



## **ONTARIO ELECTION TASK FORCE 2007**

### **Issues of Concern and Recommendations for Action**

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## I. WHO WE ARE, WHAT WE DO

B'nai Brith Canada is the Jewish community's foremost human rights agency, operating in this country since 1875. Its team of dedicated volunteers and professional staff is engaged in combating antisemitism, bigotry and racism in Canada and abroad. Its wide-ranging educational and social programming, charitable work and human rights initiatives, demonstrate its commitment to the principle of "People Helping People".

B'nai Brith Canada is the Jewish community's only independent, self-funded, national organization. Its popular-based grassroots support consists of thousands of Canadian families with diverse backgrounds and interests, empowering the organization to speak on their behalf on key issues of concern to the Jewish community.

## II. ISSUES OF CONCERN

When it comes to questions of public policy, the Canadian Jewish community is not monolithic. Its members have affiliations with each of the major political parties, and many are active in the political life of their communities. This reflects the diversity of opinion within the community as to how society as a whole should address the pressing issues of the day. However, there are a number of areas that are of crucial concern to the community as a whole, some of which are covered in this briefing paper.

### 1) SECURITY OF THE JEWISH COMMUNITY

Post 9/11, Jewish institutions in Canada – synagogues, community centers, cemeteries, office buildings, schools and seniors' homes – have increasingly been the target of vandalism and desecration, as well as threats of violence and hate propaganda. The most recent *Audit of Antisemitic Incidents* released by the League for Human Rights of B'nai Brith Canada reported that 42 synagogues and six schools were targeted in 2006 alone.

Security experts and law enforcement agencies continue to warn that Jewish institutions could be targets of terrorist-related activities in Canada. This threat of terrorism has had a profound impact on the Jewish community in Ontario, as well as across Canada. The financial costs of security for community sites are an enormous burden. Threats from Al-Qaeda, and other terrorist groups known to have a base in Canada, have been directed at Jews in particular. Terrorist attacks on Jewish institutions abroad are a grim reminder that extremists consider Jews anywhere in the world as legitimate targets. Meanwhile, the threat of home-grown terrorism is of direct concern to vulnerable communities such as the Jewish community.

After attacks such as the Montreal school firebombing, it is clear that such concerns are very real and that security measures are essential. Jewish communal centers have been left on their own to meet the burden of securing their buildings and protecting the adults and children who use these

facilities. However, the government has an important role, both at the federal and at the provincial levels, to protect its vulnerable communities from harm.

### ***Recommendations***

- There needs to be funding support by the government for security audits of the buildings of communities under threat, as well as for the measures necessary to protect such buildings.
- Dedicated resources and training to local police and enforcement agencies must be provided on issues of hate, extremism, gangs and terrorism to ensure that they are in the best position possible to respond to community member concerns in an appropriate and timely manner.
- Working with community-based organizations, there must be a concerted campaign to encourage the public to be aware of warning signs of trouble and be prepared to report to appropriate authorities.

## **2) HATE-RELATED ACTIVITY**

Hate-related incidents in Ontario continue to be a pressing concern. In the League's 2006 *Audit of Antisemitic Incidents*, 935 incidents were reported across Canada – an increase of over 12.8% from the previous year's figures. The majority of reported incidents of antisemitism in Canada occurred in Ontario (569 incidents or 60.9% of the year's total for all of Canada). This represents a 4.6% increase from 2005 and a three-fold increase over a five-year period. The Greater Toronto Area has consistently been the highest reporting area. The hate-related incidents involved physical assaults, harassment and acts of vandalism, including neo-Nazi graffiti on homes, synagogues and other communal buildings.

The prevalence of hate-related activity against the Jewish community and its members is also documented in police reports. For example, in its 2006 report, Peel Regional Police indicated that Jews were targeted in 29% of all cases, followed by members of the Black community at 27%.

The *Audit* has noted year after year that only about one-third of antisemitic incidents (35.5 percent in 2006) are reported to police. Such limited reporting can be explained in part by a reluctance on the part of victims about coming forward. Of particular concern is a general desensitization that has led victims, police and society itself to dismiss many serious incidents once deemed unacceptable and meriting concerted police follow-up.

All too often, there has been a clear hesitation to label an incident as a hate crime. While the *Criminal Code of Canada* and the hate crime provisions therein fall within federal jurisdiction, the laying of hate crime charges is a provincial matter and specifically requires the consent of the provincial Attorney General. According to the Government of Ontario's 2006 report by the Hate Crimes Community Working Group, between 2000 and 2006 there were only 84 charges laid under the *Code* provisions, with all of them coming under Section 319. The 2006 *Audit of Antisemitic Incidents* has noted a significant drop in the number of hate-related charges laid by

police. The limited number of charges is due in part to the fact that hate-related incidents often do not meet the restrictive definitions of what constitutes a hate crime under the *Criminal Code*. However, there appears to be a reluctance in general by the Attorney General to lay hate crime charges in Ontario.

Another reason for limited activity on hate-related incidents is resource restraints in various police jurisdictions in Ontario. While dedicated hate crimes police units are in place in York Region and Toronto, officers in these units are often drawn away on other tasks, including general security and community outreach activities.

Many hate-related incidents, such as harassment at the workplace or systemic discrimination, must be addressed within a human rights context. The League for Human Rights of B'nai Brith was one of many advocacy and community groups that raised concerns that Bill 107 (Human Rights Code Amendment Act 2006) passed into law last year (S.O. 2006 c. 30), would have a negative impact on the protection of human rights in the province. In fact the legislation was passed into law after public debate was cut off before all stakeholders could be heard at the committee stage. The Bill dismantled the role of the Ontario Human Rights Commission in assisting complaints with human rights complaints and instead introduced a direct access model wherein complainants would take their own complaints directly to the Ontario Human Rights Tribunal, a model that in fact has proven unsuccessful in other Canadian jurisdictions. Furthermore, the new model failed to take into account such key issues as the public interest component inherent in individual complaints.

### ***Recommendations***

- Dedicated Hate crime units are needed in all Ontario police forces with the resources and training in place to provide prompt, dedicated service to meet the needs of hate crime victims, their families and the entire affected community.
- Clear guidelines for the laying of hate crime charges and sentencing must be in place.
- Concerted efforts by the community, legal, law enforcement, educational and corporate sectors to advance programs aimed at countering the explosion of hate-motivated activity, including hate on the Internet should be supported.
- Amendments to the Ontario Human Rights Code (Bill 107) should be repealed and the issue of protecting human rights in Ontario be reintroduced into public debate through community consultations.

### **3) EQUITY IN EDUCATION**

Parents who send their children to faith-based schools are exercising their sincerely held religious beliefs, a right recognized by the Supreme Court of Canada. This choice of schools is not an option, but a necessity according to their religious beliefs. However, parents face such a huge financial burden in terms of rising school fees, that they are often precluded from exercising that right.

In 1999, the United Nations Human Rights Committee ruled that Canada stood in violation of its international obligations. Known as the Waldman case, the UN found that Ontario discriminated against other faiths by funding only Roman Catholic schools. The United Nations Human Rights Committee issued a report calling on Canada to “adopt steps to eliminate discrimination on the basis of religion in the funding of schools in Ontario.”

Ontario is the only jurisdiction in the world that fully funds one religious education stream while ignoring others. Other provinces, including Manitoba, Alberta and Quebec, fund faith-based schools according to various formulas. While the Supreme Court of Canada ruled in 1996 that Ontario’s funding of Catholic schools but not other faith-based schools was legal due to Constitutional provisions, the Court did not prevent the province from finding ways to fund non-Catholic education. Of the estimated 750,000 children in Ontario who attend religious schools, 53,000, or seven per cent, receive no public funding whatsoever. Their parents continue to pay their full share of public funding for the schoolchildren of Ontario, and yet their own children are excluded.

Concerns have been raised that extending funds to all faith-based education might inadvertently lead to support for schools that do not teach Canadian values. The notion that faith-based schools must, by definition, be more apt to perpetuate racism and prejudice than schools in the publicly funded system, in itself betrays an intolerant and uninformed attitude towards religious-based institutions. There have been some disturbing incidents in school settings, but these have taken place in both parochial schools and in the publicly funded system. This demonstrates the need for overall checks and balances.

The extension of funding to faith-based schools should be made contingent on these institutions offering a curriculum committed to promoting Canadian values. As well, compulsory ministry-approved courses on human rights and multiculturalism should be offered. This course requirement should also apply to existing schools in the publicly funded system. While education is clearly a provincial issue, preparing our children to be proud and respectful Canadians is a priority that requires the close co-operation of both provincial and federal jurisdictions, as well as the input of all community stakeholders.

***Recommendations:***

- Ontario must adhere to international human rights obligations and end its discriminatory practice of funding one faith-based school and not another.
- Compulsory courses on human rights and multiculturalism, as well as a curriculum that promotes Canadian values, should be mandatory in all schools receiving public funding. This will help ensure that all Ontario children develop a respect and admiration for our common mores, legal system, and multicultural society.
- Faith-based schools must guarantee that government funds flow directly to parents, ensuring the exorbitant tuition fees faced by parents today are truly lowered. Faith-based schools must not be allowed to effectively absorb public funding (such as through increasing programming, capital improvements or other unrelated expenditures) without decreasing their tuition by an equivalent amount. Any legislation that does not codify tuition decreases for parents will necessarily remain discriminatory.

#### **4) YOUTH VIOLENCE**

Youth violence has intensified across the Greater Toronto Area (GTA), with a rash of gun violence affecting this region over the summer months. This problem is exemplified by the murder of 15-year-old Jordan Manners while at school in the Keele-Finch area by a single gun shot on May 23, 2007. Overall, Ontario has experienced a rise in the crime rate by youths between the ages of 12 and 17. There has been a notable rise in drug use, with alarming increases in the use of cocaine and crystal meth. Gun and gang violence are deeply entrenched problems that continue to affect all communities. Laws regulating the use of firearms and harsh prison sentences are valuable tools, but all too often fail to act as effective deterrents or provide long-term solutions for at-risk youths.

Economic and social forces form the root causes of crime. Poverty, inadequately-funded community resources and unemployment combine to create a dangerous environment and to foster a culture of hopelessness among youth. This is often exacerbated by gang-related activity that rushes to fill a void amongst disaffected youth. A sense of detachment from neighbours and the community further place youth at risk to engage in criminal activity.

##### ***Recommendations***

- Programs aimed at youth empowerment are vital to offset negative influences that encourage criminal activity. Examples of positive pro-active programs include youth mentorship and on-the-job development training, leading ultimately to employment opportunities, as well as educational community programs that provide at-risk youth guidance and promote tolerance and conflict resolution.
- Enhanced funding to community groups with expertise in combating youth violence, i.e., neighbourhood kids should have community resources at their disposal to engage in constructive pursuits, whether through sports activities, after-school programs and/or seminars that teach valuable skills used in the work force.
- Issues of institutional and systemic racism must be unearthed in order to confront the lack of employment opportunities to members of these communities.

#### **5) SOCIAL SAFETY NET**

There is growing concern that Ontario's social safety net is being steadily eroded in terms of care for the poor and disadvantaged, services for the disabled, and access to care for both acute and chronic patients.

##### **i) Affordable Housing**

One of the ways that the poor and disadvantaged can be supported, especially the most vulnerable such as children and the elderly, is through providing affordable housing for families, seniors and people with disabilities. That is why B'nai Brith Canada's established an affordable housing program in 1979 with the financial assistance at that time of all three levels of

government. Our three affordable housing buildings in Toronto, built with the benefit of that assistance, provide an excellent quality of living for the residents, illustrating the potential of such partnerships between the governmental and not-for-profit sectors.

The Ontario Non-Profit Housing Association (ONPHA) reports that at the present time, the waiting list for affordable housing is well in excess of 120,000 families. Over 300,000 households, 22% of all Ontario tenants, spend more than half of their income on rent and are thus at potential risk of homelessness. In early 2006, there were 122,426 households on waiting lists across Ontario, including 27,000 seniors, and 54,000 families. In some areas, families may wait up to five years for affordable housing, while in other places the wait can be more than ten years.

Although there are programs and incentives to construct affordable housing, these programs are still cost prohibitive for not-for profit organizations to undertake. Without assistance from the provincial government this void will never be filled. In May 2005, \$392 million was allocated to affordable housing under the Canada-Ontario Affordable Housing Agreement. Regrettably, to date these funds have not been released by the province.

### ***Recommendations***

- Funding specifically earmarked by the federal government for affordable housing should be immediately released and committed to the construction of new, permanent, affordable and supportive housing.
- A long-term funding commitment to the provision of affordable housing by the province is necessary to fill the current policy void in this vital segment of Ontario's social safety net.
- It is vital that government assistance for affordable housing projects initiated by the not-for-profit sector be re-instated so that the urgent need for high-quality affordable housing can be met.

### **ii) Ontarians with Disabilities**

The League for Human Rights of B'nai Brith Canada has been advocating on behalf of the rights of persons with disabilities for decades. Through its Ontarians with Disabilities Sub-committee, it has made representation to various government ministers and members of provincial parliament, pressing them to introduce and implement legislation that will ensure access for all Ontarians to transportation, buildings and facilities. In addition, there are invisible barriers that must be overcome, as well as the obvious ones relating to physical handicaps. The term 'disability' under the applicable legislation does not just mean a condition that affects mobility, but also covers non-visible disabilities such as vision impairment, deafness, learning difficulties and mental health challenges.

In 2005, the comprehensive Ontarians with Disabilities Act (AODA) established the goal of an accessible Ontario by 2025. However, Ontario's population is rapidly aging. *Citizens with Disabilities Ontario* estimates that by that date, 20 per cent of Ontarians are likely to have some kind of disability - almost double the levels we are seeing today.

### ***Recommendations***

- The current pace of implementation must be accelerated to meet the increasing needs of Ontarians.
- The Government needs to move much more swiftly to enact strong and enforceable accessibility standards.
- Municipalities should be given deadlines in terms of implementing changes, particularly in the area of public transportation.
- There will need to be a concerted campaign to ensure that the *Ontarians with Disabilities Act* is applied to the broad range of disabilities faced by the population of this province.

### **iii) Health Care**

There is currently a crisis of confidence in Ontario's health system. A recent Ontario Medical Association (OMA) poll found that 80 per cent want a strategy in place to reduce wait times, indicating the level of concern of Ontarians that cannot be ignored.

According to 2006 figures, the OMA reports, Ontario is short more than 2,300 doctors, affecting 1.4 million patients. The current physician population is aging with many specialties facing up to a 25-per-cent retirement rate in the next five years, while 19 per cent of practicing physicians are over 60 years old and 11 per cent are over 65.

Access to long-term care facilities has also been severely compromised because of government cuts. This has ultimately resulted in many patients being transferred back into acute care facilities because of a shortage of available communal support services and funding. Community Care Access Centres are struggling to provide the necessary community health services and supplies, with the result that only minimal service can be achieved. The burden on families, both financially and emotionally has increased exponentially.

### ***Recommendations***

- A bold strategic plan needs to be implemented to address the growing challenges facing Ontario's acute care system.
- An influx of funding and resources needs to be directed towards the care of chronic and long-term care patients.