The Jewish community has the unfortunate distinction of being the most frequently targeted minority when it comes to hate crime. According to Statistics Canada’s latest hate crime data (2016), an antisemitic hate crime takes place roughly every 36 hours in our country. As the recent horrific attack on a Pittsburgh synagogue demonstrates, antisemitism can be lethal – and online hate can foreshadow mass violence.

POLICY RECOMMENDATIONS

The Government of Canada should launch a national strategy to combat online hate, consisting of four points: defining hate, tracking hate, preventing hate, and intervening to stop hate.

1. DEFINING HATE

This initiative should begin with a parliamentary study to examine the scope of this challenge and define the parameters of a national strategy to combat it. A range of federal offices should be enlisted to support the strategy in their respective realms, including the Department of Justice, the Department of Canadian Heritage, Public Safety Canada, and the Canadian Radio-Television and Telecommunications Commission (CRTC). This process should also include consultations with industry stakeholders engaged in combating hate as well as those involved in preventing the spread of online hate and recruitment. These include not-for-profits, academics, social media companies, internet service providers, and experts in new media and technology — including encryption software and artificial intelligence.

The national strategy should include clear definitions of what constitutes hate, beginning with the adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. The IHRA definition is a practical tool that should be used by Canadian authorities in enforcing the law and for social media providers in implementing policies against hateful content.

2. TRACKING HATE

A national strategy will only succeed with strengthened monitoring and reporting of online hate through strategic partnerships between the federal government and technology companies. Tech against Terrorism (TaT), a UN-mandated initiative that works with online companies to prevent their platforms from being exploited by extremists, is one of a number of successful examples that Canada can use in developing a made-in-Canada approach.

3. PREVENTING HATE

As confirmed in high-profile cases of radicalized Canadians, young people are particularly susceptible to digital misinformation and extremism. A national strategy should include the creation of tools to help young Canadians resist the lure of extreme ideologies, while improving internet literacy and critical thinking. As a component of this initiative, parents should be empowered with practical knowledge to identify signs of online radicalization and extremism among youths, as well as appropriate methods for intervention.
4. INTERVENING TO STOP HATE

Freedom of speech is a core Canadian value. At the same time, authorities must act in exceptional circumstances to protect Canadians from hate speech and incitement, especially given the clear link between vicious rhetoric and violent crimes. In 2013, Section 13 of the Canadian Human Rights Act – an effective but flawed tool in combating online hate speech – was removed by an act of Parliament. Its absence has left a gap in the effort to protect Canadians from hate speech, which can be resolved in various ways. For example, the government could introduce legislation to replace Section 13, with a provision that effectively balances free speech and protection from hate. Alternatively, the federal government could offer training and guidelines to help provincial attorneys general, prosecutors, and police to more effectively enforce Criminal Code hate speech provisions. This should include greater use of Section 320.1 of the Criminal Code, which allows judges to issue warrants seizing online hate propaganda based on “reasonable grounds.” Used more effectively, this law enables authorities to take relatively swift action to disrupt the activities of those promoting toxic ideologies.

It is also worth considering Germany’s Network Enforcement Law Act, which levies penalties on companies that fail to apply current laws regarding the removal of hate. Lastly, the very short limitation period can make it difficult to lay charges for “wilful promotion of hatred,” which currently must be done within six months of the crime taking place. While Bill C-75 will extend this to twelve months, consideration should be made to extending it further. This is especially crucial with online hate, given that propaganda posted on the internet can circulate within online communities without drawing mainstream attention for months or even years.

BACKGROUND: TRACKING ONLINE HATE

GLOBAL TRENDS

In 2017, the World Jewish Congress, representing Jewish communities in 100 countries, released a report indicating that 382,000 antisemitic posts were uploaded to social media in 2016. Stated differently, that is one antisemitic post every 83 seconds[1]. The International Holocaust Remembrance Alliance (IHRA)’s definition of anti-Semitism was used to determine whether the post was discriminatory against the Jewish population.

CANADIAN TRENDS

According to the Montreal Institute for Genocide Studies (MIGS) and their colleague, Phil Gurski, director of the SecDev Group in Security and Intelligence, little is available regarding online hate in Canada.

However, according to Cision Canada, a Toronto-based PR software and service provider, there has been a 600% rise in intolerant hate speech in social media postings by Canadians[2] between 2015 and 2016.

James Rubec, architect of the study, says that, while some of the intolerant or hate speech was generated by bots, as determined by analyzing the high frequency of posts over a short period, the researcher noted that the bots’ language was later mimicked by regular human users. Rubec indicates that tracking hate speech is a constantly evolving practice, as political realities and related descriptors change. As such, he suggests tracking conspiracy theories in addition to problematic speech, such as discounting the recent attempted bombings and shootings as “false flag attacks”[3]. Without comprehensive data, however, it is not possible to track this kind of online narrative that has been linked to violent hate-based crime.

In the burgeoning field of combating online hate and incitement to violence, multiple approaches are being used, including political and corporate collaboration. Perhaps this is best-illustrated by TaT, as described above[4].
TaT advocates “industry self-regulation” alongside collaboration between tech companies and governments. In this vein, TaT works collaboratively with companies, such as Facebook, to report on hate speech regionally (data which Facebook currently gathers, according to its Terms and Services[5]) enhancing national understanding of the scope of the problem of hate speech; something that is currently limited. It should be noted that TaT is particularly concerned by micro-platforms, file-sharing sites, fintech, and startups, as these are the hardest to address due to size and resistance to moderating users’ content and activities[6]. This is especially pertinent when looking at the alleged perpetrator in the tragic Pittsburgh event’s use of Gab, a social media platform that does not moderate hate speech.

3. Discussion with James Rubec, by Alyssa Blank, October 30, 2018
4. https://www.techagainstterrorism.org/about/
5. Facebook Location Information Gathering: https://www.facebook.com/about/basics/manage-your-privacy/location; Facebook General Terms and Services of Hor Information is Shared https://www.facebook.com/about/privacy/update