

# implementation plan

In order to improve delivery of services to victims of hate crimes and hate incidents throughout Ontario, the Working Group has made recommendations that are far reaching, touching not only the criminal justice system, but also victim services, Aboriginal peoples, education, vulnerable communities, and so on. The majority of recommendations are directed to the Attorney General and the Minister for Community Safety and Correctional Services, who requested that the Working Group develop this strategy. However, the Working Group also recognizes that the education system is important and that many non-government stakeholders must also do their part to make the necessary changes to fully address hate crimes and hate incidents in Ontario.

The Working Group recognizes that change does not take place overnight, especially the numerous systemic transformations necessary to comprehensively address hate crimes and hate incidents in Ontario. The Working Group has identified the priorities for action - the first steps to be taken immediately to begin the transformation, short-term steps to be taken within the next six months, mid-term steps to be completed within 12 months, and longer-term steps to be taken with 24 months to secure ongoing resources, establish permanent structures and develop and sustain new programs and procedures to more fully address hate crimes and hate incidents.

## Immediate Priorities for Action (3 months)

The Working Group recommends that the following be achieved within three months:

1. Establish a Hate Crimes Governance Committee ('the Governance Committee') comprised of government officials, community members who reflect the diversity of Ontario communities and representatives from the private sector to provide oversight, monitoring, and evaluation of implementation of the strategy, and to develop a Community Hate Crimes Network. (MAG)
2. Allocate sufficient funding from the Victims' Justice Fund in 2006/2007 and 2007/2008 for the Governance Committee and the Community Hate Crimes Network, insofar as they support victim services. (MAG)
3. Enhance membership of and ensure appointments with community experience in hate crimes to the Office for Victims of Crime. (MAG)
4. Give the Office for Victims of Crime short-term responsibility for monitoring implementation of these recommendations and provide appropriate resources to the Office for Victims of Crime to enable it to undertake this role. (MAG)
5. Establish an Interministerial Committee to oversee the horizontal implementation of the Working Group's strategy. (MAG)

6. Amend the Victim/Witness Assistance Program Policies and Procedures Manual to make all hate crimes, whether involving violence or not, priorities for services. (OVSS)
7. Increase efforts to address and eliminate systemic racism in the Ontario correctional services and within Ontario's correctional institutions. (MCSCS)
8. Reaffirm publicly the Government's commitment to the Aboriginal Justice Strategy. (MAG, MCSCS)
9. Ensure that the code of conduct for private investigators and security guards prohibits them from carrying out their duties in ways that contravene the *Criminal Code* or the *Human Rights Code*. (MCSCS)
10. Enact Bill 103, the *Independent Police Review Act, 2006*, but amend the bill to ensure that the office of the Independent Police Review Director itself investigates all public complaints involving issues of race, religion, ancestry, sexual orientation or other fundamental personal characteristics. (MAG)
11. Implement the *Private Security and Investigative Services Act, 2005* as soon as possible; and, by way of regulations, disqualify from license eligibility as a security guard any individuals found to have perpetrated hate incidents or hate crimes. (MCSCS)
12. Increase efforts to improve the relationship, and to facilitate trust and cooperation, between law enforcement authorities and vulnerable communities. (MCSCS, police services boards)

## Short-Term Priorities (6 months)

The Working Group recommends that the following be achieved within six months:

13. Commit \$1.35 M already allocated from the Victims' Justice Fund for hate crimes to a project grant program. (MAG)
14. Ensure that civil actions against perpetrators for hate incidents are eligible for funding; and that Legal Aid Ontario receives such additional funding as may be needed to support such initiatives. (MAG, LAO, Law Foundation of Ontario)
15. Ensure that Aboriginal entities participating in the Aboriginal Justice Strategy receive sufficient funding, and that the Strategy receives sufficient resources generally to enable it to achieve its objectives. (MAG)
16. Launch a large-scale social marketing campaign focused on hate and bias-related incidents in everyday life. (MAG, OHRC)
17. Expand and enhance the education and prevention mandate of the Ontario Human Rights Commission. (MAG)
18. Produce high quality information and resources to provide clear, incisive definitions of hate activity. (OHRC, MAG)
19. Ensure that the OHRC retains and increases its existing expertise to deal with systemic discrimination issues; and that the OHRC has the dedicated resources and mandate to research and recommend ways to eliminate systemic discrimination. (MAG)

20. Escalate work with community organizations to understand the scope of hate activity and incorporate community research and statistics. (MAG, MCSCS)
21. Work with community-based organizations, in cooperation with the Governance Committee and the Community Hate Crimes Network to strengthen networks for sharing information and best practices. (MAG, MCSCS)
22. Simplify the grant application process for funding of community-based services, to make it far less time and resource intensive to complete. (OVSS, MCSCS)
23. 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. (OVSS, MCSCS)
24. Building on the work undertaken by the OPP Hate Crimes Unit and the Hate Crimes and Extremism Investigative Team, develop a standard, easily recognizable way of identifying criminal investigation files as cases that may be appropriate for prosecution as hate crimes. (CLD, MCSCS)
25. Amend the Code of Conduct for schools to make it explicit that hate- or bias-motivated conduct is unacceptable, and consider designating such behaviour as cause, for suspension or expulsion. (EDU, school boards)
26. Reaffirm the Ontario government's commitment to the Policy/Program Memorandum on the Development and Implementation of School Board Policies on Antiracism and Ethnocultural Equity and ensure that school boards comply with and enforce it; and that all school boards, colleges and universities in Ontario ensure that their policies and procedures are sensitive and resistant to the risks of stigmatizing or marginalizing vulnerable communities. (EDU, MTCU)
27. The Ministry of the Attorney General report to the Attorney General about possible *Criminal Code* amendments that would strengthen the impact in sentencing of hate or prejudice motivation. (MAG)
28. Propose, before third reading, amendments to Bill 107 that:
  - equip the Ontario Human Rights Commission with sufficient powers of investigation to carry out its mandate to educate the public about discrimination issues and to advise the government about instances of systemic discrimination;
  - ensure that individual human rights claims have the full benefit of statutory powers of investigation when brought before the Tribunal for decision; and
  - ensure that effective legal advice and representation is available, at public expense, to all human rights claimants that genuinely need it. (MAG).

## Mid-Term Priorities (12 months)

The Working Group recommends that the following be achieved within 12 months:

29. Provide sufficient and sustainable funding, including monies from the Victims' Justice Fund, to resource initiatives referenced in this strategy. (MAG)

30. Ensure that all Aboriginal peoples have access to appropriate legal advice and representation when charged with offences or when victimized by hatred. (MAG, LAO and First Nations and Métis organizations)
31. Provide sufficient funding and additional resources to community organizations throughout the province: to strengthen relationships between them; to help them collect and publish their own statistics of hate related incidents, and support community-based research initiatives; and to create distribution channels so community organizations can disseminate their research and products. (MAG, MCSCS)
32. Give community groups a role throughout criminal justice proceedings, including assisting in the preparation of individual and community victim impact statements. (MAG, MCSCS)
33. Take account of this report in funding the Ontario Human Rights Commission and victims/complainant legal supports and representation. (MAG)
34. Shift funding of community based victim services, from short-term, project based funding to long-term sustainable funding. (OVSS, MCSCS)
35. Ensure that all victim services personnel receive comprehensive training on hate crimes and hate crime victimization. (OVSS)
36. Pilot innovative initiatives for different communities targeted by hate to develop long-term diverse strategies and approaches. (OVSS)
37. Enhance government-funded community-based services to increase their sensitivities and ability to provide appropriate crisis and referral services to all victims of hate crime, whether or not they choose to report to the police. (OVSS)
38. In cooperation with the Governance Committee and the Community Hate Crimes Network, involve victims, both individuals and communities, in the design and development of services. (OVSS, MCSCS)
39. Undertake the development of a distinct Aboriginal strategy to end hate crimes and hate incidents directed towards Aboriginal peoples and their communities, with the following attributes:
  - Designed, developed and implemented in collaboration with Aboriginal peoples,
  - Appropriate linkages are established between this strategy and the Aboriginal Justice Strategy,
  - Funding is long-term and consistent,
  - Includes a strong public education component about the origins and effects of hate crimes and hate incidents. (MAG)
40. Police services identify cases that may be appropriate for prosecution as hate crimes, including 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. (MCSCS, police services)
41. Ensure that Crown prosecutors have full knowledge of the Crown Policy Manual components dealing with hate and discrimination, and ensure that they are applied consistently across the province. (CLD)

42. Consult actively with First Nations authorities in the province about appropriate training and conduct standards for individuals appointed as First Nations constables. (MCSCS)
43. Review, in consultation with the Ontario Association of Chiefs of Police and others as appropriate, 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 appropriate. (MCSCS)
44. Urge all police services boards to work with their Chiefs of Police to ensure implementation of the regulation requiring procedures to deal with hate crime. (MCSCS)
45. Each police service in Ontario 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. (MCSCS, police services, police services boards)
46. Ensure that these protocols and procedures constitute enforceable standards in respect of the performance of the various relevant police services. (MCSCS, police services boards)
47. Ensure that each new police officer receives training, and demonstrates baseline competence, before appointment, in the recognition, prevention, investigation and enforcement of hate crime; 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. (MCSCS, OPC)
48. 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. (police services, police services boards)
49. Ensure that specialized dedicated hate-crimes units are established and have a clear mandate with sufficient resources to engage in properly executed police investigations. (police services, police services boards)
50. Make public the resources available and allocated to each police service for responding to and investigating hate incident allegations and the easiest and most appropriate ways of obtaining access to those resources. (police services, police services boards)
51. Ensure that each police officer has and accepts responsibility for dealing with the hate incident allegations brought to his or her attention, whether or not that police service has a dedicated hate crime unit. (police services)
52. Make best efforts to ensure that all individuals in their local areas are able to report crimes, and hate crimes or incidents in particular, in the languages in which they are most comfortable. (police services)
53. Enact such changes to legislation, regulations, guidelines and/or policies as may be required to give effect to these recommendations. (MCSCS, police services boards)
54. Work to minimize arrangements that meld and/or confuse anti-extremism police work with police work to address hate crimes. (MCSCS, police services, police services boards)
55. Ensure that these recommendations are addressed on a priority basis by all affected ministries, agencies and organizations.

Implementation  
Plan

94

56. Amend regulation to ensure that any person convicted of any hate crime is liable, pursuant to Section 3 of the *Victims' Bill of Rights*, to his or her victim for emotional distress; and amend the *Victims' Bill of Rights* to ensure that all victims of hate crime, as defined in this report, are presumed to have suffered emotional distress. (MAG)
57. 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). (MAG)
58. Provide that the *Victims' Bill of Rights* could be used to support prevention initiatives (s.5(4)) insofar as they meet victims' and victimized communities' needs. (MAG)
59. Propose that the Federal/Provincial/Territorial Justice Ministers' Conference seriously consider endorsing enactment in the *Criminal Code* of prejudice-aggravated criminal offences and study the efficacy of such offences in jurisdictions that have enacted them. (The Attorney General)
60. Amend Section 13 of the *Legal Aid Services Act, 1998*, and change regulations to allow civil actions against perpetrators for hate incidents to be eligible for funding through legal aid. (MAG)
61. Amend the *Compensation for Victims of Crime Act* to render eligible for criminal injuries compensation all victims of hate crime, whether or not they are the subjects of acts of violence. (MAG)
62. Recruit, retain and promote a diverse body of victim service staff. Diversity refers to the different ethnocultural, racialized, religious and LGBTI community that are affected by hate. (OVSS)
63. Develop standard forms and procedures for collecting and keeping statistics on hate incidents reported to the criminal justice system in cooperation with the Centre for Justice Statistics. (MAG, MCSCS, police services boards, OACP)
64. Provide that these forms and procedures be designed to capture all incidents for which there is evidence that suggests that they may qualify as hate crimes or hate incidents, and, assess whether they were dealt with properly. (MAG, MCSCS, CLD, police services boards, OACP)
65. Begin, once these forms and procedures are in place, keeping statistics on all such incidents and report them annually to the two Ministers and to the public. (police services, CLD)
66. Enact regulations requiring that such statistics be kept and made available as indicated above. (MAG, MCSCS)
67. Create and strengthen networks for: sharing information, research and best practices between community organizations and government; and understanding the scope of hate activity and incorporating community research and data collection, statistics, and resource materials when creating similar products. (MAG, MCSCS, community-based organizations)
68. 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. (EDU, MTCU, school boards, governing councils)
69. Ensure that educational institutions at all levels have processes and protocols in place for intervention in response to discriminatory attitudes and beliefs, and

70. to respond to reports of hate and bias-related incidents. (EDU, MTCU, school boards, governing councils)
71. 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 the efforts of school boards, colleges and universities to prevent and counter hate promoters' attempts to recruit children and youth. (EDU, MTCU, school boards, governing councils)
72. Design and deliver ongoing training on anti-racism/anti-oppression, 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. (EDU, school boards)
73. 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. (EDU, MTCU)
74. Publicize the Criminal Law Division "Complaints Process" so that victims of hate crime can obtain information on how to make a complaint regarding a criminal prosecution. (CLD)
75. Study and 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. (OHRC, MAG)
76. Facilitate public meetings where contentious issues related to hate could be discussed. (OHRC)
77. Accord public recognition to persons who protect hate incident victims and to innovative activism that has had a positive effect. (Government of Ontario)
78. Amend and modify application of, the "Safe Schools" provisions of the *Education Act* in line with proposals made in various reports. (EDU)
79. Adopt standard definitions of "hate incident" and "hate crime", as outlined in this report, for all public purposes in the province, including victim services, criminal justice, statistical classification, public education, and policy and program funding allocation; and urge the federal government to adopt these same definitions for all public purposes nationwide. (all affected ministries)

## Longer-Term Implementation (24 months)

The Working Group recommends that the following be achieved within 24 months:

80. Allocate sustainable funding from the Victims' Justice Fund to support the operations of the Governance Committee. (MAG)
81. Ensure that the O.P.P. has the financial resources necessary to implement the policing recommendations in this report, and urge all municipal police services in Ontario to commit the financial resources necessary to implement these recommendations. (MCSCS, municipalities, police services boards).

82. Enhance funding to ensure that school boards can address systemic change through effective ESL and other programs (e.g. African Heritage Programs) attentive to the needs of children from vulnerable communities. (EDU)
83. Establish in consultation with Aboriginal communities, targeted services for and directed by First Nations, Métis and Inuit peoples. (OVSS)
84. Provide tailored, individualized services that recognize the individual identity and responds to the personal needs and concerns, values and preferences, and economic and social realities of victims. (OVSS)
85. 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.' (OVSS)
86. Ensure that each police officer has ample ongoing opportunities for refreshing or deepening his or her understanding of hate crimes, and the people who suffer them. (police services, Ontario Police College)
87. Explore mechanisms to ensure that police services staff maintain their competence regarding addressing hate crimes. (MCSCS, police services, police services boards)
88. 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 this strategy is implemented and evaluated. (Hate Crimes Governance Committee)
89. Design and implement different service delivery methods and use alternative formats to reduce and eliminate barriers to access, such as the use of technology-based services for victims in rural areas. (OVSS)
90. Coordinate victim services to strengthen linkages and networks between service bodies to facilitate suitable and timely referrals where there is a service gap. (OVSS)
91. Ensure, after appropriate consultation with First Nations authorities, the implementation and publication of fair procedures for receiving, processing and disposing of public complaints about First Nations constables. (MAG, MCSCS)
92. Ensure, pending and subject to the results of consultations, that persons appointed as First Nations constables receive the same training in hate crime matters, are subject to the same requirements of demonstrated ongoing competence in hate crime policing issues, and are subject to the same standards of conduct in policing, as all other police officers in Ontario. (MCSCS)
93. Ensure that vulnerable communities are meaningfully represented on institutions and in partnerships including, but not limited to, the following: the police service, the Crown system, the Justice system, schools, the media and victim services. (all affected ministries)
94. Develop guidelines to ensure that school teachers', counsellors' and principals' performance reviews reflect any involvement they may have had in hate incidents. (EDU, MTCU, school boards, governing councils)
95. Ensure the development, in collaboration with representatives from communities vulnerable to hate, of training programs in diversity and hate incident recognition and response; the provision of such training for all police officers, provincial corrections officers, Crown prosecutors and their supervisors and all front-line victim service providers; and that demonstrated ongoing

Implementation  
Plan

97



competence in these matters be a part of such individuals' annual performance review. (MCSCS, MAG)

96. 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 at this subject matter at regular intervals to maintain satisfactory performance ratings.
  - 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. (EDU, MCSS)

Implementation  
Plan

Since 9/11 there is increased racism, even among my friends ...they now panic when they see people who look 'dark'. I experienced shock, anxiety and fear. Above all else, I do not want to see this kind of treatment inflicted on any other members of my community."

98

Muslim Male, Victim of racial harassment, Toronto

"To this day, I am not sure if I'm over what happened to me. The most distressing part is that I grew up in Canada and I did not think this type of hate existed. I was shocked to experience it first hand and then felt naïve to have thought these types of incidents do not occur here. This type of hate is not something that can be fixed with posters, and it's not something that arises simply when tempers flare and arguments get out of control."

South Asian Male, Greater Toronto Area, victim of racial harassment and assault

"I thought that it was better it happened to me than to an old person, but I bet if it had been a spousal assault, the perpetrator would not have been released. It should be the same for hate crime. I was in the right place but at the wrong time; but now, if a stranger ever asks me if I'm Jewish, I would ask 'Why do you want to know?'

Jewish Male, Victim of antisemitic harassment and assault, Toronto