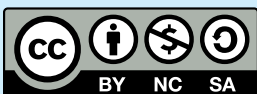


Recommendations for Bill C-63



**An Act to Enact
Online Harms Act**



Recommendations for Bill C-63

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Summary Version

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Summary

This document examines the limitations of Bill C-63 in addressing hate crimes, particularly concerning sentencing extensions and the lack of emphasis on rehabilitation and deradicalization. It argues that hate is learned and can be unlearned, advocating for policy changes to reflect this understanding. Recommendations include restoring original maximum sentencing, creating pathways to rehabilitation and deradicalization, empowering collaboration between relevant agencies, and making education more accessible within the prison system.

At-a-Glance

Issues with Bill C-63

1. The extension of sentencing for advocating genocide, public incitement of hatred and willful promotion of hatred.
2. The lack of mention of rehabilitation, deradicalization or restorative justice within the conditions in recognizance to keep the peace.

Recommendations for extension of sentencing:

1. Restore original maximum sentencing
2. Create pathways to rehabilitation, deradicalization and restorative justice
3. Empower the Canada Centre for Community Engagement and Prevention of Violence to collaborate with the Digital Safety Office of Canada for deradicalization and prevention efforts
4. Make education within the prison system more easily accessible

Recommendation for conditions in recognizance:

1. Include a condition for the prevention of radicalization, rehabilitation, and deradicalization or exit in the conditions in recognizance.

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Introduction

Hate is learned. We are not born hating others. Hateful ideologies are developed in a cultural context¹ through social conditioning², manipulation and the influence of powerful recruitment techniques, both online³ and off. Because hate is learned, it can be unlearned. Bill C-63 doesn't reflect this reality, though, and that has to change.

This document highlights two key problems with Bill C-63 around sentencing and conditions of recognizance and provides recommendations for policy change and reform in Canada's approach to punishing hate crimes. This is a summary of the information in Policy Recommendations for Bill C-63. For more details, see the [full document](#).

Extension of Sentencing

Bill C-63 includes extensions in imprisonment sentencing for advocating genocide [318 (1) - addition of life imprisonment), public incitement of hatred [319 (1) - additional three years imprisonment] and willful promotion of hatred [318 (2) - additional three years imprisonment]. These are serious offences and deserve serious consideration. However, it is the position of The Counter Project that this increase in sentencing is inhumane and shows a lack of understanding around the processes of radicalization, the reality that many radicalized individual perpetrators are often victims of manipulation, and the potential for radicalized individuals to change and reform.

My name is Zakaria Amara, and for seventeen dark years, I was simply viewed as a convicted terrorist. Today, I am a published author and poet. I am also a consultant for ETA Ontario, an organization that offers crucial guidance to youth who have been influenced by extremist ideologies.

To change is to be human. We are all capable of change, and laws that are blind to this truth deny our very nature.

- Zakaria Amara - Author, Poet, Consultant for ETA Ontario

Why are extended sentences ineffective & inhumane?

Hate is learned

Hate-based behaviours have a variety of risk factors, and the process of radicalization is multi-faceted⁴. The combination of factors at play in radicalization limits or eliminates choice, as radicalization leads to isolation and lack of exposure to alternative viewpoints. Due to these factors, it should be considered that radicalized individuals have reduced moral blameworthiness and culpability and require special consideration for rehabilitation and deradicalization or exit. Unlearning hate is possible, but it is a complicated process that includes exposure to new ideas and people⁵, compassion⁶, trained professionals, addiction recovery, trauma recovery, economic support, prison rehabilitation, and access to healthy sources of community, connection, and purpose. Hate is learned and those who embrace hate can change given the right support and rehabilitation.

Prison doesn't provide adequate rehabilitation

Prisoners who have been radicalized into hate within the system are often left to fend for themselves, and rehabilitation or deradicalization might happen due to chance, distance from a manipulative source or education—none of which are factors provided by the system itself with the aim of deradicalization.

Prison is not an effective deterrent

Hate crimes are on the rise in Canada⁷ in the US⁸. Hate crimes in Canada rose 83% from 2019 to 2022 and in the US there was an increase of approximately 31% from 2020 to 2021. Incarceration doesn't act as an effective deterrent to crime⁹, especially not longer sentences¹⁰ ¹¹. Imprisonment and longer sentences may also even exacerbate recidivism¹². If imprisonment isn't effectively serving the function of deterrence, providing adequate rehabilitation or considering the complexity of pathways to hate, it is time to radically rethink Canada's approach to hate.

I know change is possible because I am a living example. It is not easy, but it is well worth the effort. Not every single person will change their mind, but many will. They can only do so if given the resources and opportunities. At Life After Hate, we call this compassion with accountability.

- Angela King - Founder of Life After Hate



Recommendations

1. Restore original maximum sentencing

For the reasons listed above, it is recommended to reduce maximum sentencing back to its original levels and focus instead on rehabilitation, deradicalization and restorative justice.

Suggested terms:

Advocating Genocide - A term not more than five years

Public Incitement of Hatred - A term not exceeding two years

Wilful Promotion of Hatred - A term not exceeding two years

2. Create pathways to rehabilitation, deradicalization and restorative justice

Canada is missing an opportunity to change the tide of hate by merely focusing on retributive punishment for individuals radicalized into hate. By giving those under the influence a chance to redeem themselves, Canada can show the value of restoration and rehabilitation and offer alternative possibilities to those struggling with their hateful identities. To better facilitate the possibility of these pathways, it is recommended that new language be added to section 720 (2) of the Criminal Code regarding court-supervised programs.

Recommended change (see underlined for new wording):

Court-supervised programs

(2) The court may, with the consent of the Attorney General and the offender and after considering the interests of justice and of any victim of the offence, delay sentencing to enable the offender to participate in a treatment or rehabilitation program or a restorative justice process approved by the province under the supervision of the court, such as an addiction treatment program, a deradicalization or exit program or a domestic violence counselling program.¹³

3. Empower the Canada Centre for Community Engagement and Prevention of Violence to collaborate with the Digital Safety Office of Canada for deradicalization and prevention efforts

To effectively combat hate speech and online harm, empowering and funding close collaboration between the Canada Centre for Community Engagement and Prevention of Violence (CCCEPV) and the Digital Safety Office of Canada (DSOC) is essential.

The collaboration between the CCCEPV and the DSOC should include:

- › Enhance deradicalization programs with online focus and sentencing reduction pathways.
- › Promote community engagement to reduce isolation, particularly in vulnerable groups.
- › Implement targeted prevention strategies for social and

-
- economic support.
 - › Educate youth and parents to recognize and address extremist online ideologies.
 - › Engage with community leaders to combat hate speech and radicalization.
 - › Support grassroots efforts for community cohesion and resilience against hate narratives.

4. Make education within the prison system more easily accessible

Deradicalization relies on exposure to new perspectives^{14 15 16}, which can be facilitated through education in prisons. Studies consistently show that education significantly reduces recidivism rates, with post-secondary education offering even greater benefits¹⁷. However, access to education in Canadian prisons has become increasingly limited¹⁸, denying inmates crucial opportunities for growth. Prioritizing accessible education programs tailored to address radicalization drivers is essential for empowering individuals to reject extremist ideologies and break the cycle of radicalization.

Bill C-63 added a provision for creating a peace bond if someone fears an individual might commit an offence under sections 318 or 320 of the criminal code. This bond is important, given that an individual who has been radicalized into hate may pose a threat to the community and this should be appropriately addressed. However, the suggested conditions of recognizance must reflect the nuance of the situation and the sensitivity needed to take preventative measures when it comes to radicalized individuals and countering violent extremism.



Conditions in Recognizance



Recommendations

1. Include a condition for prevention of radicalization, rehabilitation, and deradicalization or exit in the conditions in recognizance

It is recommended that there be an inclusion of a possible condition for the prevention of radicalization, rehabilitation, deradicalization or exit in the conditions in recognizance. The recommended new condition for the conditions in recognizance in Bill C-63 is as follows:

- (6) The provincial court judge may add any reasonable conditions to the recognizance that the judge considers

desirable to secure the good conduct of the defendant, including conditions that require the defendant to

(a) participate in a program for the prevention of radicalization, a deradicalization or exit program, or rehabilitation;

By including prevention and rehabilitation in this bill, it speaks to the reality of the situation for most individuals drawn to hate and gives hope for the possibility of change.



Conclusion

This isn't an easy topic to talk about or advocate for. Most people have a retributive mindset around hate and are scared of radicalized individuals. Many people also hold the belief that those who have been radicalized into hate are not capable of change¹⁹. But Canada has the opportunity to be a leader in recognizing that hate is not static and can be unlearned.

By prioritizing rehabilitation, deradicalization, and education, we can start the work of breaking the cycle of radicalization and promote a safer, more caring and compassionate society.



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