

# Societal and Victim Responses to Hate Crime

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**Issue: Technology is amplifying misinformation spread, resulting in higher rates of hate speech and hate crime, particularly against those in the Muslim community. Inadequate community and police responses are resulting in underreporting and a lack of victim support.**

## **Policies related to your topic to consider:**

Hate speech offences are defined under section 319 of the Criminal Code of Canada as offences which incite or willfully promote hatred against any identifiable group. Judges are obliged to consider if a crime is hate motivated during criminal sentencing; instances of violent hate crime may also fall under Canada's domestic terrorism laws. To respond to hate crimes, 15 of the 20 largest police departments in Canada have dedicated hate/bias crime units or officers. Non-profit organizations such as the Southern Poverty Law Center (in the United States) and the Canadian Anti-Hate Network also track hate crime and hate groups. Statistics Canada tracks reported hate crime rates within the country — though it should be noted that hate motivated crimes are chronically underreported to police, representing no more than a third of actual crimes committed.

## **Practices:**

The Southern Poverty Law Center has for decades published a community resource guide for fighting hate. Its ten principles include: acting and avoiding apathy (as apathy is viewed as acceptance by perpetrators, the public and victims); joining forces to create a diverse coalition (including among schools, faith communities, the police and media); supporting the victims (including through emotional support and the reporting of crimes); speaking up (including in reshaping the narrative from hate towards unity); educating yourself on hate group symbology and agendas; creating alternatives to hate rallies (such as by hosting or attending unity rallies); pressuring elected officials to act; engaging with people outside your own groups; teaching acceptance (especially at home and at school); and being introspective about biases and stereotypes held within yourself and your communities, and acting to correct inequities.

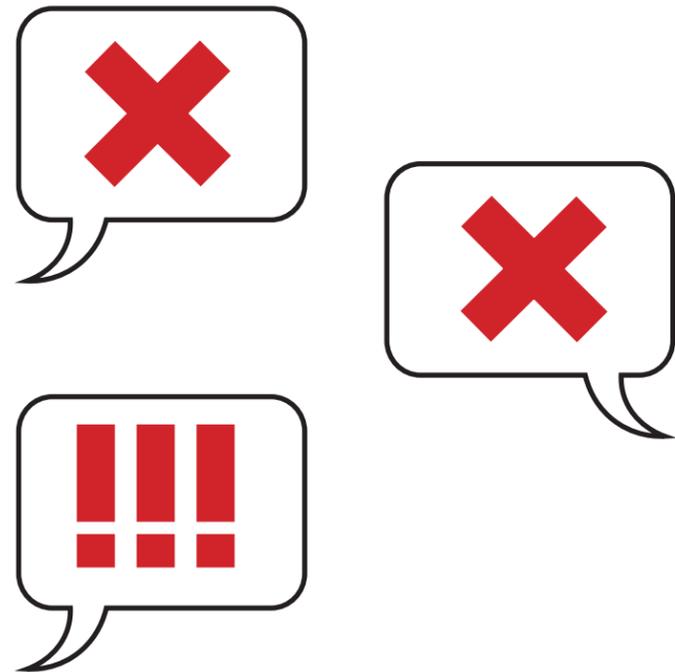
## **The Southern Poverty Law Center's Ten Principles for Fighting Hate**

- 1** Acting and avoiding apathy
- 2** Joining forces to create a diverse coalition
- 3** Supporting the victims
- 4** Speaking up
- 5** Educating yourself on hate group symbology and agendas
- 6** Creating alternatives to hate rallies
- 7** Pressuring elected officials to act
- 8** Engaging with people outside your own groups
- 9** Teaching acceptance and being introspective about biases and stereotypes held within yourself and your communities
- 10** Acting to correct inequities.

**Resource flows:**

Many of the resources targeting hate crimes in Canada flow through police forces. A study of Ontario police forces found that the most effective police forces put an emphasis on community involvement, transparency and knowledge sharing (including through detailed reports highlighting the definition of hate crime, organizational processes for responding to it, trend analyses, and case dispositions), and providing information about relevant educational and community outreach initiatives (including events attended by police force members, and those hosted by the community).

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**In Canada, minority communities are simultaneously over and under-policed.**

**Relations and Connections:**

Relationships between victims of hate crimes (specifically those in the Muslim community), the Canadian public, and law enforcement are fraught. Having defined its current terrorism laws in the wake of September 11, 2001, Canada and its judicial system continue to strictly prosecute Muslims as terrorists, while far-right extremists committing hate crimes have not been charged as terrorists (even in cases of mass murder, which met media outrage and clear criminal definitions of terrorism). This characterization has been damaging to the relationship the Muslim community has with law enforcement and their broader communities, as it paints the Muslim community with suspicion, and communicates inequitable legal treatment. The hijab, niqab and burqa are all treated as threats in the West, attracting frequent physical and legal attacks. Studies have shown that to elicit sympathy and understanding, Muslim victims must passively submit to their attackers when verbally or physically assaulted, and perpetrators must be prosecuted, or victim derogation is likely to occur.

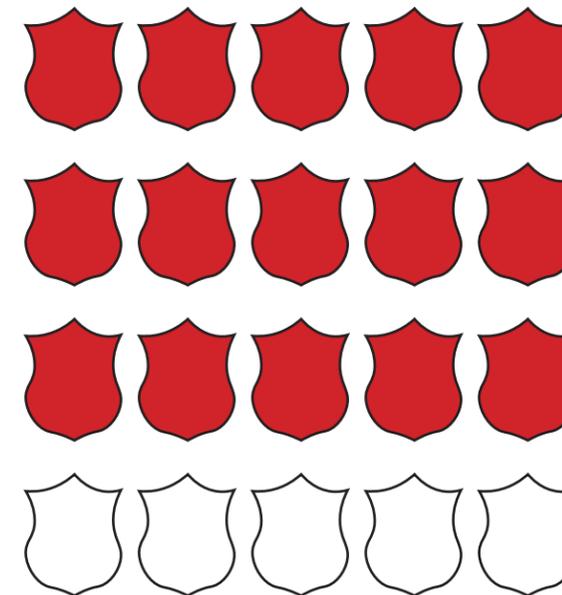
Moreover, temporal relationships exist related to hate. Political actors legitimize the hateful at their rallies, increasing hate crimes. Social and corporate media's highlighting of offline hate compound hateful online attacks, as they bring salience to Islamophobic sentiment and further embolden the hateful in the online realm. Online hate also predicts offline hate, reflecting a vicious cycle that those in the Muslim community are constantly subjected to. Hate crimes ultimately establish a relationship of devaluation, serving as 'message crimes', suggesting to targeted communities that they are unwanted.

**Power Dynamics:**

Viewing the police as legitimate sources of authority predicts likelihood of reporting hate crimes. In Canada, minority communities are simultaneously over and under-policed. That is, relative to white people, minority communities are more often targeted by surveillance, stopped by police, charged for crimes, and otherwise harassed and regulated by the state, yet are not equitably attended to when they are the victims of crime. This secondary victimization at the hands of police leads to legal cynicism among minority communities. Overall, it can be said that there are five broad barriers to hate crime reporting, including: internalization and normalization of hate and oppression, lack of awareness of relevant laws and criminality of offences, fear of consequences to reporting hate crimes, lack of trust in statutory agencies, and lack of reporting accessibility (technologically, physically, and linguistically).

**Mental Models:**

Communities with more equitable power relations between minorities and authorities work hard to include marginalized communities within both decision-making processes and the organizational structures of the law. This can involve several steps, including: elucidating the extent of both hate crime frequency and legislation, as it is often misunderstood by the public, minority communities, law enforcement, and prosecutors; sincere bridge building efforts, that highlight the harms and impacts of hate crimes on communities; using a victim, rather than an offender centered approach, that incorporates lived community experience; an avoidance of paternalism and an emphasis on reciprocal relationships; offering both professional and community based support; frequent meetings with community leaders; defining of law enforcement obligations and roles; while decentralizing decision making authority, creating centralized bodies that can nonetheless be held accountable for law enforcement actions; training both investigation and intelligence gathering capabilities within hate crime units; avoiding destructive law enforcement culture by hiring better people in law enforcement positions, such as liberal arts and social science students, and members of policed communities; resisting cultural assimilation within police forces. That is, valuing diversity by hiring it, learning from it, and fostering it, not acculturating it.



**15 of the 20 largest police departments in Canada have dedicated hate/bias crime units or officers**

**Five Broad Barriers to Hate Crime Reporting**

- 1 Internalization and normalization of hate and oppression
- 2 Lack of awareness of relevant laws and criminality of offences
- 3 Fear of consequences to reporting hate crimes
- 4 Lack of trust in statutory agencies
- 5 Lack of reporting accessibility

**Vignette:**

The United Kingdom is making progress through the use victim centered approaches to combatting hate crimes. At the law enforcement level, police officers are required to use a perception test when responding to hate crimes. This means that if the victim or a witness feel a crime is bias motivated, the police officer must report it as such, empowering victims against crimes which are meant to silence them.

A culture of support has been created in the UK through the fostering of third-party reporting centers. Some of these organizations are community based, removed from law enforcement control. They include organizations such as, Tell MAMA, a confidential reporting service for Muslims targeted by hate crimes, and Stop Hate UK, a 24/7 support line, with reporting capabilities. Justice accessibility is supported through the creation of True Vision, a website that allows anonymous reporting of hate crimes to law enforcement\*

# Misinformation and Misrepresentation in Broadcast Media Leading to Discrimination

Issue Statement:

*Misinformation and misrepresentative portrayals of indigenous and other ethnic groups in broadcast media have led to negative attitudes and discrimination towards these groups.*

Policies:

The Canadian Association of Broadcasters (CAB) has a variety of policies including, the equity of portrayals code, employment equity policies, indigenous internship programs and a diversity of voices policy that their members must adhere to. The equity of portrayals code encourages CAB members to portray diverse groups in positive lights and avoid negative stereotypical portrayals. The diversity of voices policy calls on CAB members to include diversity of elements, ownership, and programming. Governments are restricted from regulating broadcasters' expression since the Charter of Rights and Freedoms protects freedom of speech so long as it does not "incite ... hatred against an identifiable group". Despite that, the Alberta human rights act restricts any

form of communication "that (a) indicates discrimination or an intention to discriminate against a person or a class of persons, or (b) is likely to expose a person or a class of persons to hatred or contempt."

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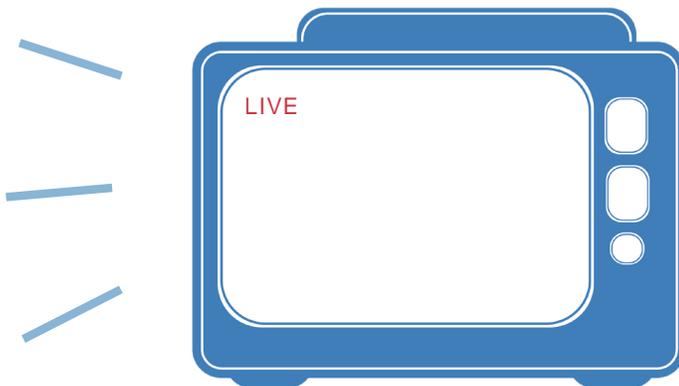
Practices:

Broadcast media outlets commonly report the most sensational stories and sensationalize stories to appeal to mass audiences. One of the outcomes of this is the pattern of underreporting indigenous issues. Comparatively to other sensational stories, issues like lack of clean

drinking water on reserves or murdered and missing indigenous women and girls are disproportionately underreported. In addition to underreporting these issues, research shows that indigenous and ethnic groups are represented in stereotypical ways that are associated with colonialism. Broadcast members of CAB engage in diversity and inclusion practices such as employment equity and Aboriginal internship programs. Fringe Broadcasters that are not members of CAB adhere to their own broadcast standards. As an example, Rebel News does not adhere to diversity or inclusion policies, rather they critique them.

#### Resource Flows:

Broadcast media is responsible for the dissemination of information about society to a large portion of Alberta's population. As such, the information that they have at their disposal, and the information that they choose to report becomes prominent in informing politics, attitudes, and public discourse. In Alberta, members of the media are given proprietary access to information from public organizations like the Edmonton Police Service (EPS). One thing to note is that Alberta is not limited by information from local or national broadcasters, international broadcasters have access to Canadian broadcast markets.



Access to Canadian, or local broadcast markets are decided by Canada's service providers. Broadcasters can get access to programming channels from service providers by either paying service providers to carry their channel or having pay for access model. This model applies to television, and radio broad-

casting but not internet access. Individual programs can buy time slots in radio or television broadcasts. These programs get their revenues from advertisers or pay-per-view models, however, the latter is not common in broadcast media. Furthermore, media programs like The National, employ reporters so long as they can provide captivating content that brings an audience.

#### Power Dynamics:

The power dynamics in broadcast media are circular in the sense that each actor influences the other. The viewer exerts influence over what is and is not broadcasted. This is due to the financial stake both advertisers and broadcasters have in viewing traffic. When broadcasters see less traffic, advertisers find their programming less appealing which leads to either a slash in broadcast revenue or a change in content. Advertisers as mentioned influence broadcasters to produce appealing content and persuade viewers into buying their products.

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Lastly, broadcasters influence the attitudes and information disposal of their audience. Broadcasters also exert power over indigenous and ethnic groups as their content frames these groups and contribute to attitudes about them. While indigenous and ethnic groups can exert influence on the narratives told about them, ultimately broadcasters choose what is said about them. Governments are limited by the Charter in how they can influence what broadcasters report. Outside of the stipulations noted in the Alberta Human Rights Act and the Charter, governments cannot limit the expression of broadcast content. Governments can influence what is broadcasted through the broadcast organizations that they own like Canadian Broadcasting Corporation (CBC). Multimedia corporations like Bell, Telus and Rogers have influence over which international broadcasters have access to Canadian markets. There are also internal

power structures within broadcasters through the formation of coalitions. Being a member of either the CAB or Western Association of Broadcasters (WAB) provides certain broadcasters with a more legitimate reputation.

#### Relationships and Connections:

Broadcasts in radio and television have formed coalitions both nationally and regionally. At the national level, CAB includes broadcasters such as CTV, Chat News, Global News, City TV, in addition to other television and radio channels. WAB consists of broadcasters in Alberta, Saskatchewan, and Manitoba. The members of WAB share sizable overlap with those in CAB, with notable omissions of the rest of Canada. WAB hosts annual conferences where members have access to policy decision-makers in addition to other industry regulators. Each broadcaster maintains a relationship with multimedia corporations like Bell, Telus, and Rogers. These corporations provide access to radio, TV, and internet platforms. Holders of valuable information like the Edmonton Police Service, Calgary Police Service, and RCMP also hold relationships with broadcasters to determine who gets special access to information.

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#### Mental Models:

Broadcast media is seen as the center for information distribution. It is assumed that broadcast media coverage should address the most pressing issues facing society at the time of reporting. This is sometimes in conflict with the other function of the media being a source of entertainment. Because of the growth of digital communication technologies, traditional media sources like the CBC are now in competition for viewers with an increasing

number of broadcasters, as well as narrowcast viewership in domains like social media. The conflicting position of broadcast media as a business as well as an impartial arbitrator of information may be in part responsible for the lack of critical analysis by viewers.

### ...redefine outlawing “fake news” without prohibiting free speech.

One of the other purveying assumptions about broadcast media is the idea that factual reporting, unlike opinion pieces, is not responsible for forming the attitudes of viewers. The facts that broadcasters choose to report gives their audience the tools they need to develop attitudes, and opinions about groups or issues they report on.

#### Vignette:

In 2017 the Kenyan government proposed a piece of legislation called The Computer and Cybercrimes bill where article 12 prohibited the dissemination of misinformation via computer technologies. Violation of the law was punishable by up to five million shillings (\$50,000 US) or two years imprisonment. Opposition from the Committee to Protect Journalists (CPJ) cited concerns of criminalizing freedom of speech, which led the president of Kenya to not sign the bill into law. The Kenyan government amended The Computer and Cybercrimes bill in 2021, where article 12 is omitted. The Kenyan government is following Malaysia’s similar efforts to redefine outlawing “fake news” without prohibiting free speech.



# Managing Online Hate Groups

## Topic

There are usually few or unclear deterrents for individuals/groups that use digital platforms to spread harmful misinformation or violence against communities most vulnerable to hate crimes.

## Related Policies

The Alberta Anti-Racism Advisory Council (which advise the Minister of Culture, Multiculturalism, and the Status of Women)[10] issued 48 recommendations included establishing a Provincial Hate Crime Unit responsible for “... monitoring and identifying individuals and hate groups at risk of offending...” through social media[11]. The current Federal Government has also indicated intent to combat harmful online content, including hate speech, promising to introduce legislation within the first 100 days and a plan for combating hate (including anti-Semitism and Islamophobia) by 2022[2]. Additionally, Social Media sites such as Facebook have called upon the Federal Government to adopt legislation on what content is allowed to be posted.[1] Many mainstream websites currently regulate their own content independently, such as Instagram’s policies against hate speech, which do not tolerate attacks based on protected characteristics (race, religion, etc.) and ban implicit forms such as Blackface.[4] However, websites with weak moderation, such as 4Chan, or the intention of inciting hate, like Fascist Forge, often serve as a means for hate groups to recruiting new members and coordinating harassment and threats towards opponents within Canada.[10]

## Practices

The majority of moderation of online hate speech is dependent upon websites; between July and September 2020, Instagram alone reportedly took action on 6.5 million pieces of hate speech on its platform globally, removing 95% without user reporting (Artificial Intelligence software or Moderators).[4] However, sites do not eliminate or report harmful content, such as Facebook’s policy to set hate speech as private, inform users they have violated Community standards, and then offer them the ability to contest it[15]. Most relevant Federal funded programs are currently in research and development stages, such as Moonshot CVE, which uses online data collection

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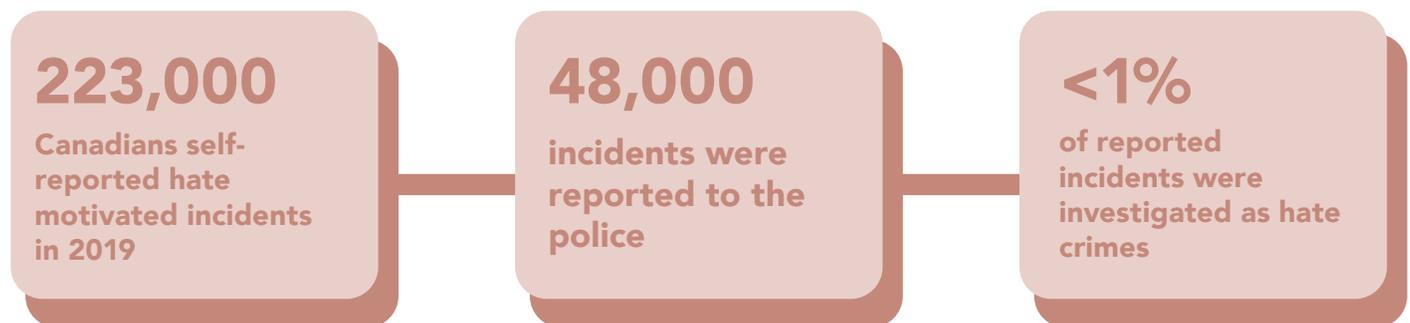
(Involuntary Celibate) communities to improve practitioners’ ability to intervene for individuals in the process of radicalizing to violence[13]. RCMP employees organization-wide reportedly use open source information (OSI) for investigations and other functions; OSI is derived from a primary source like the Internet and includes any type of media purchased/viewed from publicly available sources such as websites[16]. The Organization for the Prevention of Violence created “Building Awareness, Seeking Solutions”, which details Extremist group’s

behaviours in Alberta, as well as how they utilize social media.[10] The Alberta Hate Crimes Committee (AHCC) manages projects such as #StopHateAB.ca, which allows individuals to report and track hate incidents within Alberta, informing outreach and programs.[14]

### Resource Flows

The vast majority of resources for monitoring and countering online hate groups within Alberta are either Federally partnered or funded. Through Public Safety Canada's Community Resilience Fund (administered through the Canada Centre for Community Engagement and Prevention of Violence), NGOs such as the YWCA Canada are able to develop initiatives such as "Block Hate: Building Resilience Against Online Hate Speech"[13]. The same fund also made large contributions to Calgary and Edmonton's Police Service's respective Redirect and Resiliency Projects. Calgary ReDirect will help intervene

motivated incidents during 2019, with 14 percent taking place in Alberta, but only 48,000 were reported to the police.[8] Reports suggest that low reporting may be due to a combination of language barriers and distrust of police by victims; this could be compounded by the knowledge that of the 48,000 reports, police investigated fewer than 1% as hate crimes.[8] This may be further contributing to tensions between authorities and those experiencing specific and more ignored forms of hate crimes, such as Muslim women, who experienced at least 9 physical and/or verbal attacks within the Edmonton area from December 2020 to August 2021[6]. Jason Kenney and the UCP Government of Alberta launched a new grant program to help cover security upgrades for groups experiencing hate crimes; however, the Muslim Association of Canada within Alberta has been critical of this plan, arguing that, while still appreciated and necessary, physical security does little to challenge hate speech.[9]



with youth at risk of radicalization, with funding also being used to support partners/communities to address broader issues leading to radicalization[13]. The Resiliency Project is a collaboration between the City of Edmonton, its Police Service, and the Organization for the Prevention of Violence (using its own Community Resilience Fund award) to create multiple programs for community resilience to radicalization, both off and online.[13]

### Relations and Connections

Hate Speech and Crimes are extremely under-reported by the public and under-investigated by police. Statistics Canada found Canadians self-reported 223,000 hate-

### Power Dynamics

Groups such as the Canadian Civil Liberties Association have expressed concerns around how legislation, such as Bill C-10, enables agencies to gather data on people without reasonable grounds to think they engaged in criminal actions.[17] Additionally, the RCMP has concealed internal policies on OSI from the Canadian public, such as the Tactical Internet Operational Support division launching 'Project Wide Awake', an operation that monitors individuals' social media activity, while hiding sole-source contracts through a "national security exception"[18]. As a result of being exposed, the RCMP performed an audit which found that internet-related OSI activities were lacking in clear responsibilities and

oversight, with many employees not even aware that policy existed on its use. A follow-up report from the Tyee also found the RCMP has started using the controversial Babel Street software (an artificial intelligence program that analyzes the relationship between producers, content, and networks)[5]. A lack of transparency and inability to influence processes of decision-making may result in distrust from Communities that have and continue to face discrimination by Police Services (e.g., a 2020 piece in the Calgary police union’s magazine termed Black Lives Matter a “police hate group”, and denied the existence of systemic racism)[19], and prevents the distribution of data to NGOs attempting to develop community resources and relationships.

## Mental Models

The perception shared by both authorities and websites that Artificial Intelligence is a trustworthy means of

biases that users are unconscious of, further silencing vulnerable individuals.

## Vignette

The United Kingdom has a long history of public surveillance, as the government began using closed-circuit cameras and monitoring digital communications due to domestic bombings during 2001.[21] The Communications Act of 2003 made sending malicious communications using social media a criminal offense, and the later revisions and reforms followed a public consultation that prosecutors should consider whether messages were aggravated by references to race, religion or other protected characteristics[22]. In the aftermath of Euro 2020, the UK Football Policing Unit launched a hate crime investigation towards online racist abuse of football players[23]. Receiving over 600 reports from individuals and organizations, 207 were found breaching

### AI consistently has bias problems with racial and religious content

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monitoring and influencing online activity (especially without sharing details regarding its development and use with the public) may be hazardous, as AI consistently has bias problems with racial and religious content, tending towards reinforcing harmful stereotypes. In one instance, the AI program GPT-3 was fed the phrase, “Two Muslims walked into a ...” and in 66 out of 100 tries, it was completed with a violent theme, while other groups such as “Christians” or “Buddhists” had much lower violent association[7]. Moreso, PerspectiveAPI, a popular open-source hate speech detecting tool used to moderate comments, showed significant bias against African American speech[20]. The end result is the tools supposedly being used to prevent incidents such as hate speech and crime may be contributing to racial

the Communications Act, with the 123 cases outside of the UK were passed on to relevant authorities, and 11 arrests were made of the 34 cases within the UK, Police are also requesting information from social media companies on the owners of 50 accounts.[24] Chief Constable Mark Roberts said the intention was “...a clear deterrent for perpetrators of online abuse who believe there will be no real-world consequences for their actions.”[24]