

Exploring the Necessity and Feasibility of an Online Hate-Reporting System

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Executive Summary

The first part of this report examines how the current institutional legislation and mechanisms fall short of addressing and resolving the intricate and rampant problem of hate-based incidents in Canada. Due to factors such as significantly low reporting rates and limited scope and relevance of official definition of hate crimes, the current organizational structure and regulations are restrictive, obscure, ineffective, and unreliable; consequently, the status quo is unable to combat hate-based discrimination and violence and, due to inadequate reporting, fails to investigate the underlying nature, complexities, and circumstances associated with hate incidents. The second part focuses on how an independent, user-friendly, and multifaceted online reporting system can overcome the current obstacles to adequately tackling hate at both the individual and the structural level. Formulation of an independent, user-friendly, and multifaceted online reporting system can serve as an inclusive and effective alternative to study and infer the prevalence and patterns of hate-motivated incidents, to underscore the deleterious impact such events have on target communities, and to provide access to and overview of counselling services and other helpful tools to victims of hate-motivated incidents.

1. Introduction (Purpose and Scope):

In recent years, Canada has seen an alarming rise of hate crimes and anti-immigrant sentiments. This is particularly relevant for the city of Hamilton, which has the highest rate of hate crimes observed in the year 2019 (CBC News). Earlier this year the Hamilton Pride celebration and Parade of the LGBTQ+ community faced a massive disruption and physical confrontation from an anti-group of people where several individuals received minor injuries (CBC News). The Pride parade committee had already foreseen such a disruption and alerted its members with a Social media message populated. This incident certainly speaks to the growing nature of intolerance towards not just the Queer communities but also towards the cultural and ethnic ‘Others’ in Hamilton in a larger context. It also says a lot in the context of how this city and many other cities in Canada are changing in the logic of the right winged, rich communities. These incidents have added to the already existing polarization in the Canadian social fabric, where the far-right political parties are promoting an anti-racist and anti-immigrant rhetoric coupled with a ‘white’ nationalist ideology. The ‘normative’ vision of Canada as a white man’s country is still pervasive which one can argue seeks to reinstate itself through the prosecutions of the minority. Baldwin and et al in the collection entitled “Rethinking the Great White North” argue that unlike liberal proponents of ‘post-racism’ discourse, race is still an important thing to think about. Multiculturalism, the persistence of racialized social relations – including the racialization of poverty, environmental racism, “white” neighbourhoods, racist law and immigration policy, and racialized discourses” (Baldwin et al 4). This also raises questions on whether true inclusion at all exists in Canada and whether what we have in Canada is a kind of ‘**token multiculturalism**’. The multicultural initiatives of the Canadian government are also disputed since the 1988

Multiculturalism Act defines itself as “the right of all to identify with the cultural heritage of their choice, yet retain full and equitable participation in the shaping of all aspects of Canadian society” (Justice Law Website). Solidarity in such a political, social climate can be hard to achieve. Under such grounds, the initiatives taken up by Hamilton Centre for Civic Inclusion (HCCI) to create an online hate crime reporting system seem a practical approach to address the complex mechanism of hate crimes experienced by the ethnic ‘Other’ populace of Hamilton.

2. Definition of Hate Crimes in Canadian Jurisdictions

In Canada, there are several legislations, charters, and doctrines that serve to promote egalitarianism and protect marginalized and vulnerable communities from violence and harassment:

- i) **The Criminal Code of Canada** defines hate crimes as criminal offences motivated by hate towards a member of an identifiable group “distinguishable by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability” (“Hate Crime”). Specifically, four offences fall under the purview of this legislation:
 - a) “Advocating genocide
 - b) Public Incitement of hatred
 - c) Willful promotion of hatred
 - d) Mischief related to religious property” (“Criminal Code”).

ii) In addition, both **Canadian Human Rights Commission and Canadian Charter of Rights and Freedoms** also prohibit discrimination and intimidation against minorities and stigmatized communities. The Charter, while promoting freedom of expression and speech, “guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society” (“Constitution”).

iii) At the provincial level, **the Ontario Human Rights Commission** prohibits discrimination based on 14 protected grounds in five main social areas namely Accommodation (housing); Contracts; Employment; Goods, services and facilities; and Membership in unions, trade or professional associations (“Ontario Human Rights Code”). The Commission has also advocated for incorporation of an intersectional approach to understand the impact of hate-based attacks on victims (“An Intersectional Approach”). Lastly, **the Hamilton Police Department** defines hate crime as “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, sex, age, mental or physical disability, sexual orientation, gender identity or expression or any other similar factor...” (Corrigan).

3. Shortcomings and Challenges:

While these legal discourses and doctrines signify governmental institutions’ commitment to address and ameliorate subjugation and mistreatment of certain target groups, they are mired by grave limitations such as:

- i) **Limited scope and relevance of the institutional definition of hate crime:** The legislation incorporates a parochial and vague definition of hate crime and therefore falls short of accommodating a diverse set of violent and dehumanizing attacks that fall under the realm of hate-motivated incidents. Therefore, while many people may face adverse forms of hate-based attacks, those attacks may not meet the narrow criteria set by the Criminal Code. According to the Hamilton police department, of the 76 hate crimes reported to them, 73 were deemed as “incidents” and not crimes, implying that the crimes showed a little evidence of some kind of bias, hate, or discrimination, but it was not enough to define hate as the primary motivating factor (Corrigan). As noted by the Hate Crimes Community Working Group, the hate-specific offences pertain only to “‘Hate Propaganda’ and ‘Mischief’ (where there has been damage to property used for religious worship). This means that someone can be charged for advocating genocide, publicly inciting hatred, and willfully promoting hatred, if based on the victim’s colour, race, religion, ethnic origin or sexual orientation, but cannot be charged with ‘hate-motivated assault’” (“Appendix A”). Furthermore, the fact that there is no nationally accepted concrete and uniform definition of hate crime further leads to confusion and inconsistency, particularly when comparing and contrasting data from different parts of the country. Stephen Camp, president of Alberta Human Rights Commission’s hate crimes committee, states that since the nation does not have a concrete definition of hate crime, it’s widespread presence and impact remain unnoticed (Craggs). In addition, the tension between rigidly guarding freedom of expression and speech and holding perpetrators of hate

speech accountable also exacerbates the trials and processes of such prosecution cases. Irfan Chaudhry, a hate-crimes researcher at MacEwan University, emphasizes how sometimes the victimizer's attack against someone can be based on their misconceptions about that person's identity (Craggs). For instance, there have been several cases where Sikh men have been victims of Islamophobia because they were mistaken as Muslim men.

- ii) **Alarmingly low reporting rates:** Research has indicated that people who suffer from hate crimes or incidents are generally reluctant to report them to authorities. According to the 2014 General Social Survey, 2/3rd of the people who had been victims of some form of hate-based violence or attack chose not to report the incident to the police ("Hate Crime in Canada"). Therefore, investigative and analytical reports that utilize official records and statistics to uncover the root causes and factors that foster structural and individual form of hate are prone to produce inaccurate inferences and conclusions. For example, although a report by Statistics Canada indicates a decrease in hate crimes, the validity of this assertion is severely compromised if one takes into account the limited official definition of a hate crime as well as the number of possible attacks that were not documented (Donato).

4. Rethinking Under-reporting

The Department of Justice Canada has stated that the magnitude of the problem has yet to be fully appreciated by many people, and one reason for this is that hate crimes are under-reported (Department of Justice Website). The lack of clarity around the unified definition of 'hate motivated crime', the seeming unavailability of legal aid, and sectoral identity politics have

made the process of naming, reporting and resisting hate crimes in Hamilton (in extension in Canada) an arduous one.

The power dynamics of the victim and the law enforces can further complicate the process of seeking help. Privilege and the lack of therein long with the **‘good citizen’ hegemony** are integral concepts for us to probe further. As many social activists would argue, the minority must always comply with the good citizen discourse. Critical race theorists argue that the people of colour have to struggle to access a vocabulary that can effectively address the complexities of contemporary nation-building and ‘culture talk.’ In fact, they are forced to contend with a vocabulary that explicitly suppresses knowledge about such complexities. Sunera Thobani for example, argues that racial difference, as a system of hierarchy within the Canadian socio-legal system constitutes the national, the Indian, and the immigrant as different kinds of legal being... as different kinds of human beings at a symbolic level, ascribing to them different characteristics and values as intrinsic aspects of their (quasi) humanity (Thobani 27). Thobani’s analysis seems apt in conceptualizing why the hate crimes which are faced by ethnic and cultural minority remains largely undocumented. Rather hate motivated crime is normalized and the victims are subtly encouraged to take this experience as the price to be paid for their stay in this great country. This also to be seen as a process through which hopefully someday they will integrate in the white, normative nationality by erasing their other essential differences.

Chester Pierce in their radical concept of ‘microaggression’ have argued that offensive mechanisms, the small, continuous bombardments of micro-aggression...is the essential ingredient in race relations and race interactions (Qtd. In Williams, 2). Their study further illustrates that there is a common ignorance on how micro and macro aggressions work in team, to further racist cultures. ‘Micro validation’ for example, is akin to ‘speech act’ that can instill

racist practices. Pierce defines micro validation as forms of communications that subtly exclude, negate or nullify the thoughts, feelings or experiential reality of a person of color (ibid). One example of this could be of how white people often ask Asian and Africans where they were born, conveying a deceitfully powerful message that they are perpetual foreigners in a white land where the normative racial makeup is white. What is worth noting here is how intention and the lack thereof does not alter the workings of racism. When encountered and recognized, the racialized other may perform what Lisa Bowleg terms 'citizen compliance' by accepting the act because of the hegemonized nature of such speech that permeates the social spaces (Bowleg 321). The place for dialogue in community and in social spaces, as well as academia in a more proliferated manner can create 'change' in perspective and praxis.

In addition, '**Individualization**' of hate crime isolates the victim from the greater community and furthers sense of non-belonging. Systems of power and domination like capitalism do operate through creating differences to marginalize individuals from one another. Lisa Bowleg in her article on "Methodical challenges of Qualitative and Quantitative Intersectionality Research" states that other psychological mechanisms can be at play, such as the tendency for some members of the historically oppressed groups to minimize their personal disadvantage (Crosby as qtd. In Bowleg 321). Bowleg's analysis further shows how the mechanisms of 'good citizen rhetoric' and State hegemonies can often silence the marginalized community. The racialized other may perform a citizen compliance by accepting its misery (Bowleg 321). Kimberlé Crenshaw in her defense of intersectional approach in feminism states that the problem with identity politics is not that it fails to transcend difference, but rather the opposite-that it frequently conflates or ignores intragroup difference (108). Both of these theoretical premises are helpful in conceptualizing and probing in the nature of 'under-reporting' of hate crimes and the

denial of collective public memory that such things happen at an alarming rate. An online reporting system that protects the victim and bystander's confidentiality and subverts the power dynamics (between racialized victim and a law enforce from an ethnic majority) in seeking help can make a real difference. An interactive platform operating as citizen's journalism (in extension) can create what Piven and Cloward see as the "revolutionary potential of shared experiences of oppression" (as qtd. in Smith 16).

In conclusion, some of the primary reasons behind under-reporting are:

- i) Fear of repercussions and retaliation from the attacker as well as one's own community
- ii) Lack of faith in institutional authorities and law-enforcement agencies, who may not only fail to hold the attacker accountable but may also be hesitant to believe their account
- iii) Undermining the immensity of the attack
- iv) Self-blaming for the attack
- v) Fear of further harassment and ill-treatment at the hands of the authorities, particularly in the case of stigmatized communities such as members of LGBTQ community
- vi) Victims might find interactions with officials intimidating due to language and cultural barriers
- vii) Fear of deportation and prosecution ("Hate Hurts")

The current organizational structure and regulations are restrictive, obscure, ineffective, and unreliable. The status quo is unable to combat hate-based discrimination and violence and, due to inadequate reporting, fails to investigate the underlying nature, complexities, and circumstances

associated with hate incidents. Consequently, hate predominantly remains unnamed, unexamined, and unaccounted in the current context, with little scope to situate such incidents within the larger socio-historical context and connect to systematic forces of oppression that intend to sustain hierarchical categorizations and fundamental relations of power. Formulation of a third-party, confidential, online reporting system can serve as an inclusive and effective alternative to study and infer the prevalence and patterns of hate-motivated incidents and to underscore the deleterious impact such events have on target communities.

5. Examples of Other Online Reporting Mechanisms

While a diverse set of organizations and parties such as ProPublica and Anti-Defamation League and universities like University of Nevada, Reno and Georgetown University have recently created online platforms for people to report hate, Ireland's iREPORT.ie has the most comprehensive, user-friendly, and effective design and layout.

i) iREPORT.ie: This reporting system is developed and maintained by Irish Network Against Racism (INAR), a coalition of civil society organizations that collectively fight against systematic racial discrimination and violence in Ireland and is also part of European Network Against Racism at the regional level, a network of organizations across the European Union funded by Open Society Foundation ("About Us"). To develop this independent, nationwide online reporting tool, INAR collaborated with Dr. Dr Lucy Michael, Lecturer in Sociology at Ulster University and President of the Sociological Association of Ireland ("About iREPROTie"). iREPROT.ie allows victims and by-standers to report their encounters with racist behavior and mistreatment and asks them to fill a detailed multiple-choice questionnaire comprising of four key subsets:

- i) The incident itself: “where, when, and how the incident occurred”
- ii) Information about the victim(s)
- iii) Information about perpetrator(s)
- iv) Why the incident was deemed racist, how it impacted the victim and/or witnesses, and how it’s interconnected with other factors such as age, gender, sexuality, and disability.

Before the user begins to report an incident, the system reiterates that information will remain confidential, in accordance with the national privacy laws (“Data Protection Policy”). Also, the form provides the respondent an option to enter two other details: a link to upload images of the attack and contact information, if the person reporting the attack wants the organization to get in touch with them. On the website, there is a comprehensive guide that provides in-depth exploration of institutionalized racism in the country and includes a description of support and referral services for victims of racism (“Responding to Racism Guide”).

Since its inception, a total of 1921 incidents have been reported, and iREPORT.ie publishes an analysis of collected data and information once in every six months (a total of 11 reports have been produced (“IREPORT.IE REPORTS OF RACISM”). It has used its research and findings for anti-racism advocacy and to appeal for policy and ideological changes to government authorities, law enforcement agencies, and media.

ii)#STOPHATEAB: In 2017, the Alberta Hate Crimes Committee (AHCC), an independent commission of the government of Alberta, created a website entitled StopHateAB.ca to provide an online venue to report and share hate incidents that do not meet the standard set by the Criminal Code’s definition of hate crime (Mertz). Moreover, AHCC utilized ESRI’s Geographic

Information Software to create a map of Alberta, so, after reporting their incidents, website users can see visual representations of documented hate incidents across the province (“Documenting Hate Incident Online”). The questionnaire asks for the following details: Type of Incident, City or Town, Motive, Location, Date, and Bias Indicators. On the map, one can see the city, location, motivation, and the date when the incident happened. AHCC’s website is under construction, and there are no supplementary reports or records available.

6. Creating Safe Spaces through Interactive Platforms

The online system other than having spaces to share experiences and incidents anonymously, can also install and exhibit forums, posts and blogs to generate awareness of issues such as what is hate crime, why the mainstream media or society may not voice such issues and how privilege can be a barrier to such conceptualization. Posting things on the intersectionality of **hate crime** and why it becomes much more difficult to then locate and prevent such crimes can create awareness. So, in this online system we propose that other than keeping historical accounts of racism and the long colonial making of the nationhood, interactive blogs and comments can be added in the design. This will enable people to write, to educate, to share and to be informed of these issues. Creating counter competitive discourses from the citizen body will hopefully bring about some shifts around how the discourses around immigration and assimilation.

An active citizen blog and journalism platform can make people feel empowered without the carceral forces of the nation and understand that police are in case may not always behave as the benevolent protectors. **Citizenship journalism** can be radical in that sense that it can act as a subversive discourse. The article “The Supreme Court of Canada: There are no journalists, only citizens” argues that:

Rather than being about journalism this case was about freedom of expression and about laying a legal framework for a *post-journalism* world. Traditional journalists benefit as well (which is nice – and there will still be demand for their services) but the decision is *so much* broader and far reaching than them. At its core, this is about what one citizen can say about another citizen, be that in the Globe, on CBC, on my blog, or anywhere. And rather than celebrate or connote any unique status upon journalist it does the opposite. The ruling acknowledges that *we are all now journalists* and that we need a legal regime that recognizes this reality. (eaves.ca)

Connecting people who will use this system with anonymity with necessary Resources is also something we propose. Names and addresses of social activists, legal aid, medical aid and organizations who work for anti-racism, against xenophobia or homophobia can be provided which will create one stop crisis intervention for some.

7. Advantages of an Online Reporting System:

- I. It exists outside the confines of institutional obligations, biases, and politics.
- II. The identity of people remains confidential, allowing them to freely report the incident and share their experience
- III. It serves as a democratic platform to track hate in the city built by and for the people
- IV. Helps to see connections and similarities between otherwise perceived isolated and unconnected incidents of hate
- V. Dispels myths and misconceptions related to hate incidents and uncovers the minorities that are particularly vulnerable and regularly targeted

- VI. Provides access to data to undertake systematic analysis of hate, prejudices, and biases in Hamilton and helps to uncover areas where hate incidents are particularly widespread.
- VII. Serves as a resource for other community-based organizations and activists who are engaged in raising awareness and challenging oppression and injustices against suppressed and secluded civilians.

8. A List of Recommendations

In addition to a visual documentation of hate-motivated incidents across the city, the site could potentially comprise of following supplementary resources:

- I. In order to build ethos, an excerpt from the Personal Information Protection and Electronic Documents Act can be integrated into the main page to assure people that their information will remain confidential.
- II. A disclaimer that this is not the official platform to report a crime and a corresponding link that directs individuals to the hate crime unit of Hamilton Police Department.
- III. Coverage of ongoing debates—with a particular focus on prominent activists, scholars, and journalists involved—about reforming the current legislations and discourses related to hate crimes at the local, provincial, and national level.
- IV. Links to other local support services and resources that victims may prefer to get in touch with before or after reporting an incident such as Equity and Inclusion Offices of Mohawk College and McMaster University, the Hamilton Community Legal Clinic, Legal Aid Ontario and Refuge, and other faith-based local organizations.

- V. A glossary of critical terms (systematic racism, microaggressions, double consciousness, prejudice, bias, white fragility, etc), literature, and ongoing discussions within the field of hate studies.

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