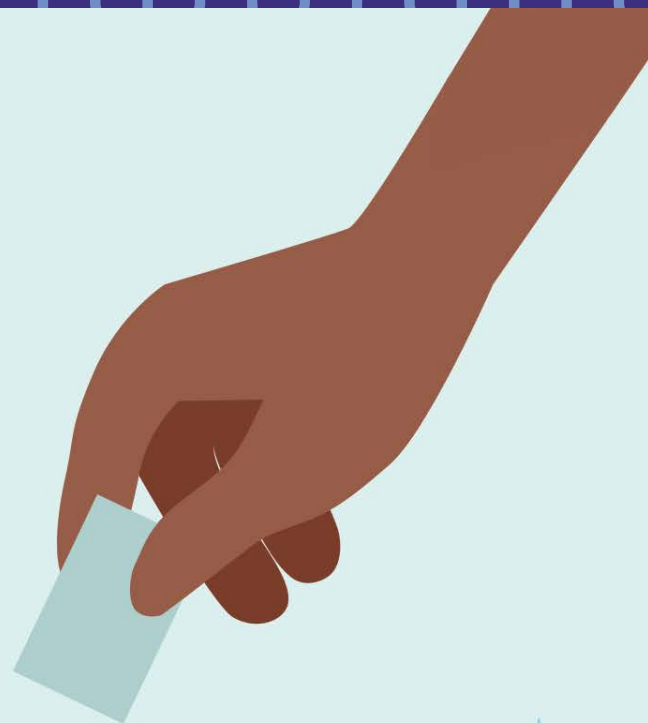




Reporting Hate, Finding Support

A Toolkit for Communities



Canadian
Race Relations
Foundation

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Introduction

This toolkit provides information about how to define, identify, and report hate. It also includes best practices for supporting people who have been targets of hate.

The Canadian Race Relations Foundation (CRRF) created this resource in 2024. It is part of our ongoing efforts to combat hate. It is also used as a companion document to the CRRF's Building Bridges Workshop series designed to support communities and help address hate crimes.

What you will find here

In this toolkit you will find information gathered from research we and our partners have carried out. We also bring together information from a variety of institutions, organizations, and experts across the country.

A portion of this toolkit includes qualitative data based on testimonies. We collected these testimonies between December 2022 and March 2023. The people we spoke to are members of communities who have been impacted by hate in Canada.

Please note that this toolkit is not meant to cover every situation and time period. It provides a snapshot of what we found during our research and is not updated on a regular basis.



Understanding the impact of hate

Acts of hate are intended to intimidate and alienate people. They also send a message that the identity of the targeted person's communities is inferior. When we don't stop hate, our society as a whole loses its culture of connection. For individuals and groups who are targets of acts of hate, those acts affect their sense of safety and belonging. This in turn threatens their potential to contribute to society.

Hate crimes do not harm only one person. They extend to their entire community. They may also make other related communities feel at increased risk. Most hate crimes are not reported, so we may believe that they are less common than they are.

How it affects us all

Hate has deep and far-reaching effects. It can impact individuals, communities, and society as a whole.

For individuals:

- ▶ Trauma and fear for personal safety, which can mean declining mental health.
- ▶ Their quality of life may decrease, partly because they may disconnect and withdraw from those around them.
- ▶ They may feel pressure to hide or change their identity to avoid being a target again.

For communities:

- ▶ Social bonds and trust in institutions and those outside of our identity groups become weaker.
- ▶ Members of a community are more fearful and feel less like they belong.
- ▶ Groups who are targets of hate feel alienated, excluded and vulnerable to further acts of hate.

For society:

- ▶ Being divided and disconnected damages the social fabric society depends on.
- ▶ We lose the diverse contributions marginalized communities make.
- ▶ It lays the groundwork for discrimination and violence.

Fighting hate is a cyclical, living process. It takes adaptation and recalibration.

Defining hate crimes and hate-motivated incidents

You will see acts of hate referred to in a general way throughout this toolkit. However, we may refer to something as a **hate crime** or a **hate-motivated incident**. It's important to understand the difference between the two.

What is a hate crime?

A **hate crime** is any criminal offence committed against a person or property that is motivated in whole or in part by bias, prejudice or hate. This motivation can be based on factors that include:

- race
- national or ethnic origin
- language
- colour
- religion
- sex
- age
- mental or physical disability
- sexual orientation
- gender identity
- gender expression
- or any other similar factor

It may be an act of violence (e.g. assault), intimidation (e.g. following, shouting threats), or property damage (e.g. arson, vandalism, graffiti). A person may experience a hate crime based on more than one intersecting aspect of their identity. For example, someone may be a target of hate due to both their religion and their gender.

How are hate crimes different from hate-motivated incidents?

Hate-motivated incidents are non-criminal actions or behaviours that are motivated by hate against an identifiable individual or group.

Hate incidents cause harm and can generate widespread fear in the communities where they happen.

These incidents may have similar effects on the community or be similar characteristics as hate crimes. The difference is they do not meet the criteria to be considered crimes under Canada's *Criminal Code*.¹

¹ "Hate Crimes and Incidents in Canada," Royal Canadian Mounted Police, n.d., <https://rcmp.ca/en/corporate-information/publications-and-manuals/hate-crimes-and-incidents-canada#s6>

Hate-motivated incidents may include:

- insults
- slurs
- name-calling
- offensive signs or materials

These are very troubling and frightening experiences. But the police likely won't be able to charge the aggressor because they are not criminal offences. Instead, they may refer targeted persons to victim support services.

Even if they do not lead to criminal charges, reporting hate incidents to the police can help support intelligence and information gathering. Reporting may also help prevent the aggressor from taking things further.

How to use the 5 W's to recognize a hate crime²

Asking yourself these five questions may help you identify whether a crime may be a hate crime. A hate crime may have occurred even if it doesn't fit within all of the 5 W's.

Who?

- The targeted person is a member or thought to be a member of one or more **identifiable groups**³, or
- There is no targeted person, but an identity group was targeted (i.e. there was a targeted community)
- The targeted person never met the suspect before the offence
- The target person's identity group or targeted community are vulnerable to hate crimes (e.g. locally, provincially or nationally)
- The targeted person believes it was a hate crime
- The suspect has a **history of bias** against the targeted person's identity group or targeted community (e.g. online or prior offences)

² *Hate crime case law research tool*. <https://crrf-fcrr.ca/research-and-reports/hate-crime-case-law-research-tool/>

³ "Identifiable group," as defined in the Criminal Code (under subsection 318(4)), means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.

- The suspect belongs to a **hate group**. A hate group is an organization or group of individuals whose goals and activities attack or vilify an entire group of people on the basis of colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.
- The suspect possesses or distributes **hate-related material**. An example is literature promoting genocide.

What?

- The suspect **said something derogatory** about a person's identity group(s) or the targeted community before, during, or after the offence.
- The offender used **symbols, graffiti, gestures, or acts** that express hate towards a person's identity group or a targeted community.
- The suspect used violence and:
 - The targeted person did not provoke the suspect, or
 - The violence was extreme or disproportionate

When?

- The offence occurred on or around a **meaningful date** for the suspect's group or targeted person's identity group. It could be an important religious or historical date.
- The offence occurred on or around a **trigger event**, such as a political event.

Where?

- The offence occurred at a **specific location** that is important to the person's identity group or targeted community. For example, the offender may choose a mosque, synagogue, cemetery, or 2SLGBTQI+ gathering place.
- The only targets were the **homes or properties associated with the person's identity group**.

Why?

- There is an **absence of an alternative explanation or motivation** (i.e., motivation that is not about bias, prejudice, or hate) given the presence of some or all of the above-noted factors.

Criminal legal context

How the Criminal Code defines certain acts of hate

The *Criminal Code* has defined these five offences to protect the public from extreme forms of hate speech and property damage.

Section of the <i>Criminal Code</i>	What the sections are about
S.318: Advocating Genocide	Makes it illegal to advocate or promote genocide against an identifiable group.
S.319(1): Public Incitement of Hatred	Makes it illegal to make statements in any public place that incite hatred against any identifiable group where such incitement is likely to lead to a breach of the peace.
S.319(2): Wilful Promotion of Hatred	Makes it illegal to wilfully and publicly promote hatred against an identifiable group.
S.319(2.1): Wilful Promotion of antisemitism	Makes it illegal to wilfully and publicly promote antisemitism by condoning, denying, or downplaying the Holocaust.
S.430(4.1): Hate Motivated Mischief to Property	Makes it illegal to commit mischief in relation to property if the mischief is motivated by hate, bias, or prejudice towards an identifiable group. Property can be any part of a building or structure that is used for religious worship, or any part of a building or structure used by an identifiable group (i.e., community centre, school, playground, town hall, etc.).

On top of these five specific hate crimes, the *Criminal Code* recognizes that other offences can also be motivated by hate. For example, it recognizes that assault or uttering threats can also be motivated by hate.

Subsection 718.2(a)(i) is a provision of the *Criminal Code* that allows for increased sentences when the crime is motivated by bias, prejudice, or hate. The factors we looked at earlier flow from court decisions considering subsection 718.2(a)(i) of the *Criminal Code*.

The Canadian Charter of Rights and Freedoms

The *Canadian Charter of Rights and Freedoms* is part of our constitution. It protects and guarantees basic human rights and freedoms.

Among other things, the Charter protects freedom of speech or expression (Section 2(b)). But this right is not absolute. It may be limited by laws when it can be demonstrated that those laws are justifiable in a free and democratic society. The Supreme Court of Canada has confirmed limits on freedom of expression that prohibit hate speech. These limits are constitutional when it comes to both criminal and human rights law. Subsection 319(2) of the *Criminal Code*, which appears earlier, is an example.

Canadian Victims Bill of Rights

The *Canadian Victims Bill of Rights* establishes rights that are clear and can be enforced for victims of crime.

It ensures five key rights for victims:

1. **information**
2. **protection**
3. **participation**
4. **restitution**
5. **make a complaint**

It defines a victim of crime as anyone who has suffered physical or emotional harm, property damage, or financial loss due to an offence under any of the following acts:

- the *Criminal Code*
- the *Youth Criminal Justice Act*
- the *Crimes Against Humanity and War Crimes Act*
- certain offences under the *Controlled Drugs and Substances Act* and the *Immigration and Refugee Protection Act*

A victim can access their rights if they are in Canada or if they are a Canadian citizen or permanent resident.

The Act ensures that every stage of the criminal justice process recognizes and upholds these rights.

To learn more, please visit the website of the Office of the Federal Ombudsperson for Victims of Crime and Justice Canada Website [Canadian Victims Bill of Rights](#). Source: [Justice Canada Website Canadian Victims Bill of Rights](#)

What could encourage people to report acts of hate?

People targeted by hate may choose to file a report to the police or a third party community reporting tool. For a variety of reasons, it can be hard for people who are targets of hate to come forward and report what has happened. Community members shared suggestions about what would make the reporting process more supportive. Here are some best practices from their perspectives. These practices support three overall goals:

- Build trust
- Promote safety
- Provide meaningful support during and after the reporting process

Best practices to support people who report

Simplify the reporting process

- Ensure reporting tools are user-friendly, clear, and fast to navigate.

Provide assurance of safety and control

- Clearly communicate how individuals' safety will be protected throughout the process.
- Respect their control over how information is shared and used.

Acknowledge and validate trauma

- Actively listen to the person, restating what you heard to confirm you understood.
- Show that you empathize with what they are going through, and validate their experiences, and show empathy.
- Tailor responses to reflect the unique needs and identities of the person.

Continue to offer support after reporting

- Maintain relationships with the person after you have filed the report.
- Keep them updated on the progress of the report (if any).
- Provide ongoing services such as mental health support and legal advice.

What discourages people from reporting acts of hate

There are many factors that make people hesitate to report acts of hate. Here are just some of the reasons community members we consulted with said they were reluctant to report:

- ▶ Being injured or traumatized.
 - ▶ Fearing further repercussions or consequences against them.
 - ▶ Being misunderstood, not believed, and marginalized by others, in particular by law enforcement authorities they need to turn to for help.
 - ▶ Mistrust, distrust, and historically negative relationships has with police.
 - ▶ Feeling that reporting is unlikely to help and may further harm them, leaving them feeling disempowered and vulnerable, and less likely to seek support in the future.
- ▶ Facing barriers such as not knowing where to report.
 - ▶ Not knowing whether they have experienced a hate crime and how it differs from a hate incident when it comes to reporting.
- Note:* This list is not exhaustive. It reflects only some possible reasons people are reluctant to report. Barriers to reporting acts of hate can be quite different. They depend on factors related to:
- ▶ their personal experiences
 - ▶ the the community they live in or belong to they live in
 - ▶ the systems involved

Things to consider

People being reluctant to report acts of hate has an impact on how we recognize and deal with acts of hate. Consider these questions if you are planning programs and other efforts to support those targeted.

How does this reluctance to report affect how we communicate with communities targeted by hate?

What are the roles of community support systems?

How does it affect our knowledge of acts of hate when people are reluctant to report?

The vicious cycle

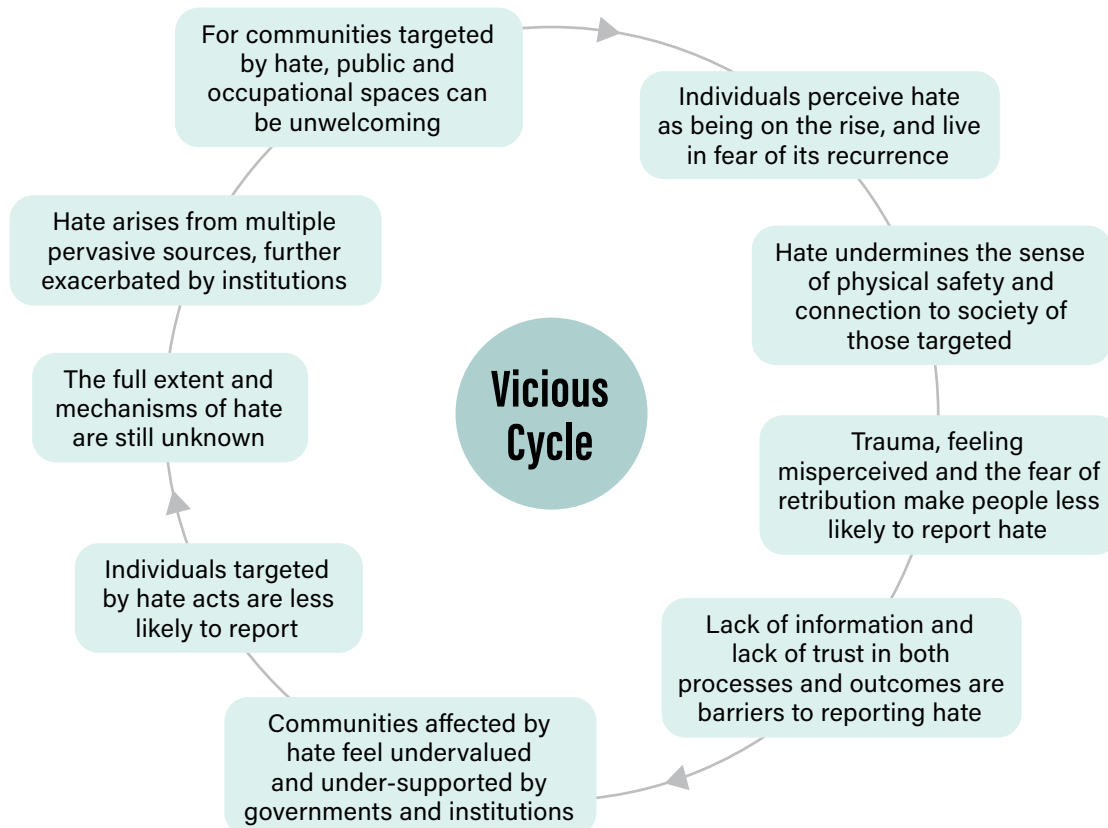
When supporting someone who has been targeted, it is important to ask them questions of what they need or want, provide options, and seek consent before acting. It is the choice of the person targeted by hate if they want to ultimately report.

Several dynamics and barriers feed into under-reporting, and they create a vicious cycle. This vicious cycle prevents us from having an accurate picture of how acts of hate are harming communities. Targeted persons (and their friends and relatives) who have faced discrimination from law

enforcement are less likely to report to the police. This is true for all crime, but especially true for crimes motivated by hate, prejudice, and bias.

When targeted individuals and communities don't feel safe enough to report acts of hate, we may not be able to gather relevant data to reflect an accurate picture of the extent to which they are being harmed. This vicious cycle prevents us from having a true picture of how acts of hate are harming communities.

Forces & barriers that contribute to obscuring the phenomenon of hate



Ways community organizations can support persons targeted by hate

Community organizations play a vital role in providing support, guidance, and advocacy for people who have been targets of hate crimes or incidents. It's important to acknowledge that not everybody will want to report the incident right away. They also may choose not to report it at all. With this in mind, allow each person space to make decisions that feel right for them. Always seek consent when offering support or taking actions on their behalf. Here are some suggestions for how you can provide support:

Steps people supporting targeted persons can consider:

If someone in your community has been the target of a hate crime or incident, ask what they would like to do first. Offer to help them explore options. Here are some steps you can encourage them to consider and if they are unsure about reporting, suggest writing down the details in case they choose to report later.

1. Take immediate actions

- **Seek medical attention:** Ensure any injuries are treated promptly and that a medical record is kept.
- **Social support:** Encourage the person to reach out for help and emotional and support from trusted friends, family, or community members.

2. Promote mental and emotional well-being

- **Trauma supports:** Explore mental health resources and trauma supports. Consider whether services exist that are suited to their culture. These services may provide more relevant and effective care.
- **Contact your local victim service organization:** They can provide crisis response, offer support, and may be able to liase with the police.

3. Provide legal guidance

- **Seek legal advice:** Consider consulting with a lawyer to understand legal rights and potential next steps.

4. Consider reporting

- **Police reporting:** If the person wants to report to the police, ensure that you **document the fact that they feel the incident was a hate crime**. Provide support during this process if needed.

5. Document the incident

Encourage the person to record the following details. They may be helpful later, even if the person decides not to report to police.

- **Details of the incident:** Write down everything the person remembered about the event, including a description of the person who committed the act. Take note of their features such as their race, gender, and age. Also take note of the date, time, location, duration, actions and words.

➤ **Impact on the targeted person:** Note the effects of the hate act as they appear. They can be psychological, physical, and practical. Here are some questions you could ask:

- Have they suffered emotional harm or distress?

- Have they suffered physical pain or injuries?
- Has the act disrupted their daily life (i.e. work, school, etc.)?
- Has the incident cost them financially?

Are there reporting options besides the police?

If a targeted individual decides not to report to the police, they could choose to report to an organization that has created a third party reporting tool. Third-party reporting has both benefits and drawbacks.

Benefits:

- It is good to have someone to report to, even simply so they don't have to carry the burden alone anymore. Along with third party-organizations, they could turn to:
 - a friend
 - a religious or faith leader
 - an elder
 - family members
- More third-party reports create a fuller picture of hidden rates of victimization and a greater likelihood that law enforcement will take action.
- The third parties may be able to provide information and resources.

Drawbacks:

- Different organizations will respond in different ways and timeframes. It may be unclear whether they will follow up with the person about their experience.
- Some reporting tools or organizations may not have the ability to report to police on the person's behalf.
- A person may not know the impact their report had. This happens with organizations that aren't able to take further action or provide updates.
- Be aware of how your data is being stored and how it may be used.

What can a person expect when they report to police?

Reporting to police also has both potential benefits and drawbacks.

Potential Benefits:

- ▶ Police will record the person's experience and may take steps to address the criminal offence.
- ▶ A police report will support a future lawsuit or insurance claim.
- ▶ Reporting helps police get a more accurate picture of offences in their communities. Most hate crimes are not reported, making it seem that they are less common than they are.
- ▶ More reporting means police will know which communities need more service, patrol, and resources.
- ▶ Reporting can help with the healing journey and help the person reclaim a sense of control.
- ▶ Filing a report may prevent the situation from escalating further and may also help police establish connections with other cases.
- ▶ Your report will help with data collection, which is key to get a better picture of the types of acts of hate that occur and can lead to stronger government policies.
- ▶ Lets police know about concerning behaviors and actions, which may allow police to take proactive measures for public safety (e.g., engagement, support).

Potential Drawbacks:

- ▶ Dealing with the criminal justice system can traumatize the person all over again. This is especially true if they have to attend the trial and give victim impact statements.
- ▶ Your local police service may not have a hate crimes unit and may not recognize that the offence was motivated by hate.
- ▶ Police may not be able to find the perpetrator or prevent them from reoffending.

Things to consider

Hate and reporting both have a ripple effect.

Hate can have a **negative ripple effect**:

- It undermines and damages communities at multiple levels.
- It often spreads fear and distrust.
- It can divide people.

This negative effect can extend across individuals, their families, and even entire communities. It feeds into harm and makes societal tensions worse.

On the other hand, reporting to police may create a positive ripple effect. When people who have been targeted come forward:

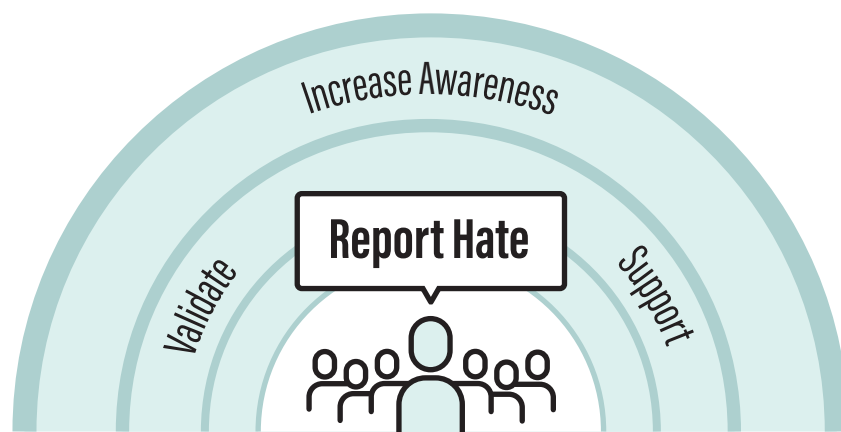
- It may contribute to greater awareness and support for them.
- It may also help validate their experience by expressing that they have a right to feel the way they did about what happened.
- It can benefit not only individuals but also the community and society.
- It can lead to feelings of safety and security, both at an individual and community level.

The extent and impact outcomes of these ripples can vary. They depend on a variety of factors, including community resources and support, and how institutions respond.

Community support as an antidote to hate

When we create the conditions that encourage targeted persons to come forward, reporting can have that positive ripple effect.

Reporting's influence



Final notes

In addition to the insights and research we collected from community consultations we also relied on academic expertise. We would like to acknowledge the contributions of Dr Miriam Taylor, Dr Caroline Erentzen, Sunil Gurmukh, Dr Barbara Perry, Mariam Musse, Feras Ismail, Sara Thompson, and the Canadian Race Relations Foundation team. They have contributed to different sections of this toolkit and have provided insightful feedback.

Works cited

Perry, Barbara (2001). *In the name of hate: Understanding hate crimes*. New York: Routledge.

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