

## Combating Online Hate

### Background

Online hate – including antisemitism – is not a new phenomenon, and it has grown exponentially in recent years. The majority of Canadians reject such hatred; however, the internet continues to provide a platform for those spreading hatred to attract followers and share their message. As our lives increasingly move online, the prevalence of online hate, and the need to combat it, has become impossible to ignore. Incidents of online hate are increasing, and as seen with "Zoom-bombing", its methods are evolving and adapting. For many communities, including Jews, visual and religious minorities, Indigenous persons, women, and LGBTQ+ Canadians, the hatred which begins online can manifest in real-world violence. A tragic illustration of this is the massacre at the Tree of Life synagogue in Pittsburgh that took place on October 27, 2018. This is not a problem that will disappear on its own.

Efforts to see meaningful action on this file have been ongoing since 2018, when representatives from several organizations sent a letter to then-Justice Minister, The Hon. Jody Wilson-Raybould, requesting the government take action. When the Standing Committee on Justice and Human Rights later studied online hate, [CIJA appeared as a witness](#), speaking to the impacts of online hate on the Jewish community and making specific policy proposals. It is the recommendations made by the Committee, in its [2019 Report: Taking Action to End Online Hate](#), which form the basis of our policy asks today. After the 2019 Elections, the Government reiterated its support for combating online hate by mandating four Ministers to address the issue: the Ministers of Canadian Heritage; Diversity and Inclusion and Youth; Public Safety and Emergency Preparedness; and Justice and Attorney General of Canada. Currently, M.P. Arif Virani, Parliamentary Secretary to the Minister of Justice, has lead responsibility for this file, and he has engaged in consultations with CIJA and our partners.

Combating online hate is a complex problem which requires a multi-faceted, multi-stakeholder effort to address. It is essential that the Government works with impacted communities, including the Jewish community. This is why CIJA has joined together with many other organizations to establish the Canadian Coalition to End Online Hate (the "Coalition"). Coalition partners include the Armenian National Committee of Canada, Capital Pride, the Federation of Black Canadians, Women's Legal Education and Action Fund, the National Council of Canadian Muslims, the Ukrainian Canadian Congress, and the World Sikh Organization. The primary goal is to encourage the Government of Canada to move forward with its policy on online hate, based on the 2019 Justice Committee Report.

## Policy Recommendations

The Coalition recently presented to government the following series of policy recommendations:

### 1. Sufficient training for law enforcement, crown attorneys, and judges.

Additional resources should be dedicated to ensuring law enforcement, crown attorneys, and judges receive proper training on combating online hate. Resources should include new research methods and best practices to combat online hate, developed in partnership with academic institutions, cyber-security agencies and targeted communities.

*[Based on Committee Recommendation 1—Funding for Training on Online Hate]*

### 2. Fix the gap in data collection.

Effective policies are based upon accurate data. When seeking to develop a policy-based approach to combating online hate, legislators encounter a gap in available data on hate crimes. Statistics Canada can address this gap in data collection by:

- a) Allocating resources to assist in the collection of hate crime data by civil society organizations and government institutions.
- b) Ensuring enforcement agencies reflect the diversity of the communities they represent, to better facilitate hate crime reporting.
- c) Creating a national database to retain and analyze hate crime and hate incident data, including data collected by local law enforcement agencies based on race, ethnicity, gender, sexual orientation and socio-economic status.
- d) Establishing Canada-wide guidelines and standards for the collection and handling of hate crime and hate incident data.
- e) Create a digital space where individuals can report online hate incidents or online hate crimes.

*[Based on Committee Recommendations 2, 3 and 4 – Sharing Best Practices, Addressing the Gap in Data Collection, and Tracking Online Hate]*

### 3. Raise awareness of online hate.

Understanding the complex issue of online hate is a critical first step in addressing it. It is necessary to raise awareness of what constitutes online hate, and understand its lasting consequences and impacts, through social marketing efforts, curriculum supports, and social media campaigns. This work should be done collaboratively, between community organizations, provincial and territorial governments, and communities impacted by hate.

*[Based on Committee Recommendation 5 -Preventing Online Hate].*

**4. Define what constitutes *hate* or *hatred*.**

Defining hatred is a necessary step in combating it. A definition of what is - and what is not - "hate" and "hatred" must be developed, one which is consistent with Supreme Court of Canada jurisprudence. [*Based upon Committee Recommendation 6 - Formulating a Definition of Hate*]

**5. Adopt a civil remedy to help combat online hate.**

Currently, the Criminal Code is the only legal tool available to combat online hate. Criminal prosecutions for hate crimes are rare - in part because the Attorney General must first consent - and they are rarely successful, given the challenges of proving guilt beyond a reasonable doubt. A civil remedy should be adopted, in keeping with the recommendations made by the Hon. Irwin Cotler in 2015, offering significant safeguards to protect freedom of expression while preventing vexatious use. The development of a civil remedy is an additional opportunity for collaboration between legal experts, impacted communities, and the Canadian Coalition to End Online Hate. [*Based on Committee Recommendation 7 – Providing a Civil Remedy*]

**6. Require internet platforms and service providers to monitor and address hate.**

Requirements for internet platforms and service providers to monitor and remove online hate should be established within a reasonable time frame. These would include monitoring and addressing incidents of hate and introduce a timeframe for removing posts. Developing requirements would be a collaborative effort between industry representatives and members of impacted communities. Canadian Security Intelligence Service and Communications Security Establishment would also be involved to develop a strategy for combating online hate that is sponsored or supported by authoritarian governments, state broadcasters of authoritarian regimes and foreign organizations. [*Based on Committee Recommendation 8—Establishing Requirements for Online Platforms and Internet Service Providers*]

## How you can help

This backgrounder reviews the progress made to-date on this file and outlines our key policy recommendations. Consultations, however, are an opportunity for policy to become personal. Your own personal and professional experiences with online hate and antisemitism matter. Topics to address in your testimony can include:

- How you or your community have been impacted by online antisemitic hate.
- How your organization has been impacted by online antisemitic hate.
- How you, your community, or your organization may benefit from the recommendations.
- If a specific recommendation would mitigate or address an issue you have encountered.
- The policy recommendation you believe is most important.

You are already experts in your own field, and in your own experiences - and it is that expertise which will help demonstrate why combating online hate and antisemitism is so important for communities throughout Canada.