

# summary of recommendations

## 1. Definitions

Goal - Establish a shared conceptual foundation for hate incidents and hate crimes across government and in communities.

### Objectives:

- The definitions of hate incidents and hate crimes are contextualized and cognizant of the marginalization and disadvantage of victimized communities.
- Common definitions of hate incidents and hate crimes are adopted by government, police services and communities.

### Recommendations:

#### 1.1. The Ontario Government:

- adopt a standard definition of “hate incident” and “hate crime” for all public purposes in the province, including victim services, criminal justice, statistical classification, public education, and policy and program development, and program and project funding allocation; and
- urge the federal government to adopt these same definitions for all public purposes nationwide.

#### 1.2. The Ontario Government propose and adopt the following definitions for these purposes:

- “‘hate incident’ means any act or omission, whether criminal or not, that expresses bias, prejudice, bigotry or contempt toward a vulnerable or disadvantaged community or its members. A ‘vulnerable or disadvantaged community’ is any group or community identified as such on the basis of characteristics protected by *The Canadian Human Rights Act*, the *Ontario Human Rights Code*, *Criminal Code of Canada*, and Section 15(1) of the *Canadian Charter of Rights and Freedoms (Charter)*;
- “‘hate crime’ means any criminal offence committed against a person or property that is motivated, in whole or in part, by bias or prejudice based on real or perceived race, ancestry, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor, whether that of a victim or that of associates with whom a victim is closely affiliated. ‘Any other similar factor’, as specified in the

*Criminal Code*, is to be interpreted, for this purpose, in a manner similar to 'analogous grounds' in Section 15(1) of the *Charter*.

## 2. Aboriginal Peoples

Goal - Recognize and respect the unique historical, constitutional and current position of Aboriginal peoples.

### Objectives:

- A distinct and targeted approach is taken to understanding and addressing Aboriginal victimization.
- Urgent attention is given to Aboriginal victims of hate incidents and hate crimes.

### Recommendations:

2.1. The Ontario Government undertake a distinct Aboriginal Strategy to end hate crimes and hate incidents directed towards Aboriginal peoples and their communities. The Strategy should meet the following criteria:

- The Strategy is designed, developed and implemented in collaboration with Aboriginal peoples and communities across Ontario.
- Appropriate linkages are established between this strategy and the Aboriginal Justice Strategy which is directed toward improving and strengthening the Canadian justice system's response to Aboriginal peoples, and examining opportunities to support the development and delivery of Aboriginal traditional and community-based approaches to justice.
- Funding for the strategy is long-term and consistent, and includes sufficient resources for substantive work with schools and in classrooms.
- The strategy includes a strong public education component about the origins and effects of hate crimes and hate incidents, as well as collaborative initiatives that bring Aboriginal peoples into dialogue with other communities to deepen understanding of the unique histories and rights of Aboriginal peoples in Canada.

## 3. Communities

Goal - Empower and integrate communities into all systems and services relating to hate crime.

### Objectives:

- Victimized communities have the capacity to deal with hate incidents and hate crimes by having access to sustainable funding and support for services, programs and initiatives.
- Vulnerable communities are adequately and meaningfully represented on institutions and partnerships.

- Opportunities exist and are strengthened for networks, community partnerships, coalitions and capacity building.

### Recommendations:

3.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services provide sufficient funding and additional resources to community organizations throughout the province to:

- create necessary institutional supports within communities;
- strengthen relationships between community organizations;
- collect and publish their own statistics of hate related incidents in their communities, and support community-based research initiatives;
- assist and support victims of hate crimes and hate incidents through the justice system; and
- create distribution channels so community organizations can disseminate the research and products they have produced.

3.2. In collaboration with community-based organizations, the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services create and strengthen networks for:

- sharing information, research and best practices between community organizations and government.
- understanding the scope of hate activity and incorporating community research and data collection, statistics, and resource materials when creating similar products.

## 4. Education and Training

Goal - Implement effective education and training to address and prevent hate and hate crime victimization.

### Objectives:

- Curricula and training development includes community and victim perspectives and incorporates anti-racism and anti-oppression content.
- Professionals who deal with victims (e.g. teachers, police, victim service providers) have a critical perspective, understanding and analysis of the issue.
- Hate incidents in educational institutions (e.g. schools, community colleges, universities) are reported, investigated and remedied.

## Recommendations:

- 4.1. The Ministry of Education enhance funding to ensure that school boards can deliver effective ESL and other programs (e.g. African Heritage Programs) attentive to the needs of children from vulnerable communities.
- 4.2. The Ministry of Education, in consultation with Aboriginal, racialized, religious, LGBTI and other vulnerable communities, develop and enhance curricula for all levels of the elementary and secondary education system in Ontario that:
  - address issues of difference and the several possible forms of overt and systemic discrimination;
  - illuminate the history, causes and consequences of marginalization and stigmatization that vulnerable groups have faced and continue to face in Ontario and in Canada;
  - give students and staff authentic opportunities to learn about diverse histories, cultures and perspectives; and
  - provide students with the knowledge, skills, resources and tools necessary to recognize and confront hate, including hate-related bullying.
- 4.3. The Minister of Education introduce legislation to amend, and modify its application of the 'Safe Schools' provisions of the *Education Act* in line with proposals made in the Ontario Human Rights Commission's report *Paying the Price: the Human Cost of Racial Profiling*, the report of the *Toronto District School Board's Safe and Compassionate Schools Task Force* and the Safe Schools Action Team's report *Safe Schools Policy and Practice: An Agenda for Action*.
- 4.4. The Ministry of Education and the Ministry of Community and Social Services in cooperation with appropriate professional associations and licensing bodies, amend requirements such that:
  - successful completion of mandatory courses on the history, causes and consequences of hate and bias-motivated behaviour are a requirement for qualification as a teacher, school principal or counsellor or social worker; and
  - accredited teachers, school principals and counsellors demonstrate ongoing competence with this subject matter at regular intervals to maintain satisfactory performance ratings.
- 4.5. The Ministry of Education reaffirm the Ontario government's commitment to Policy/Program Memorandum No. 119 ("*Development and Implementation of School Board Policies on Antiracism and Ethnocultural Equity*," July 1993) and use to the full extent its authority under Section 8(1)29.1 of the *Education Act* to ensure that school boards comply with and enforce it.
- 4.6. All school boards, colleges and universities in Ontario ensure, on an ongoing basis, that their policies and procedures are sensitive and resistant to the risks of stigmatizing or marginalizing vulnerable communities, and that the

- Ministries of Education and of Training, Colleges and Universities make best efforts to ensure that this takes place.
- 4.7. The Ministries of Education and of Training, Colleges and Universities, require all Ontario schools, colleges and universities to keep and report annually statistics about hate incident reports and about what action is taken in response to them.
- 4.8. The Ministry of Education amend its Code of Conduct for schools to make it explicit that hate propaganda and other forms of hate or bias-motivated conduct are unacceptable in Ontario schools, and seriously consider designating such behaviour as cause, province-wide, for suspension or expulsion, provided that the above-mentioned recommendations are implemented.
- 4.9. The Ministry of Education:
- ensure the production, and dissemination to students, school staff and parents or guardians, of information on victimization and ways of recognizing hate and bias-related incidents;
  - ensure that educational institutions at all levels have processes and protocols in place
    - for early preventive intervention in response to discriminatory attitudes and beliefs, and
    - for receiving and responding to reports of hate and bias-related incidents, that students, staff, parents/guardians and communities are aware of and conversant with these processes and protocols, and that incidents are reported, investigated and effectively dealt with;
  - develop guidelines to ensure that school teachers', counsellors' and principals' performance reviews reflect any involvement they may have had in hate incidents;
  - support and coordinate the establishment, in schools, colleges and universities, of designated support services of children and youth who are victims of hate-related bullying; and
  - support and coordinate the efforts of school boards, colleges and universities to prevent and counter hate promoters' attempts to recruit children and youth.
- 4.10. The Ministries of Education and of Training, Colleges and Universities:
- develop meaningful partnerships with communities vulnerable to hate;
  - involve them as fully as possible in all efforts to address the issue; and
  - make best efforts to ensure that all Ontario school boards, colleges and universities do the same.

- 4.11. The Ministries of the Attorney General and of Community Safety and Correctional Services work with the municipal police service boards and the Ontario Chiefs of Police to ensure:
- the development, in collaboration with representatives from communities vulnerable to hate, of comprehensive programs for training in diversity and in hate incident recognition and response;
  - the provision of such training, on a regular basis, to
    - all police officers, provincial corrections officers, provincial Crown prosecutors, and their supervisory staffs and
    - all front-line victim service providers employed by the provincial government or by provincially-funded community agencies; and
  - that demonstration of ongoing competence in these matters be, for all these individuals, a part of his or her annual performance review.
- 4.12. The Ministry of Education, work with, as appropriate, school boards, institutions involved in educating system professionals (e.g. teachers, counsellors), and accreditation bodies, to design and deliver, in collaboration with community members ongoing training (i.e. at all stages of their careers) on anti-racism/anti-oppression practice and, more specifically, on recognizing and reporting hate and bias-related incidents and diversity training for teachers, counsellors and administrative staff to better equip them to support victims and witnesses of hate and bias-related incidents, and link performance plans/appraisals to successful completion of this training.
- 4.13. Given the important role of the judiciary in matters related to offences related to hate crime, this report be forwarded for review to the Offices of the Chief Justices of each level of court in Ontario and to the National Judicial Institute so that it may inform consideration of judicial education in this area.

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## 5. Victim Services

Goal - Enhance and expand services to victims of hate crimes and hate incidents.

### Objectives:

- The necessary role of community-based services for victims of hate crimes and hate incidents is recognized and these services are given sustainable support.
- Government programs and initiatives serve victims of hate and hate crime in a way that is accessible, flexible, comprehensive, victim centred and sensitive to the needs of diverse communities.
- Victimized communities are able to respond to their evolving needs.

## Recommendations:

- 5.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, make a fundamental shift in its funding of community-based victim services, moving away from short-term, project-based funding to a commitment of long-term sustainable funding to allow community groups to build programs and internal capacity.
- 5.2. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services significantly simplify the grant application process for funding of community-based services, to make it far less time and resource intensive to complete. Onerous processes should no longer discourage resource-limited community-groups from applying for grants.
- 5.3. The Ministry of the Attorney General ensure that all victim services personnel in government-funded programs or initiatives involving the provision of direct services to victims of crime, receive comprehensive training on hate crimes and hate crime victimization. This training must include competence in cultural norms of diverse communities and cross-cultural communication skills. The content of the training materials is to be developed in consultation with community groups.
- 5.4. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, ensure that particular attention is paid to establishing, in consultation with Aboriginal communities, targeted services designed for and directed by First Nations, Métis and Inuit Peoples.
- 5.5. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, provide tailored, individualized services that recognize the individual identity and respond to the personal needs and concerns, values and preferences, and economic and social realities of victims. To do so, the Ministry must create services for specific communities, victims, and age groups.
- 5.6. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, pilot a range of innovative initiatives and interventions for different communities targeted and affected by hate, or on the basis of specific types of victimization, in order to develop long term diverse strategies and approaches.
- 5.7. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, expand the parameters of service provision to attend to the diversity of victims and types of victimization and to provide sustained support throughout the ‘victimization experience.’ Services offered should include: crisis response; counselling and advocacy; supports for participation in justice; human rights and education system processes; victim-offender mediation and reconciliation processes and victim compensation.
- 5.8. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, enhance government-funded community-based services to increase their sensitivities in responding to all victims of crime, whether or not they choose to report to the police.

- 5.9. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, design and implement different service delivery methods and use alternative formats to reduce and eliminate barriers to access, such as language and cultural differences, illiteracy, physical disabilities and limitations, poverty and geographic location. One possible option that should be explored is the use of technology-based services for victims in rural areas.
- 5.10. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services devise appropriate means to involve victims, both individuals and communities, in the design and development of programs and services. Among other things, such involvement could involve identifying new and emerging issues and challenges and considering options of the kinds of supports to be provided.
- 5.11. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, amend the Victim/Witness Assistance Program Policies and Procedures Manual to specify that all victims of hate crimes must be treated as priority clients, including victims of property based hate crimes.
- 5.12. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, coordinate victim services to strengthen linkages and networks between service bodies to facilitate suitable and timely referrals in situations wherever there is a service gap or the needs of a victim(s) are beyond the capacity, scope or service mandate of an agency or organization.
- 5.13. The Ministry of the Attorney General, through the Ontario Victim Services Secretariat, undertake to recruit, retain and promote a diverse body of victim service staff. Diversity refers to the different ethnocultural, racialized, religious and LGBTI community that are targeted/affected by hate. All staff members will be recruited and/or trained to ensure they have appropriate language and cultural competencies.
- 5.14. The Attorney General introduce legislation to amend the *Victims' Bill of Rights*:
- to create a legal basis for defining communities and their institutions as eligible for support using monies from the Victims' Justice Fund (s.1). and
  - to provide that the Victims' Justice Fund could be used to support prevention initiatives (s.5(4)).

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## 6. Justice System

Goal - Secure effective responses and remedies in the Justice System.

### Objectives:

- The justice system operates in a manner that is free from bias and discrimination on individual and systemic levels.
- Statute and common law provide effective processes for responses to and remedies for victims of hate and hate crime.



- Justice system response to hate and hate crime is receptive, sensitive, informed and effective.
- Justice system accountability is ensured through independent, transparent and effective oversight mechanisms.

### Recommendations:

#### The Working Group recommends that:

- 6.1. The Ministry of the Attorney General give community groups a role throughout criminal justice proceedings, including but not limited to, assisting in the preparation of individual and community victim impact statements.
- 6.2. The Attorney General study the efficacy of prejudice-aggravated criminal offences in jurisdictions that have enacted them and propose that the Federal/Provincial/Territorial Justice Ministers' Conference seriously consider endorsing enactment in the *Criminal Code* of such offences.
- 6.3. The Ministry of the Attorney General study, and report to the Attorney General, within six months, on ways to strengthen the impact in sentencing of hate or prejudice motivation, including sentencing guidelines and legislative amendments.
- 6.4. The Attorney General propose, before third reading, amendments to *Bill 107* that:
  - will allow complainants to opt for the Ontario Human Rights Commission to investigate their complaint with the full benefit of statutory powers of investigation;
  - guarantee to all complainants a publicly funded lawyer at all Tribunal proceedings;
  - strengthen the Ontario Human Rights Commission's powers to initiate and bring systemic complaints; and,
  - equip the Ontario Human Rights Commission with powers of investigation and/or public inquiry to carry out effectively its systemic complaints mandate.
- 6.5. The Attorney General ensure that the Commission has the dedicated resources, and the mandate, to research and recommend ways of preventing and eliminating systemic discrimination and thereby increasing the likelihood that hate crimes will be reduced.
- 6.6. The Attorney General take account of the whole of this report in funding and designing the mandates of the Commission and any legal representation scheme that is established with a view to making full use of both these organizations in implementing the Working Group's recommendations.

- 6.7. The Attorney General amend O.Reg. 456/96 to ensure any person convicted of any hate crime, as defined in this report, is liable, pursuant to Section 3 of the *Victims' Bill of Rights*, to his or her victim for the emotional distress and related bodily harm resulting from commission of the crime; and introduce legislation to provide that Section 3(2) of the *Victims' Bill of Rights* ensures that all victims of hate crime, as defined in this report, are presumed to have suffered emotional distress for purposes of Section 3(1).
- 6.8. The Attorney General, in cooperation with Legal Aid Ontario and, as appropriate, the Law Foundation of Ontario, ensure:
- that civil actions against perpetrators for hate incidents are eligible for funding through legal aid certificates or legal clinics, as appropriate, in circumstances where plaintiffs meet the usual financial eligibility criteria and their actions, if funded, have a reasonable prospect of success; and
  - that Legal Aid Ontario receives such additional funding as may be needed to support such initiatives without prejudice to its existing funding mandate; and
- 6.9. The Attorney General introduce legislation to amend Section 13 of the *Legal Aid Services Act, 1998*, and the Lieutenant Governor in Council make such changes to existing regulations, as may be necessary to remove any current statutory impediments to implementation of this recommendation.
- 6.10. The Attorney General introduce legislation to amend the *Compensation for Victims of Crime Act* to render eligible for criminal injuries compensation all victims of hate crime, as defined in this report, who suffer injuries or losses otherwise compensable under the Act.
- 6.11. The Ministry of Community Safety and Correctional Services in consultation with the municipal police service boards and the Ontario Association of Chiefs of Police, and with others as appropriate:
- Review the existing protocols for dealing with hate/bias crime and hate propaganda recommended in the Policing Standards Manual and revise these protocols as may be necessary and appropriate within the next 12 months.
  - Urge all police services boards in Ontario to work with the Chief of Police to ensure implementation of the Policing Adequacy and Effectiveness Regulation (12) 1, stipulating procedures and process for dealing with hate propaganda and hate or bias motivated crime, within the next 12 months.
  - Urge all police services in Ontario to observe and be subject to the relevant protocols in the Policing Standards Manual, revised as appropriate in accordance with this report, unless and until the Ministry has approved its proposed procedures for dealing with such offences.
  - Ensure that these protocols and procedures constitute enforceable standards in respect of the performance of the various relevant police services.
- 6.12. The Ministry of Community Safety and Correctional Services urge municipal police service boards to ensure that:

- Each police service has sufficient officers available on staff with special hate crime expertise to serve as resources to the rest of the police service and to deal with those hate incident allegations that require special expertise or special sensitivity.
  - Each police service ensure that specialized dedicated hate-crimes units are established and have a clear mandate with sufficient resources to engage in properly executed police investigations.
  - Each police service make public, on an ongoing basis, the resources it has available for responding to and investigating hate incident allegations and the easiest and most appropriate ways of obtaining access to those resources.
  - Each police officer in a police service have and accept responsibility for dealing, sensitively and competently, with the hate incident allegations brought to his or her attention, whether or not that police service has a dedicated hate crime unit.
  - Each police service make best efforts to ensure that all individuals in its local area are able to report crimes, and hate crimes or incidents in particular, in the languages in which they are most comfortable.
- 6.13. The Ministry of Community Safety and Correctional Services and municipal police services boards make best efforts generally to improve the relationship, and to facilitate trust and cooperation, between law enforcement authorities and vulnerable communities.
- 6.14. The Ministry of Community Safety and Correctional Services urge municipal police service boards to:
- Ensure that each new police officer appointed to a police service in Ontario receives training, and demonstrates baseline competence, before appointment, in
    - the recognition, prevention, investigation and enforcement of hate crime as defined in this report;
    - the historical and other factors that have given rise to manifestations of hate and prejudice toward vulnerable communities;
    - the specially damaging impact on such communities and their members of hate incidents and hate crimes, and
    - anti- discrimination such as anti-racism and other oppressions.
  - Ensure that each police officer has ample ongoing opportunities within the police service for refreshing or deepening his or her understanding of hate crimes, hate phenomena, and the people who suffer them.
  - Ensure that such training is developed in consultation with anti-discrimination experts and with affected communities, and appropriate evaluation mechanisms are put in place.

- Explore mechanisms to ensure that staff maintain their competence in these areas.
- 6.15. The Ministry of Community Safety and Correctional Services in cooperation with municipal police services boards, and consistent with the authorities set out in *the Police Services Act*,
- ensure that the OPP has the financial resources necessary to implement these recommendations and
  - urge all municipal police services in Ontario to commit the financial resources necessary to implement these recommendations.
- 6.16. The Ministry of Community Safety and Correctional Services consult actively with First Nations authorities in the province about appropriate training and conduct standards for individuals appointed as First Nations constables.
- 6.17. The Ministry of Community Safety and Correctional Services make best efforts to ensure, pending and subject to the results of those consultations, that persons appointed as First Nations constables
- receive the same training in hate crime matters, including the additional training recommended in this report,
  - be subject to the same requirements recommended in this report of demonstrated ongoing competence in hate crime policing issues, and
  - be given the same authority and be subject to the same standards of conduct in policing as all other persons appointed as police officers in Ontario, and that all First Nations police services have dedicated hate crime expertise and capacity.
- 6.18. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services make best efforts to ensure, after appropriate consultation with First Nations authorities, the implementation and publicization of fair procedures for receiving, processing and disposing of public complaints about First Nations police services or the conduct of individual First Nations constables.
- 6.19. The Ministries of the Attorney General and Community Safety and Correctional Services develop, in consultation with Crown Attorneys' offices and police services, a standard, easily recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes;
- police services thereafter identify, in this prescribed way, cases that may be appropriate for prosecution as hate crimes:
    - all cases in which the complainant has characterized the incident as a hate crime or hate incident, as defined in this report, and

- all other cases in which there is evidence suggesting that an incident giving rise to criminal charges may have been a hate crime, as defined in this report; and
  - that steps are taken to ensure that all Crown prosecutors have a full and complete knowledge of the components of the *Crown Policy Manual* dealing with hate and discrimination and, in particular, the *Practice Memorandum on Hate Crime*, and ensure that these practices and guidelines are applied consistently across the province.
- 6.20. The Attorney General reaffirm publicly the government's commitment to the Aboriginal Justice Strategy and clarify the Strategy's mandate and the government's vision for the Strategy.
- 6.21. The Ministry of the Attorney General ensure:
- that the Aboriginal entities participating in the Aboriginal Justice Strategy receive sufficient funding to support meaningful participation in the process, and, more generally,
  - that the Strategy receives sufficient resources of all kinds to enable it to achieve its objectives.
- 6.22. The Ministry of the Attorney General, in cooperation, as appropriate, with Legal Aid Ontario and in consultation with appropriate First Nations and Métis organizations in the province, 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.
- 6.23. The Ministry of Community Safety and Correctional Services increase its efforts to address and eliminate overt and systemic racism in the Ontario correctional service and within Ontario's correctional institutions.
- 6.24. The Attorney General, and the Ontario government as a whole, proceed expeditiously with enactment of Bill 103, the *Independent Police Review Act*, 2006. The Bill should be amended to ensure that the Office of the Independent Police Review Director investigates all public complaints involving issues of race, religion, ancestry, sexual orientation or other fundamental and visible personal characteristics, except where complainants request or consent to some other investigation arrangement that the Bill contemplates.
- 6.25. The Ministry of the Attorney General, Criminal Law Division, 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 regarding a criminal prosecution, and about the procedure for addressing such a complaint.
- 6.26. The government implement the *Private Security and Investigative Services Act*, 2005 and;

- enact regulations under the Act that disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes as defined in this report or to have contravened Ontario's *Human Rights Code* or the *Canadian Human Rights Act*, and
  - provide that the code of conduct for private investigators and security guards prohibit them from carrying out their duties in ways that contravene the *Criminal Code*, or the *Human Rights Code* or that otherwise marginalize or stigmatize individuals on the basis of the kinds of personal characteristics identified in the Working Group's definition of hate crime.
- 6.27. The Ministries of the Attorney General and of Community Safety and Correctional Services in collaboration with police services boards and representatives from the Ontario Association of Chiefs of Police and the Canadian Centre for Justice Statistics, develop within the next 12 months, standard forms and procedures for collecting and keeping statistics on hate incidents reported to the criminal justice system and that police services and Crown attorneys' offices keep statistics on all such incidents and report them annually to the two Ministers and the public.
- That these forms and procedures be designed 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 (as defined in this report), and, in respect of all such incidents:
    - what investigation was undertaken;
    - what charges, if any, were laid;
    - why charges were not laid;
    - what other charges might reasonably have been laid in the circumstances but were not and why they were not;
    - whether any charges laid proceeded to trial and if they did not, why they did not;
    - what the disposition of the charges was;
    - whether, if the accused was convicted, the Crown raised hate or prejudice as an aggravating factor in sentencing;
    - 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.
  - That police services and Crown Attorneys' offices begin, once these forms and procedures are in place, keeping statistics on all such incidents and report them annually to the two Ministers, the Hate Crimes Governance Committee (recommended below) and to the public.

- That the Ontario government enact regulations requiring that such statistics be kept and made available as indicated above.

6.28. The government of Ontario enact such changes to regulations or to legislation as may be required to give effect to these recommendations.

6.29. That the Ministry of Community Safety and Correctional Services exercise such authority as it possesses to assist in bringing about these transformations.

## 7. Public Awareness and Social Marketing

Goal - Transform public awareness, understanding and response to hate and hate crime.

### Objectives:

- The public recognizes and understands the various ramifications of hate and hate crime and is aware of their differential impact on victimized communities.
- The public understands the historical context and pervasiveness of hate and hate crimes and their systemic dimensions.
- The public understands the effect of hate and hate crimes on society, and is aware of how to respond to incidents of hate and bias crime.

### Recommendations:

7.1. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, launch a cross-ministerial, large-scale social marketing campaign focused on hate and bias-related incidents in everyday life (i.e. in schools, workplaces and neighbourhoods).

- The ultimate aim of such a campaign will be to promote behavioural change through the stigmatization of hate-motivated activity.
- Attention will be focused on the effects of hate crimes on individual well-being, the safety and viability of vulnerable communities, and their corrosive impact on society as a whole.
- This campaign should also highlight that the impact of hate varies from group to group, depending on how vulnerable they are. It is essential to ensure that vulnerable communities are consulted when developing the messaging for the campaign.

7.2. The Ministry of the Attorney General expand and enhance the education and prevention mandate of the Ontario Human Rights Commission, and ensure that it continues public education efforts.

7.3. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General, and the Ministry of Community Safety and Correctional

Services, commits itself to producing and disseminating high quality information and resources to provide clear, incisive definitions of hate activity.

- Include in this effort the distribution of information and resources regarding victims' rights, third party intervention, and processes/procedures for reporting and responding to hate crimes/incidents.
  - Solicit and incorporate community input with regards to the substance of the resource materials, and to ensure that the information is shared in a manner that will be useful and accessible to members of vulnerable communities.
  - Translate such materials into the appropriate languages to promote accessibility.
- 7.4. The Ontario Human Rights Commission, in collaboration with the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services, study and then publicly make recommendations to media bodies about the role that can and should, be played by media to educate and sensitize the public to hate.
- The Attorney General should also undertake a serious examination of media coverage of hate related activity/occurrences and encourage the responsible, accurate media coverage of hate crimes/incidents.
  - In relation to this recommendation, the development of ethical guidelines for columnists should be considered.
- 7.5. The Ontario Human Rights Commission facilitate or provide public meetings where contentious issues related to hate can be discussed.
- 7.6. The Government of Ontario accord public recognition to Ontarians who protect hate crime/incident victims and/or report crimes/incidents to appropriate authorities, and to innovative activism that has had a positive effect.

## 8. Implementation and Accountability

Goal - Ensure timely and comprehensive implementation of the Hate Crimes Community Working Group strategy and recommendations with measurable outcomes.

### Objectives:

- Appropriate structures are in place to ensure implementation, monitoring and evaluation of the hate and hate crime strategy.
- Adequate resources are allocated to support and sustain implementation of the hate and hate crime strategy.



- All agencies, institutions and organizations responsible for components of the strategy are held accountable for their effective implementation.

### Recommendations:

- 8.1. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services establish a Hate Crimes Governance Committee.
- 8.2. The Governance Committee will:
  - be comprised of government officials, community members who reflect the diversity of Ontario communities and representatives from the private sector;
  - include representatives with knowledge of hate issues from the perspectives of affected communities; and
  - include representatives with knowledge of and experience in justice and education.
- 8.3. The role of the Governance Committee includes the following:
  - To provide oversight, monitoring and evaluation of implementation of the strategy.
  - To liaise with the Community Hate Crimes Network, government, the Office for Victims of Crime, and the Ontario Human Rights Commission, on hate crimes issues and implementation of the strategy.
  - To assess the effectiveness of hate crimes reduction strategies.
  - To engage elements in the private sector, as appropriate, in addressing hate crime.
  - To assess the impacts of hate on communities.
  - To coordinate and fund joint community and government initiatives.
  - To provide advice to Government on allocation of Victims' Justice Fund monies targeted to hate crimes initiatives, in particular recommending grants for community-based initiatives.
  - To review proposed changes to laws, policies, programs and procedures regarding hate and hate crime.
  - To develop necessary protocols and agreements with participating organizations implementing the strategy.
- 8.4. The Government of Ontario establish an Interministerial Committee, with representatives from all affected ministries, to oversee the horizontal implementation of the Working Group's strategy.

- 8.5. The Ministry of the Attorney General enhance diverse membership of and ensure appointments with community experience in hate crimes to the Office for Victims of Crime and otherwise enhance the diversity of its membership.
- 8.6. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services give the Office for Victims of Crime responsibility for monitoring implementation of these recommendations until such time as the Governance Committee is in place, and provide appropriate resources to the Office for Victims of Crime to enable it to undertake this role.
- 8.7. The Attorney General make reference to the Working Group's report, including its strategy and recommendations, when meeting with colleagues from other jurisdictions at upcoming Federal/Provincial/Territorial meetings, and propose that a new FPT Working Group be established to address the prosecution and prevention of hate crimes.
- 8.8. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services provide sufficient and sustainable funding, including monies from the Victims' Justice Fund, to resource initiatives referenced in this strategy.
- 8.9. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services allocate sufficient funding from the Victims' Justice Fund in 2006/2007 and 2007/2008 for the Hate Crimes Governance Committee and the Community Hate Crimes Network, insofar as they support victim services.
- 8.10. The Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services commit \$1.35 M already allocated from the Victims' Justice Fund for hate crimes to a project grant program, with the Governance Committee having oversight responsibility.
- 8.11. The Interministerial Committee be required to liaise with the Governance Committee, to report on the steps the Government is taking to implement the strategy and on other issues of interest, and to hear from the Governance Committee about stakeholders' concerns.
- 8.12. The Governance Committee liaise with the Community Hate Crimes Network, the Interministerial Committee, the Office for Victims of Crime and the Ontario Human Rights Commission to ensure that the strategy is implemented and evaluated.
- 8.13. All recipients of Government funding for initiatives to address hate or hate crime enter into formal agreements regarding the use of the funds, and provide regular reports on the results of the funded initiatives.
- 8.14. The Ontario government ensure that these recommendations are addressed on a priority basis.