

Administrative Inquiry on Hate Sponsored Rallies

Date: March 7, 2019

To: Executive Committee

From: Executive Director, People, Equity and Human Rights

Wards: All

SUMMARY

This report provides responses to EX29.42 - Hate Sponsored Rallies such as Al-Quds Day, which was referred to the City Manager by the Executive Committee on November 28, 2017 for follow up and consultation. It also responds to EX35.6 - Status Update - Administrative Inquiry on Hate Sponsored Rallies, which was referred to the City Manager on June 19, 2018. The report provides confirmation that the requests that the Executive Committee made in EX35.6 were undertaken by staff and outlines the results of the consultation with the broad range of stakeholders as directed in EX29.42.

RECOMMENDATIONS

The Executive Director, People, Equity and Human Rights recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

The Chief Financial Officer & Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

EX35.6 - Status Update - Administrative Inquiry on Hate Sponsored Rallies

On June 19, 2018, Executive Committee referred item EX35.6, to the City Manager with the request that the City Manager, in consultation with Strategic and Corporate Policy, request that the Toronto Police Services Board determine whether a General Occurrence was generated in response to the incidents at the Al-Quds Day rally on Saturday June 9, 2018, and confirm that the Hate Crimes Unit is conducting an

investigation and request that the Ministry of the Attorney General conduct an expedited review of that investigation, if submitted. It also requested that staff report back on the consultation and survey results identified in the staff report and on the means at the City's disposal to address protests featuring hate speech, including possible recovery of costs to the Executive Committee by the first quarter of 2019.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX35.6>

See also: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX29.42>

COMMENTS

As outlined in the comments of the Status Update provided to Executive Committee on June 5, 2018, City staff were directed to consult with a wide range of stakeholders including:

- constitutional and Charter rights scholars,
- the Toronto Police Service,
- the City Solicitor,
- the Deputy City Manager, Internal Corporate Services,
- representatives of the Ministry of the Attorney General of Ontario,
- various human rights groups and
- other stakeholders

on the City's legal responsibility and options for preventing public gatherings that promote hate and incite discrimination from taking place on the City's property. The Interim City Manager provided a status update report to the Executive Committee on June 5, 2018 and was directed to report back to Executive Committee by the first quarter of 2019.

Staff in the Equity, Diversity and Human Rights (EDHR now a part of the People, Equity & Human Rights Division) and Legal Services Divisions consulted with colleagues in Strategic Communication, City Clerks, Internal Corporate Services, the Toronto Office of Partnership and with other city staff with expertise on public consultations on engagement approaches. City staff undertook a comprehensive online survey which was determined to be the most effective method of engaging such a broad base of stakeholders. See Addendum 1 for a copy of the City of Toronto Hate Activity Policy Survey questions.

The Survey Results

A comprehensive online survey was launched and communicated broadly at the end of June 2018 and stayed open for an initial eight weeks, closing August 31, 2018. Due to a low number of responses, the survey was extended for an additional five weeks, with a final closing of October 5, 2018. The survey was made available to the public through the City's Public Consultation webpage, sent directly to all individuals and/or groups who had expressed an interest in this issue, including those who made deputations or submissions at any point related to this matter, and was provided to six Constitutional

and Charter scholars (as identified by the Legal Services Division as scholars having particular expertise) with a personalized covering email.

City staff received a total of fifty-five completed surveys. Although the survey was extended by five weeks and recommunicated to all stakeholders that expressed an interest in this issue, there were no additional surveys completed during the extension. Of the surveys completed, almost all of the respondents identified themselves as individuals. There were only two respondents that identified themselves as belonging to stakeholder groups; 1. the League for Human Rights of B'nai Brith Canada and, 2. the Long Branch Neighbourhood Association.

The fifty-three individual and two stakeholder group responses provided a range of opinions and input on this issue, however, following thorough review it was determined that the City's robust policies and procedures already reflect many of the opinions and/or suggestions provided in the consultation process. For instance, City policies already prohibit the promotion of hate or discriminatory behaviour on City property. Additionally, none of the legal scholars identified by staff in the Legal Services Division chose to engage in the survey process. There was only one legal scholar who responded to the survey request. He indicated that he did not have much to offer as a survey participant.

For further information, all of the specific responses to the survey questions will be available on the City's open data website at: <https://www.toronto.ca/city-government/data-research-maps/open-data/open-data-catalogue/>

Policy Review and Recommendations

The City's Hate Activity Policy and Procedures are in place to assist in the identification of a hate motivated crime or incident and identify appropriate ways to respond. The goal of the Policy and Procedures is to establish and maintain a hate-free City as required under the City of Toronto Human Rights and Anti-Harassment/Discrimination Policy, the Ontario *Human Rights Code* and the *Criminal Code of Canada*. The Hate Activity Policy and Procedures has broad application and specifically applies to all City of Toronto employee, volunteers, Accountability Officers and their staff, and elected officials and their staff. It is also applicable to Citizen advisory committees/bodies, members of the public, service recipients, visitors to and users of City facilities/public space and individuals conducting business with, for or with support from the City of Toronto.

The City's Hate Activity Policy specifically states that the City of Toronto condemns the promotion of hatred and promotes an environment without hate. The City's Hate Activity Procedures provide that a report should be made to management and/or the Human Rights Office if an incident and/or allegation of hate activity occurs. City staff are required to respond to these incidents/allegations by assessing the issue, and if it is an emergency, respond based on existing emergency guidelines, and by notifying the police. If it is not an emergency, staff are required to record and provide all details to the Human Rights Office for consultation and response.

Where the allegations may involve complaints related to contracted services or the use of public spaces/facilities, complaints may be made to the Division to review their

contracts and/or public space users and take appropriate measures to address any breach. Cases involving City staff, Members of Council, volunteers, and citizen advisory committees may also be dealt with as part of a complaint under the City's Human Rights and Anti-Harassment/Discrimination Policy.

Upon participation in the consultation process outlined above and a review of the existing Hate Activity Policy and Procedures, the City did not identify any additional capacity to prevent public gatherings that promote hate and incite discrimination from taking place on City property. To be clear, such activities are currently prohibited by the City's policies.

However, staff were able to identify areas to improve public communication about City expectations with respect to its Hate Activity Policy and Procedures when using public space, facilities and/or properties. Staff from the People, Equity & Human Rights Division will work with colleagues in relevant City divisions to establish an implementation and education plan to provide clarity on the Hate Activity Policy and Procedures. This may include minor changes to the permitting process whereby proposed users of public space, facilities and properties must sign the City's Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy Form (a form that requires all organizations and/or individuals that contract with the City to have and post policies, programs etc. to prevent, address and remedy discrimination, racism, harassment, hate and inaccessibility complaints under the applicable legislation and City policy) prior to obtaining a permit. This is important because the City's Declaration of Compliance requires potential users of public space to certify that they will not be conducting any business that violates the Criminal Code of Canada – hate propaganda laws, and the Ontario Human Rights Code.

Ensuring that potential users are informed of these expectations prior to obtaining a permit will provide clarity regarding the City's existing Hate Activity Policy and Procedures. This process modification will also allow more time for questions or concerns to be addressed during the application process and will raise awareness of the City's expectations in regards to the use of public spaces.

Status Update on Committee Decisions from EX35.6:

As directed in EX35.6 Administrative Inquiry on Hate Sponsored Rallies, the City Clerk's Office sent a letter dated October 15, 2018 to Mr. Andrew Pringle the Chair of the Toronto Police Services Board communicating that the Executive Committee has requested that they determine whether a Toronto Police Service General Occurrence (GO) was generated in response to incidents at the Al-Quds Day rally on Saturday June 9, 2018. A copy of Item EX35.6 was attached for information or appropriate action. (A copy of the letter is appended to this report as Addendum 2).

The City Clerk's Office also sent a letter dated October 15, 2018 to The Honourable Caroline Mulroney, Attorney General at the Ministry of the Attorney General communicating that the Executive Committee has requested that the Ministry of the Attorney General conduct an expedited review of the Hate Crimes Unit investigation of the Al-Quds Day rally on Saturday June 9, 2018, once and if it is submitted. A copy of

Item 35.6 was attached for information or appropriate action. (A copy of the letter is appended to this report as Addendum 3).

The City Solicitor has prepared a separate report with confidential attachment to provide legal analysis regarding the Executive Committee's request, including the means at the City's disposal to address protests featuring hate speech and the possible recovery of costs.

CONTACT

Omo Akintan, Executive Director, People, Equity and Human Rights
omo.akintan@toronto.ca, 416-392-8703

SIGNATURE

Omo Akintan
Executive Director, People Equity and Human Rights

ATTACHMENTS

Addendum 1 - City of Toronto Hate Activity Policy Survey Questions.
Addendum 2 - City of Toronto Secretariat Letter to Toronto Police Services Board.
Addendum 3 - City of Toronto Secretariat Letter to Ministry of the Attorney General.