representation when charged with offences or when victimized by hatred, prejudice or bigotry. It was further noted that since Aboriginal victims of hate crimes lack legal support, there is a need for Aboriginal Victim Services in Ontario where Aboriginal persons can access services, including legal representation. Overall, the Working Group’s findings on the situation of Aboriginal peoples suggest that much work is required to create a justice system that works for Aboriginal peoples.

Correctional Services

The Working Group learned that vulnerable communities, especially Black and Aboriginal communities, experience and perceive provincial correctional facilities as regular, routine sites of hate incidents. Recent Ontario Human Rights Tribunal rulings confirm that racial discrimination and hate incidents take place in Ontario correctional institutions. The Ministry of Community Safety and Correctional Services was urged to increase its efforts to address and eliminate overt and systemic racism in the Ontario correctional service and within Ontario's correctional institutions.

Criminal Injuries Compensation

The Working Group learned that the Criminal Injuries Compensation Board can only award compensation to victims of violent crime. While some hate crimes may involve violence, many do not, although they all involve emotional distress. It was proposed that the *Compensation for Victims of Crime Act* should be amended to ensure that all victims of hate crime are eligible for compensation. Further, it was presented that civil actions against perpetrators for hate incidents should be eligible for funding through legal aid certificates or legal clinics.

Private Security Services

The Working Group heard concerns from various presenters, including students at the college level, about having to deal with cultural insensitivities from the increasing use of private security personnel who marginalize or stigmatize individuals on the basis of race and other personal characteristics which cause people to be victimized by hate activity. The government was called on to disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes or to have contravened *Ontario's Human Rights Code* or the *Canadian Human Rights Act*, and to enact a code of conduct for private investigators and security guards prohibiting hate activity.

7. Public Awareness

The Working Group heard strong messages throughout the process that the public must be able to understand hate activity within their communities in order to participate in its reduction. A public awareness campaign was offered as an essential tool to combat hate activity and hate crime.

The Working Group learned a great deal from presenters about how hate is so commonplace and institutionalized that it is almost impossible for those outside vulnerable communities to fully appreciate its magnitude or to recognize it as a scourge on our society as a whole. The Working Group was told that when the public lacks cultural awareness and understanding of differences, this contributes to exclusion, victimization, fear, and tolerance of hate crimes and incidents. For example, Aboriginal presenters spoke of the absence in the Canadian consciousness of their historical place and rights in Canada and how this contributes to instances of everyday racism and hate. Several presenters emphasized that vulnerable communities and individuals are not the only victims when hate activity is carried out – that what hurts one of us hurts us all. A concerted effort was required by all to address hate in the society.

The Group was reminded of an example of a successful public awareness strategy -- the campaign against violence against women. As with hate crimes and hate incidents today, not so long ago the abuse of women was mainly ignored and not treated as a serious crime. Today, this crime and its perpetrators are widely condemned. This is because governments, both national and provincial, community groups, highly recognized public figures, and some of the media, were involved in the campaign.

It was pointed out that the more diverse a public awareness campaign, the more effective it will be. The Working Group heard that efforts to raise public awareness must take into account that traditional channels may not reach everyone. Creativity and consistency were said to be the keys to educating and convincing the public about the harm and dangers created by hate-activity. It also heard that a strong institutional commitment is required for a public awareness campaign – that statements should come out loudly and clearly from government on what it means to take action on hate crimes.

8. Implementation

Across the province, at every hearing and consultation, the Working Group heard an urgent call for immediate action to address hate crimes and hate incidents in Ontario. From most stakeholders, in particular from the most vulnerable communities, an implementation strategy with strong built-in accountability measures was deemed necessary to counter this debilitating force in society. Community stakeholders repeatedly reminded the Working Group of the importance of ensuring that strong governmental support, appropriate multi-level structures and sustainable funding are essential to ensuring sustainable change.

However, community groups and others recommended that any approach to address hate crimes and hate incidents in a comprehensive manner must involve a broad cross section of stakeholders in a meaningful way with representatives from the most vulnerable communities at the decision-making table. Communities stressed the importance of accountability measures in implementation plans and called for high profile champions from governmental and other public institutions.

The Working Group was repeatedly told that to ensure an effective implementation and accountability strategy, an action plan must contain at least these elements:

- A comprehensive understanding of the issue;
- Anti-racism/anti-oppression training throughout the system;
- A victim-centred approach;
- Meaningful partnership/inclusion of vulnerable communities; and
- Commitment from government on action and funding.