



British Columbia's
Office of the Human Rights
Commissioner

From hate to hope: Report of the Inquiry into hate in the COVID-19 pandemic



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BCOHRC recognizes the important relationship between protecting the natural environment and protecting human rights. One way we reduce our environmental impact is by limiting print copies of our reports. However, if you have difficulties reading this report in its electronic format, you are welcome to contact our office to request a printed copy.

Support for impacted communities: The data and analysis we are releasing show a pattern of hate and discrimination impacting many communities across British Columbia. We recognize this information will be deeply disturbing for many people in our province to hear. These issues, while critical to examine, are extremely challenging, especially for people who have experienced or witnessed hate incidents. Anyone who experiences distress or who needs immediate help can access a list of crisis lines and emergency mental health supports we have compiled on our website at: hateinquiry.bchumanrights.ca/support

This publication can be found in electronic format on the website of British Columbia's Office of the Human Rights Commissioner: bchumanrights.ca/Inquiry-Into-Hate

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Executive summary

During the COVID-19 pandemic, we lost our collective innocence. We know now that we cannot take our communities, our jobs, our daily routines or our political systems for granted. We know now that something as small as a microbe can create havoc around the world in a matter of weeks. And we know now that along with a health crisis of this proportion we will see social crises, such as the rise of hate and violence. We cannot be surprised by the rise of hate in future states of crisis. We must confront what we have experienced during the pandemic and take action now to prevent it from happening again. Our recommendations chart out a path for action.

While hate is not new, the pandemic marks a period in our collective experience that has been filled with fear, mistrust, division and hate. It has challenged the institutions designed to keep us safe and uphold the rule of law and democracy. It is a period marked not just by hate based on race or religion but also hate directed at homeless people, women, migrant workers, health communicators, politicians and so many more. It is a period where we have seen the voices of those who have been targeted by online hate increasingly silenced.

It is also a period in which we have seen a remarkable degree of collective care. Public awareness about racism and its real impacts on the lives of racialized people has grown significantly. Communities have stepped up to show solidarity to those most affected and to speak out against hate.

It is in this context that B.C.'s Human Rights Commissioner initiated this public inquiry—the Inquiry into hate in the COVID-19 pandemic—to examine the reported rise in hate-related incidents in British Columbia during the pandemic, to examine its root causes and to develop actionable recommendations. To inform the Inquiry, the Commissioner developed terms of reference and a definition of “hate incident.” The Commissioner and her staff developed Inquiry processes that were accessible, enabled broad participation, engaged communities and were trauma-informed.

The Commissioner gathered information and evidence through:

- 46 virtual oral hearings where we heard from 100 people, including 52 organizations
- 20 written submissions
- A public opinion poll of a representative sample of people living in British Columbia
- A public survey where we heard from more than 2,500 people
- Information requests to 46 public bodies
- Two sets of information requests to all municipal police departments in B.C. and the B.C. RCMP
- Orders and information requests to seven social media companies
- Five external research reports on topics relevant to the Inquiry
- Cross-jurisdictional research
- An in-person Elders gathering

Through this evidence, the Commissioner made the following key findings:

- **Hate incidents have increased dramatically during the pandemic.** The Commissioner heard about hate experienced in every corner of B.C. on the basis of race, gender, sexual orientation, religion and Indigeneity and especially by people with intersecting identities. The increase in anti-Asian hate was particularly acute, as was hate and violence perpetrated on the basis of gender.

During the pandemic, many people experienced hate in public and private places that are part of their everyday life. These places included streets, parks, transit, restaurants, stores, schools, health care settings and their own homes. Hate incidents ranged from hateful comments and slurs, graffiti, property damage, physical harassment and aggression, threats of violence and people being spat on or having garbage thrown at them to violent assaults.

- **Hate is disproportionately experienced by marginalized communities** and especially by those with intersecting identities. Hate results in immediate and long-term physical and emotional harm, fear for safety and erosion in a person's sense of belonging. It also has a chilling effect on speech. The impacts of hate are cumulative.
- **Gender-based violence increased dramatically during the pandemic** while systems of support for victim-survivors closed or operated at reduced capacity, putting victim-survivors at significant risk. These increases should have been anticipated and mitigated given that previous societal crises have led to similar increases. The Commissioner takes notice of the growing evidence of the link between gender-based violence, misogyny and mass killings. While hate on the basis of gender frequently manifests in gender-based violence, that violence is rarely considered to be hate either under the law or more generally within society.
- **Online hate increased dramatically during the pandemic.** The Commissioner found that several factors contributed to the increase in online hate during the pandemic, including increased time spent online, the rampant spread of misinformation, disinformation and conspiracy theories, social media platform design and insufficient enforcement of corporate hate speech policies. Many algorithms used by social media companies to generate profit also generate hate by driving viewers to hateful content. The policies and practices of many social media companies demonstrate a lack of commitment to addressing the rise in hate on their platforms. Many companies are not transparent about how hate is showing up on their platforms or how they are addressing hate, which can obscure the scope of the problem and even amplify it.
- **Hate is not new. Hate has a long history in B.C., rooted in power and control and long-standing patterns of discrimination and oppression.** It is difficult to separate the specific conditions of the pandemic (including isolation, fear and anxiety, increased time online and economic stresses) and the rise in white nationalism that resurged prior to the pandemic (particularly in the context of the rise of populist leaders in the U.S. and around the world). The result, however, is the same—hate incidents are increasingly present across British Columbia.

While hate is often reflected through the actions of individuals, it serves to reinforce existing systems of oppression. However, not all discrimination and inequality results in hate speech and violence. With respect to hate in the pandemic specifically, psychological research supports the idea that perception of the threat of disease may be uniquely and powerfully linked to xenophobia and other forms of discrimination.¹ Previous pandemics have seen similar increases in hate incidents. Other associated factors that contributed to the rise in hate in the COVID-19 pandemic include global and local dynamics of blame, mobilization against public health measures, social distancing and isolation, alcohol and mental health challenges, an absence of community and of a sense of belonging, the normalization of hate and the spread of misinformation, disinformation and conspiracy theories, and far-right and ideologically motivated violent extremism.

- **A lack of data on hate incidents that occur in different sectors and settings across the province impedes action.** The Commissioner requested extensive data on hate to inform the Inquiry. The Commissioner found that most public bodies do not collect data on hate incidents. The Commissioner also found that there are data quality issues or limitations with police, prosecution and court data (including that there is no tracking of when hate is considered an aggravating factor in sentencing). Further, social media companies were unable or unwilling to provide the Commissioner with data on hate on their platforms in B.C. or Canada during the pandemic.
- **Legal responses to hate have been largely ineffective** in addressing the problem (including criminal, civil and administrative law responses) because of problems in reporting (a lack of safety in police responses, of coordination between community reporting and of accountability for what happens with reports), a conservative approach to recommending or pursuing charges by police and Crown (resulting in very small numbers of prosecutions compared to the reports of hate emerging from community), the inaccessibility of the civil justice system, a lack of knowledge of civil resolution mechanisms and severe delays at the Human Rights Tribunal.
- **Government responses to hate have been largely ineffective** in addressing the problem because of a lack of relevant policies in public institutions, an absence of data, the underfunding of community organizations who are well-situated to address hate in their communities and the failure to apply a human rights-based approach to emergency management.
- **Community responses to hate can be effective** with adequate funding and centralized coordination. In particular, community organizations are shown to be effective in supporting those who have experienced hate, as well as in providing exit avenues for those who have perpetrated hate.

Commissioner's recommendations

After reviewing the mountain of evidence presented in this report, it is impossible to deny that we are at a reckoning. In our polarized society, we must be decisive in our compassion and creative in devising non-violent responses to hate. The Commissioner's recommendations are organized along the following themes that have emerged from the extensive evidence canvassed in this report:

- Understanding hate and acknowledging its harm
- Building safety and belonging
- Fostering accountability and repairing harm

These themes highlight that the solutions lie in understanding what has been lacking in our societal response to crisis. For example, societal ignorance must be addressed through education, impunity must be addressed through more robust accountability mechanisms, and social isolation must be met with programs designed to foster belonging and connection.

While the Commissioner recognizes that the federal government falls outside her legislative mandate, she hopes that her recommendations directed to social media companies inform the Government of Canada's regulation of these online actors. The Commissioner's recommendations are included below. For the full text of recommendations, see "Analysis and recommendations for change."

To breathe life into the policy changes recommended below, the Commissioner recommends that the Government of British Columbia demonstrate its commitment to addressing hate in our communities during times of crisis and beyond by establishing the following institutional mechanisms:

1. The head of the BC Public Service should create a role at the assistant deputy minister level or higher to coordinate and lead prevention and responses to hate. This role should include the responsibility to oversee the implementation of the recommendations in this report aimed at the provincial government and related public bodies. It is essential that the mandate of this role stretch across all areas of hate, including hate on the basis of gender (including gender identity and expression), race, religion, Indigeneity, sexual orientation, disability, social condition and more.
2. The Premier and Cabinet should commit to producing a whole-of-government strategy and action plan on addressing hate, informed by this report and the Commissioner's recommendations, with clear timelines, deliverables and transparent reporting. The strategy and action plan must be adequately funded and include:
 - a. Creating a community advisory group to support the development of the plan with representation from people with lived experience of hate.
 - b. Committing to publishing reliable data on hate incidents, based on police databases, social media reports and the centralized community reporting mechanism.
 - c. Publishing an annual public report on progress made under the plan, using key performance indicators to measure change over time.
 - d. Introducing, for consideration by the legislative assembly, an amendment to B.C.'s *Human Rights Code* (s.47.12) to provide the Human Rights Commissioner with the legislative mandate to provide independent oversight on the implementation of this strategy.

Recommendations on understanding hate and acknowledging its harm:

- 3.** All of us, as individuals who make up our communities and our province, have an obligation to understand and confront hate in our communities. We are not powerless in the face of hate. We have an obligation to educate ourselves, including by reviewing this report with a focus on the experiences of those who have been subjected to hate. We must realize our responsibility to treat each other with respect and dignity and to create a sense of belonging and acceptance in our communities and our public institutions. To support this important goal, BCOHRC will continue to develop educational initiatives aimed at addressing hate.
- 4.** The Minister of Education and Child Care should significantly expand anti-hate curriculum throughout the K–12 system so that all students develop the knowledge, skills and attitudes necessary to identify and combat hate and extremism. The ministry should:
 - a.** Directly include anti-hate education in the curriculum in at least one “big idea” and support it through specific curricular competencies, content and supporting materials.
 - b.** Add hate, misinformation and disinformation to the ministry’s Digital Literacy Framework.
 - c.** Include in the curriculum the history and contributions of Indigenous, Black and other racialized people, women, LGBTQ2SAI+ people, people with disabilities and other marginalized communities.
- 5.** The Minister of Public Safety and Solicitor General, with support from the Attorney General, should develop, adequately fund and promote a civilian- or community-led province-wide centralized reporting system for hate incidents, which should be designed to:
 - a.** Provide psycho-social support to victim-survivors. This reporting system must include funding for a robust and accessible advocate and counsellor network to immediately connect people who are reporting hate incidents with the help that they need, including mental health supports.
 - b.** Support victim-survivors to navigate the legal system, including human rights complaints, police reports and restorative justice processes.
 - c.** Collect reliable and accessible disaggregated data, analyze the data for trends and recommend to the ministry steps that should be taken to address these trends.
 - d.** Take into account the needs of young people and their experiences of hate in schools and other youth-oriented institutions.

This reporting system should be multilingual, accessible to people with disabilities and utilize a variety of reporting platforms such as online and by phone, text and email. Supports available through the reporting system must be accessible across urban, rural and remote communities. Frontline service organizations in the public and private sector must post information on how to access the reporting system and supports for victim-survivors in ways that are visible to all employees and those they serve.

6. All police services in B.C., including both municipal departments and the RCMP (as it operates under contract with the Province), should redirect internal funds to add additional and mandatory training for new police officers and for ongoing professional development on hate crimes response, investigation and recommending charges. Training should follow standardized benchmarks to be established by the Minister of Public Safety and Solicitor General and should aim to increase non-specialized officer training in this area, including training on how to recognize hate incidents and when gender-based violence should be pursued as a hate-related charge.

Recommendations on building safety and belonging:

7. The Minister of Public Safety and Solicitor General, with support from the Attorney General, should support and fund community development of restorative and healing programs to deal with hate. Restorative justice programs should be developed to both prevent hate and to address hate once it has occurred, and must include robust mental health supports delivered by those with expertise in addressing hate.

Restorative justice approaches should be informed by Indigenous Peoples and Indigenous legal traditions. Restorative processes could also involve multifaith and multicultural communities and leaders as appropriate. Services must be accessible across urban, rural and remote communities. Given the potential risks to the restorative approach (as detailed in the report), regular program evaluation and public reporting on efficacy must be included. Programs should be geared towards both:

- a. Leading perpetrators of hate and people at risk of perpetrating hate away from hateful ideologies and groups, with a focus on building a sense of belonging and community. Former perpetrators of hate should assist with developing restorative justice programs directed at perpetrators of hate or potential perpetrators, and these programs should be available to people who are investigated, prosecuted and/or sentenced for hate-related criminal offences under the *Criminal Code* as well as to those who are at risk of offending.
 - b. Providing support to victim-survivors of hate incidents. Restorative justice processes must centre the perspective, needs and consent of victim-survivors of hate incidents, and should also focus on the importance of community connection and community-based supports.
8. The Minister of Public Safety and Solicitor General should work with the Minister of Emergency Management and Climate Readiness to incorporate a human rights-based approach to existing emergency response procedures. In particular:
 - a. Emergency planning for major crises must include planning to address a rise in hate speech and hate-fueled violence, including gender-based violence. Particular attention should be paid to the safety of frontline workers.
 - b. A communication strategy should be developed for times of crisis to ensure multilingual and accessible, accurate, evidence-based and transparent communication. Communication must promote inclusion and cohesion and swiftly denounce hate in all its forms.

- c. A broad network of well-funded community organizations working against hate, including gender-based violence, should be maintained. Community organizations involved in victim-survivor and offender support should be surveyed to evaluate the impact of government emergency response during the pandemic in order to incorporate those learnings into future emergency response procedures.
 - d. Anti-violence emergency planning must include increased and targeted services for women, young people and gender-diverse people seeking safe refuge and support, such as increased shelter and transition house spaces with room for social distancing and public communication plans to ensure that victim-survivors know where to seek help. Mental health and addiction supports should also be provided for abusers.
 - e. Low barrier mental health supports should be widely available to help people with the potential anxiety, fear, uncertainty and isolation associated with emergencies.
- 9. Social media platforms, including Google, Meta, Reddit, Rumble, Telegram, TikTok and Twitter, should:
 - a. Ensure they have and enforce rigorous terms of service to address hateful content.
 - b. Reform algorithms to favour less divisive, discriminatory and misleading content in order to drive viewers away from potentially hateful information.
 - c. Immediately stop placing advertisements alongside hateful content.
 - d. Allow independent audits in order to assess ongoing risks of hate amplification created by platform design, and develop risk mitigation strategies of ongoing risks.
 - e. Commit to timely, transparent and accurate public reporting on the frequency and nature of hateful online content in B.C. and platform responses including timeliness, actions taken, and appeals and reversals. Transparency requirements should also include providing adequate access to data for independent researchers to evaluate both the prevalence of hate content on platforms and platforms' responses, along with provisions to ensure this access does not compromise social media users' privacy rights.

Recommendations on fostering accountability and repairing harm:

- 10. The Attorney General should institute reforms to Crown policy directives to emphasize the strong public interest in prosecuting hate crimes by:
 - a. Encouraging a broader range of prosecutions of hate-related incidents. Restorative justice measures should be considered as appropriate.
 - b. Issuing guidance on when gender-based violence should be approached as a hate crime, including where gender-based violence may be considered a hate-related aggravating factor in sentencing.

- c. Collecting and publishing data on hate incidents including charge approvals, prosecution outcomes and sentencing and cases involving hate as an aggravating factor in sentencing. This data should include disaggregated demographic data. Data should be analyzed to determine whether further reforms are necessary to improve the effectiveness of criminal justice responses to hate and ensure that prosecutions do not further embed inequities.

11. The Minister of Public Safety and Solicitor General should draft a policing standard on responding to police-reported hate incidents, which must include:

- a. An emphasis on when gender-based violence should be approached as a hate crime, including guidance on gathering evidence to support cases where gender-based violence may be considered a hate-related aggravating factor in sentencing.
- b. Hate crime indicators to assist with investigations and charge recommendations.
- c. A requirement that all police departments appoint and train at least one existing position as a designated hate crimes specialist, who is responsible for consulting with specialized Crown Counsel and BC Hate Crimes.
- d. Direction to police to provide referrals to victim-survivors for support to the province-wide reporting system.
- e. Direction to ensure uniform data collection and reporting, including a consistent definition of hate incident/crime and a requirement to record multiple hate motivations where evident as well as disaggregated demographic data on victim-survivors and offenders.
- f. Direction to police to encourage people to report and to investigate a broader range of hate incidents.

The Commissioner anticipates that the RCMP will harmonize their policing standards in B.C. with this provincial policing standard on hate, in accordance with Article 6.5 of the Provincial Police Service Agreement.

12. The Attorney General should take steps to enable the BC Human Rights Tribunal to be more responsive to hate, including by:

- a. Ensuring adequate funding to the Tribunal to effectively process complaints.
- b. Introducing legislation for consideration by the legislative assembly to amend s.7 of B.C.'s *Human Rights Code* to clarify that it applies regardless of whether publications are online or offline.
- c. Introducing legislation for consideration by the legislative assembly to amend s.7, along with other substantive sections of the Code containing prohibited grounds of discrimination, to include social condition as a prohibited ground of discrimination for the purposes of hateful publications.