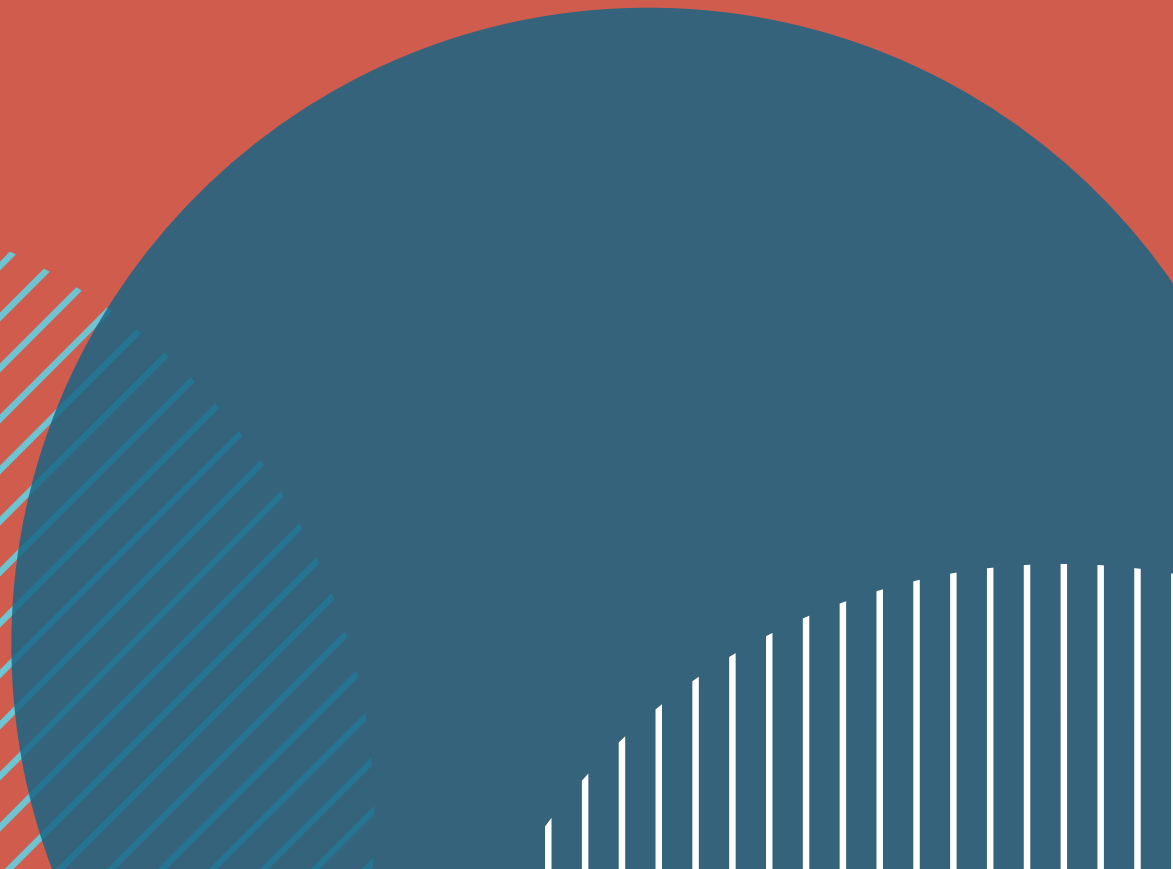


# RESPONDING TO HATE & DISCRIMINATION



# RESPONDING TO HATE & DISCRIMINATION

## Overview

Given the current COVID-19 situation, many individuals in the Asian-Canadian community have experienced incidents of hate and discrimination. This guide will provide community members with a brief overview of what hate activity and discrimination mean and the resources available to help in responding.

The targets of hate are persons or groups that are targeted because of their real or perceived race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor.

## What is Hate Activity?

Hate Activity is separated into two groups: hate incidents and hate crimes. They may be defined as the following:

Hate incidents: Words or other actions that express bias or hate against targeted persons or groups. These are often non-criminal acts.

Hate crimes: Hate crimes are crimes that are committed against a person or property, and motivated, in whole or in part, by bias or prejudice based on real or perceived race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor. While "hate crime" is not formally defined in the Criminal Code, the following criminal offences are specifically related to hate:

1. Advocating genocide (section 318)
2. Incitement of hatred in a public place that is likely to lead to a breach of the peace (public incitement of hatred and hate speech) section 319(1))
3. Wilful promotion of hatred against a specific group (section 319(2))
4. Mischief motivated by hate in relation to property primarily used for religious worship or property used by an identifiable group (section 430(4.1))

Other criminal offences that may involve hate-motivated acts include Assaults (section 265), Uttering Threats (section 264.1(1)), Causing Disturbance (section 175(1)), and Criminal Harassment (section 264(1))

## Other criminal law considerations:

- The consent of the Attorney General is required before charges under sections 318(1) or 319(2) can be laid.
- Sections 319(4)-(6), 320 and 320.1 permit the seizure, forfeiture, and removal from public access of hate propaganda
- Section 718.2(a)(i) makes it an aggravating factor at sentencing if the offence was motivated by bias, prejudice or hate.



## **Acts of Discrimination**

Acts of Discrimination can include unfair treatment in the workplace, public areas, and housing due to race, colour, religion, sex, sexual orientation, gender identity or age. Although this may be a violation of provincial Human Rights legislation, it is not necessarily a criminal offence (unless it constitutes or is accompanied by actions such as assault, threats, criminal harassment, etc.). Under the Ontario Human Rights Code, acts of discrimination can lead to complaints to the Human Rights Tribunal of Ontario, which has broad powers to adjudicate and impose remedial orders, including monetary fines.

## **What to do you if you experience an act of hate or discrimination**

- Always ensure that you are safe first before taking further action.
- Mental health matters! Share your experiences with your friends, family, and other support networks and do not be afraid to lean on them. Take time for self-care.
- Seek medical assistance (if necessary), and, if you are comfortable doing so, report violent or criminal incidents to the police.
- If you believe the incident was motivated by hate or bias, make sure to include why you believe this in your report.
- Collect evidence such as photos and videos if possible (and safe to do so).

## **If you are a witness:**

- Remember to ensure that you and others are safe first before taking further action. If you think the police should be involved, also think about whether a marginalized or racialized person may be concerned about that.
- Be an ally, not just a bystander - find a safe and effective way to help, either by asking the targeted person if they are okay, or by speaking out to say that these acts are wrong.
- Support people who you know that have been affected by hate or discrimination, by taking time to be there for them, listen to them, and let them know they are not alone.

## **Online hate:**

- Check the social media community guidelines for their reporting procedures.
- For example: Facebook's Community Standards do not allow hate speech. If you see content resembling hate speech, you can report it and ask Facebook to remove it.
- Report the incident to the respective social media platform.
- Report and ask for discriminatory content to be removed.

## **Hate or discrimination at work or school:**

- Report the incident to a Human Resources department (if applicable) or with school administration.
- If you are unionized, report your concerns to your union representative.
- If you are unsure what to do, speak to a lawyer about your legal rights.
- The Human Rights Legal Support Centre provides free legal support to people who have experienced discrimination under the Ontario Human Rights Code.

**You can also report an act of hate or discrimination to a community race relations or support group.**

- Report hate crimes to the Canadian Anti-Racism Network: <https://stopracism.ca/reportfrm.php>
- Report incidents by text to ACT2endracism’s text-message reporting line, available in English, French, Chinese, Japanese, Korean, Vietnamese, and Tagalog: 1-587-507-3838.
- Many municipalities across Ontario have race-relations advisory groups that work with law enforcement to address issues of hate in their communities.
  - For example, the City of Thunder Bay has an Anti-Racism and Respect Advisory Committee; Check with your local law enforcement agency for similar organizations in your community.
- Anonymous tips can also be reported to Crime Stoppers at [crimestoppers.ca](http://crimestoppers.ca) or their toll-free number: 1-800-222-8477.
- If you live in Toronto or the GTA area, the Chinese Canadian National Council - Toronto Chapter has an online survey to report incidents of racism and discrimination: <https://www.covidr racism.ca/>.
- Share your story: <https://projectprotech.ca/working-together/staying-connected/>.

**For more information, consult the following community organizations:**

- Chinese Canadian National Council for Social Justice: <https://ccncsj.ca/>
  - Toronto Chapter: <https://ccnctoronto.ca/>
- Community Legal Education Ontario (CLEO): <https://www.cleo.on.ca/en>
- Korean Legal Clinic: <https://koreanlegalclinic.ca/>
- Pandemic Rapid-response Optimization to Enhance Community Resilience and Health (PROTECH): <https://projectprotech.ca/>
- Chinese and Southeast Asian Legal Clinic: <https://csalc.ca/>
- Human Rights Legal Support Centre: <https://www.hrlsc.on.ca/en/welcome>

**THANK YOU TO THE FOLLOWING ORGANIZATIONS FOR THEIR CONTRIBUTIONS AND ASSISTANCE TO THE GUIDE**

