



# Inquiry into hate in the pandemic: Hearing transcript

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Roundtable attendees: Tabatha Tranquilla

BCOHRC<sup>1</sup> attendees: Human Rights Commissioner Kasari Govender, Sarah Khan,  
Sarah Hamid-Balma

*Please note that third-party personal information has been removed from this transcript.*

[Introductory comments by Human Rights Commissioner Kasari Govender not included in transcript.]

**Tabatha Tranquilla:** Well, thank you very much for having me here today. Kasari, we've of course had the opportunity to meet many times, both in-person pre-pandemic and of course virtually for quite some time. But it's nice to meet the rest of you. My name is Tabatha Tranquilla and I'm the Director of Policy Research and International Relations here at the Canadian Human Rights Commission. I'm joining you today from Ottawa, which is the traditional unceded territory of the Algonquin Anishinaabe people and I'm very grateful to be able to be present on this land.

You know, I think-- I think we're all quite familiar with the Canadian Human Rights Commission, as both, you know, kind of in its dual roles as the Federal Human Rights Commission and also the National Human Rights Commission for Canada. The complaints-- the complaints function is obviously the most visible of our functions, but we also play that important promotion and protection role in our capacity as a National Human Rights Institution.

I'll say off the top that I imagine that my presentation will be much shorter than 30 minutes, so, Sarah, you're never going to have to give me the 25-minute warning. I have gone through the questions; I imagine unlike some of the community organizations that you've been speaking to. I

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<sup>1</sup> BC's Office of the Human Rights Commissioner

probably have more general information to provide. And I think part of that stems from just the nature of federal jurisdiction.

But I wanted to address what I could of your questions and of course, then, I'm hoping, you know, I can answer any questions that you do have, either clarifying questions or questions that I have not addressed that perhaps I may have-- I may have missed.

So, you know, to begin with, it goes without saying that the pandemic has exposed and amplified inequality in all of its forms, including in relation to experiences of hate and other forms of intolerance and discrimination. This is what we've universally heard from stakeholders, and what we see with our own eyes. Impacting, you know-- Groups that are being impacted, that I could go on and on and on about who we're seeing, you know, you know, bearing these impacts. Women, children, persons with disabilities, older persons, Indigenous peoples, Black and racialized communities, LGBTQI communities, in particular, trans individuals, single parents, and one that we've paid a bit of attention to is prisoners in federal prisons throughout the pandemic and the impact that the pandemic has had on them.

Of course, we, as well as you, have received, and have heard, widespread reports of anti-Asian racism, hate speech, vandalism, and, in some extreme cases, assault throughout the country, including closer to home here in Ontario. But we've heard that that has been widespread throughout the various jurisdictions. And, you know, we're really dismayed at the 2020 Angus Reid study that spoke about how 43% of surveyed Canadians of Asian descent reported feeling threatened or intimidated in their own communities as a result of the pandemic.

You know, you've asked a really interesting question about what is the role of the pandemic in the reported rise in hate. You know and I've-- We've tried to put some thought into that. You know, hate has been identified as a priority of the Canadian Commission for a number of years, and we've had the opportunity to speak to the Senate, and the House of Commons pre-pandemic. And, during the pandemic. But, you know, it's not... It's not a new phenomenon, and it was on the rise before the pandemic ever struck.

I think the period of restrictions on movements and social interactions has had so many impacts on people. Their mental health, their finances, that it's contributed to the increasing polarization of society that we were starting to see before the pandemic. And this has been helped along with this just explosion that we're seeing in misinformation online. And I think it would be our view that that has been a significant contributing factor to what we're seeing. The spread of online hate has inevitably followed that period of frustration and misinformation.

And the worrying part for us, or the particularly worrying part, is that, you know, the hate that has always been there is no longer skulking in dark corners, as it were. Now, it's out there. Hate and the people who spread it have kind of gone mainstream. It's no longer considered to be taboo to be out there, spouting your hateful behavior, either in public, as we've recently seen in Ottawa, or, of course, online.

You know, during the last session of Parliament we saw the Federal Government introduced legislation to amend the Canadian Human Rights Act to make it a discriminatory practice to spread hate online. So, a modified version of the previously existing Section 13 that was repealed from



the Canadian Human Rights Act in 2013. That particular bill died on the order paper with the election call, but we anticipate that we'll see it reintroduced in a very similar forum imminently. I think we were-- We were expecting it already. Ukraine, perhaps, has put a bit of a...a pause on other things. But it remains to be seen what impact that legislation will have. Of course, we had our own experiences with its previous incarnation, but the world is a very different place than it was, even at the time when Section 13 was repealed back in 2013.

Beyond that, while we've certainly seen that rise in hate driven by the pandemic, played out in the stats, and in anecdotal evidence, and with our own eyes, we haven't seen it necessarily reflected in our complaints process. So pandemic related complaints have largely centered around mask exemptions and mandatory vaccine employment requirements, and we haven't been seeing, you know, hate-related complaints. Partially in view of what federal jurisdiction is, and partially, probably, in view of the fact that we don't have an explicit mandate to deal with hate-related complaints. You know, at the federal level, in the employment context, which is where the majority of our complaints emanate from, people have largely not been at work for a good portion of the pandemic, and we've seen a-- We did see a drop-off in the number of employment-based complaints, particularly harassment complaints at the, you know, in the in the early parts of the pandemic, simply because people weren't in the workplace, engaging in such behaviors.

At the Canadian Commission, you know, we have, in terms of the actions that we've undertaken, it's largely been that advocacy role, and so we've issued statements, we've appeared at conferences, we've spoken with Parliamentarians, we've done all of those kinds of things. I think the more concrete actions will come once the legislation relating to online hate is tabled, and we have the opportunity to, you know, provide our views, hopefully shape the legislation a bit, and then of course, in the implementation phase of that.

It's difficult to track whether we've had any impact in terms of the statements that we've issued and the public awareness and education piece that we've tried to... Those pieces that we've rolled out. You know, in terms of data and tracking things, we joined with our colleagues in provincial and territorial commissions in June 2020, calling for the Government of Canada to develop and implement a nationwide strategy for the collection of disaggregated health data, focused on race and Indigeneity. But nothing specific to hate.

Of course, now, pre-pandemic, we had appeared before the Senate Standing Committee on Human Rights on a couple of different occasions to speak about the issue of hate, both online and offline, and in those appearances we've called for a comprehensive plan, including robust disaggregated data collection to better understand the manifestations of hate including who's being impacted, how, and what to do about it.

You know, as I said, we've certainly seen all inequities just brought to the surface more during the pandemic. Whether it has directly impacted this, just, explosion in hate is impossible to say. It may have happened anyway, even without a pandemic. But not-- I imagine the two have probably worked hand in hand in order to create this environment that we're seeing now that is, of course, very troubling for everyone.



And with that, I think those are-- those are kind of my opening thoughts in relation to the questions that you had. And thank you for the opportunity for that, kind of, opening statement and I'm hopeful I can now answer any questions that you might have.

**Commissioner Kasari Govender:** Thank you, Tabatha. I have a couple of questions. I'm, wondering...

So, you talked about-- I think I'm going to-- I'm going to guess what the answer is here, but I'd love to hear it from you. You talked about the imminent introduction of the legislation. Did you-- did you take a position that you're willing to share with us, or did the Commission take a position on, that you're willing to share with us, on the previous legislation or is there anything that you anticipate with this new reintroduction of legislation in terms of your position?

**Tabatha Tranquilla:** That's right. So, I-- So we did not have the opportunity in the last Parliament to take a public position on the legislation. Of course, we're still examining it. What we have said publicly is that, you know, a reintroduction of a section in our Act, like Section 13, is not in and of itself a solution to the problem. And so, it might be part of a solution, but a far more concerted and...and multifaceted approach is needed. This is not a panacea for what we're seeing.

**Commissioner Kasari Govender:** Yeah, thank you for that. And I'm wondering, if does that mean that you don't support the introduction, or you do support the introduction of a similar section, but just think that the solution's broader?

**Tabatha Tranquilla:** So, I think that we would say at this point that we're looking forward to discussing the specifics of the legislation, recognizing that it is, you know, one piece of a larger puzzle, but a piece, nonetheless.

**Commissioner Kasari Govender:** And is the larger puzzle that you talk about, is that a part of the larger legislative puzzle? Or is that a more outside the realm of legislation, more in the realm of public policy or services?

**Tabatha Tranquilla:** Yeah, I think it's everything. When we-- When we were speaking with the Senate, that's what we were talking about. Is there-- I mean, there are various pieces of legislative reform, and we see a number of federal initiatives related to the issue of hate. There's likely action needed in multiple jurisdictions to comprehensively deal with this. Beyond that, public policy, public education, some of which, of course, would fall within, kind of, the role of the Commission and much of it that would not, and needs to be inclusive of other parts of government and civil society and public institutions and such.

So yeah, very much related to what you're looking at now.

**Commissioner Kasari Govender:** Yeah. Is there any-- Is there any place where the Commission has publicly put together amendments that you-- that you would like to see in the code, or—sorry, in the Act? And is that-- is that something that the Commission sees within its mandate or priorities?



**Tabatha Tranquilla:** So, not publicly. Certainly, we have been asked but for our views by legislators. We have provided those views. We will again provide our views publicly when we're called to Parliament. We-- I think we would like to see the legislation before publicly commenting on it.

In terms-- But I think historically because it is...an initiative that is quite a legislative initiative that is quite similar to Section 13, if we look at the bill that was introduced in the last session of Parliament, it's-- There are differences between the previously existing Section 13. It's perhaps a bit more explanatory, a bit more comprehensive, but very much of the same flavor.

And so, if we look historically at what the Commission has said about its experience with Section 13, and of course there are-- there are several reports publicly available from back in the day, that, you know, that continues to be the experience that we had. And so, I imagine that will factor into our ultimate, you know, commentary on the legislation that's put forward.

**Commissioner Kasari Govender:** Thank you. Um... I wondered as well-- This is actually related to that, but...

You talked about the work that you've done on-- pre-pandemic and calling for data related to hate. Do you see data related to hate as a precursor to any further legislative or policy change? Or is that part of a larger package that you're calling for?

**Tabatha Tranquilla:** Yeah, like, whether it's a precursor or whether it's part and parcel of the whole ecosystem that needs to be put in place in order to effectively deal with that, I think...I think probably I would say it's the latter. That it's part-- It's, again, part of a larger, a larger picture, and ultimately, if there is-- if there is legislation that's passed and amendments are made to the Canadian Human Rights Act, then the that should include data collection on the part of, you know, the Commission as an implementer of that legislation as that will be part of the whole data strategy, is knowing what is it that we're seeing complaints about, and specifically disaggregating who is-- who is being targeted and impacted. I think that's the part that we're really missing.

**Commissioner Kasari Govender:** And I—Sorry, one more question on that, and this may be too much detail. But in terms of data, are you-- That kind of data, are you assuming that would be changes that would-- More in the human rights realm to the Human Rights Act or would you see that Statistics Canada, a role for Stats Can? In that we've heard, you know, from various actors around the role of Stats Can, and I'm curious how you see that tying in here.

**Tabatha Tranquilla:** Yeah, I mean, I think when you're talking about addressing hate in a global way, you know, complaints about online hate is one part of that. Obviously, that's not the whole thing. In terms of then collecting data, more...more robustly disaggregating the data that is collected about hate crimes and impacts, and, you know, like those things are coming from multiple places and not just from online hate complaints. It's going to be, like, a small, tiny piece of the larger puzzle. And so, yeah, I would say, you know, Stats Can has roles to play. Police, policing, and security agencies, you know, in collecting that more disaggregated-- collecting and reporting on those more disaggregated metrics. I think there's multiple roles for multiple players in that data collection.



**Commissioner Kasari Govender:** Thank you. Well, the next question is quite different. While it's outside of our jurisdiction, one of the one of the pieces... What is inside of our jurisdiction is provincial corrections, and the experiences of those who are being incarcerated in that context over the pandemic, you mentioned that the Canadian Commission has done some work in relation to federally held prisoners. Can you talk a little bit about what you've seen the impact of the pandemic be in that context?

**Tabatha Tranquilla:** Yeah, it's a... [She chuckles] It's been... It's been something that's been quite concerning. I mean we've got a system that was already...not conducive to dealing with complex mental health issues, with family reunification, with dealing with culturally relevant programming and...programming and such. And this has all been exacerbated by the lockdowns that we saw being introduced in federal prisons in order to control the spread of COVID-19, which, at various times, was quite significant of course in a small, contained environment. And so, you had greater restrictions, less programming, fewer interactions with medical health professionals (for those who required those), less culturally relevant programming. And so, you know, we had urged correctional services to be looking at some more creative solutions to dealing with the pandemic. Looking at utilizing some of the mechanisms in the Corrections and Conditional Release Act, the CCRA, which is the federal legislation about, for example, with respect to Indigenous inmates, allowing community reintegration at an earlier stage, and considering those types of levers that they had at their disposal. That would be more conducive to a healthy reintegration of inmates into communities.

Yeah, I mean, eh. It wasn't a great situation. Not much changed. Meh? [Laughter] Eh? What can I say? [Laughter]

**Commissioner Kasari Govender:** Those were my questions. Sarah, did you have other questions? For Tabatha?

**Sarah Khan:** Thanks. Thanks, Kasari, and thanks so much, Tabatha.

I had one other question. You-- I think I heard you say that there are a number of federal initiatives related to hate underway, and I was wondering if you could tell me-- tell us more about that.

**Tabatha Tranquilla:** Yeah, and I-- I can, a bit. But again, the biggest piece with which we have - with which we will have involvement is the online hate legislation that's being introduced. But if you'll recall back to the last session of Parliament, that piece of legislation was introduced, but the Federal Government also introduced a few other pieces of related legislation looking at regulating online content and social media content. And again, we weren't called to testify. I would not proclaim to be an expert in it. But our understanding is that the hate speech legislation, which was C-36, I believe, in the last Parliament, was just one piece of kind of a suite of pieces of legislation that the government was intending to introduce. Some of which attracted more controversy than others.

**Sarah Khan:** Okay, thank you. Are there any other federal initiatives outside of the legislative context that you're aware of that would be helpful for us to know about?



**Tabatha Tranquilla:** Absolutely. So, the Federal Government introduced, a number of years ago, an anti-racism strategy, and created a secretariat which is housed in the Department of Canadian

Heritage. So, the Anti-Racism Secretariat has been functioning for a number of years. Actually, in the course of the pandemic, early on in the pandemic, we co-hosted an event with them to discuss the impact of-- or that intersection of hate and racism in the context of the pandemic. I believe that was in September 2020, perhaps.

I know that they are currently undertaking efforts to revise the existing anti-racism action plan at the federal level, so it'll be, you know, two-point-oh, and are currently seeking input into the changes that they might make. They have a proposed new structure. But in the context of your-- of your inquiry, I don't know if you've spoken with anyone from the Anti-Racism Secretariat but if not, then that might be-- that might be of interest.

**Sarah Khan:** Thank you. Those are my questions.

**Commissioner Kasari Govender:** Great. Thank you, Sarah. Thank you, Tabatha. That's wonderful. I appreciate you being here with us today, Tabatha, and providing the information you did. I will just pass it back to Sarah to just give us some concluding comments here in terms of next steps.

**Sarah Khan:** Thanks, Kasari. Thank you so much, Tabatha's very interesting presentation, and a reminder if you would like to also additionally give written or video submissions, that we're accepting those until March 31st, and again, the August-- the public survey is already-- that is closed so I will not mention that. And yeah, if you have any other questions around your recording or consent form, please don't hesitate to get in touch.

**Tabatha Tranquilla:** Wonderful. Well, thank you. I hope that was of some use to you. [Laughs]

**Commissioner Kasari Govender:** Thanks so much, Tabatha.

**Tabatha Tranquilla:** All right.

**Sarah Khan:** We really appreciate it.

**Tabatha Tranquilla:** Yeah, of course, of course. Originally, when I accepted the invitation, I was hopeful that the legislation would have already dropped at this point, and that we could spend the time kind of talking a bit more about that, but we're still waiting. Convoys and, you know, Ukraine, and—

**Sarah Khan:** Wars. Yeah.

**Tabatha Tranquilla:** Exactly. Yeah, the world has gotten in the way.

**Commissioner Kasari Govender:** Mm-hmm.



**Sarah Khan:** Fair enough.

**Tabatha Tranquilla:** All right.

**Sarah Khan:** Absolutely.

