



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

FISHING WITHOUT FEAR

Report on the Inquiry into Assaults on Asian Canadian Anglers

May 2008

**Also available in Korean, Vietnamese,
simplified Chinese and traditional Chinese.
Available in alternate formats upon request
Available on the Internet: www.ohrc.on.ca
*Disponible en français***

TABLE OF CONTENTS

Report Highlights	2
1. Background	3
2. Naming Racism	5
3. Racism and Racial Profiling.....	6
4. Collective Responses to Racism.....	9
5. Conclusion.....	11
6. ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS	12
APPENDIX A.....	25

ISBN (Print) EN/FR: 978-1-4249-6821-3
ISBN (HTML) EN: 978-1-4249-6822-0
ISBN (HTML) FR: 978-1-4249-6824-4
ISBN (PDF) EN: 978-1-4249-6823-7
ISBN (PDF) FR: 978-1-4249-6825-1

REPORT ON THE INQUIRY INTO ASSAULTS ON ASIAN CANADIAN ANGLERS

Report Highlights

During the Inquiry into Assaults on Asian Canadian Anglers, the Commission met with 21 organizations to identify solutions. These organizations included police services, municipalities, provincial government ministries, and community organizations. The Commission obtained over 50 commitments from these organizations and made an additional seven commitments. Highlights of these commitments include:

- Developing teaching and resource materials around racism and hate activity, using the angler incidents as examples (Ministry of Education, various boards of education)
- Developing a race relations committee in Georgina with the assistance of the police (municipality of Georgina, York Regional Police Service)
- Developing a brochure in multiple languages regarding the angler incidents, ensuring that people know where to call for assistance (Ontario Provincial Police)
- Placing a statement on the City of Kawartha Lakes web site, referencing the incidents and condemning racism and discrimination. Asking for increased police presence in the area (City of Kawartha Lakes)
- Providing training on racial profiling to conservation officers to equip them to respond to complaints that may be based on racial profiling (Ministry of Natural Resources)
- Providing training on anti-racism and anti-discrimination to teachers (Conseil Scolaire de District Catholique Centre – Sud)
- Establishing a police-stakeholder working group to further review and respond to recommendations of the Hate Crimes Community Working Group report that affect policing (Ministry of Community Safety and Correctional Services)
- Monitoring reports of any similar incidents over the fishing season in 2008. The Commission will also support organizations with fulfilling their commitments, and will share information on the progress throughout the year (Ontario Human Rights Commission).

1. Background

On December 14, 2007, the Ontario Human Rights Commission (“Commission”) released its Preliminary Findings of the Inquiry Into Assaults on Asian Canadian Anglers. The goal of the Inquiry was to learn more about the nature of verbal and physical assaults reported by Asian Canadian anglers that occurred in regions of southern and eastern Ontario in the summer and fall of 2007. Additional goals were to:

- Learn more about the extent to which a systemic problem exists
- Support those affected and refer them to appropriate resources
- Build capacity within communities and responsible government bodies to deal with issues of tension and conflict
- Identify possible solutions, and
- Raise public awareness about racism and racial profiling.

In November 2007, the Commission worked in partnership with the Metro Toronto Chinese and Southeast Asian Legal Clinic (“MTCSALC”) to develop a hotline to hear the public’s concerns. In its preliminary findings report, the Commission showed how racism was linked to physical and verbal incidents reported by Asian Canadian anglers. The Commission noted its intentions to do further work with responsible institutions with the aim of combating racism on a broad level, to prevent similar incidents from happening in the future. This report is an account of the results of the Inquiry.

The Commission has undertaken this Inquiry as part of its mandate to promote the Ontario *Human Rights Code* (“Code”). Section 29 of the *Code* gives the Commission the authority to conduct inquiries into incidents and conditions leading to tension or conflict based on prohibited grounds of discrimination and to take action to eliminate the conflict. The Commission is also responsible for assisting and encouraging organizations from the public and private sectors to engage in programs to alleviate tension and conflict based on prohibited grounds of discrimination.¹

This Inquiry took place within the context of a changing human rights system in Ontario. Under the new system, the Commission will continue to engage in policy development and public education. It will also have a broader mandate to conduct public inquiries, do research into discriminatory practices, and work with responsible institutions to facilitate solutions. The Commission anticipates that the Inquiry Into Assaults on Asian Canadian Anglers is an example of the work it will do in the transformed human rights system.

Methodology

In its preliminary report, the Commission recognized the collective responsibility of organizations and individuals in combating racism and racial profiling. Each organization has its own unique role to play in addressing racism. After the release of the preliminary findings report, the Commission began to focus on problem solving with responsible organizations and institutions.

The Commission contacted several organizations, including mayors from municipalities where assaults were reported; the Ministries of Citizenship, Attorney General, Education, Natural Resources and Community Safety and Correctional Services; York Regional Police Service and the Ontario Provincial Police, the Association of Municipalities of Ontario (“AMO”), Boards of Education serving southern and eastern Ontario, as well as organizations serving anglers. In addition, the Commission consulted with organizations and individuals representing the Asian Canadian community.

In all, the Commission asked for commitments from 21 organizations and consulted many others about the assaults reported against Asian Canadians. Before meeting with the responsible institutions, the Commission requested that each organization consider implementing certain commitments that would address concerns about racism against Asian Canadians and racialized people. These recommendations were developed to correspond to the unique mandate of each organization, and took into account any anti-racism work already undertaken by the organization.

Many of the proposed commitments focused specifically on the incidents involving Asian Canadian anglers, to facilitate a plan of action that could be put in place quickly to increase community safety starting with the fishing season in 2008. However, other recommendations were more comprehensive, and focused on broader goals of addressing hate activity, racism, and discrimination generally. It is the Commission’s hope that by implementing these commitments, organizations and communities will increase their ability to prevent and combat incidents of racism and hate activity against all groups.

Overall, the key areas that the Commission raised were: ensuring the physical safety of Asian Canadian anglers, increasing access to community and police support, identifying barriers when integrating immigrants and racialized people into small communities, defining leadership on the part of the government, ensuring increased criminal justice intervention around hate crimes, facilitating ongoing work between the community and responsible institutions, and combating stereotypes through public education.

The Commission was also interested in learning about the initiatives that organizations had undertaken to combat racism, specifically in response to this

concern. Overall, the Commission found that many organizations and institutions took reports of the assaults very seriously and were already engaged in attempts to facilitate solutions. After meeting with the Commission, many other organizations made plans to develop leadership around this issue. In total, the Commission obtained 59 commitments from 21 organizations and municipalities, and made an additional seven commitments. A chart detailing the types of commitments proposed and obtained is contained in section 6.

2. Naming Racism

In 2003, the Commission released its Racial Profiling Inquiry report, *Paying the Price: The Human Cost of Racial Profiling*, which examined the impact of racial profiling on people from racialized communities. Among the recommendations made in *Paying the Price* was that,

Persons in positions of leadership in Ontario, including government officials, should accept and acknowledge the existence of profiling and demonstrate a willingness to undertake action to combat it.²

Effective responses to racial discrimination and racial profiling start with acknowledging that racism exists. While often displayed overtly, racism can also take on subtle, unconscious or covert forms. In the Commission's Policy and Guidelines on Racism and Racial Discrimination ("Policy"), the Commission noted that great stigma attaches to allegations of racism, leading to a tendency to deny its existence in general or in a particular situation. In the Inquiry into Assaults on Asian Canadian Anglers, individuals from many institutions were ready to engage in dialogue about racial profiling and saw the benefits of combating it. However, many individuals also expressed that racism was difficult to discuss and were reluctant to include strong messages about it as part of their commitments. Many had concerns that by naming the issue, it paints the whole community or organization as "racist," generates problems where they may not exist, perpetuates negativity, or was not seen as part of the mandate of the organization.

These strong stigmas associated with discussing racism and racial discrimination present a challenge to the Commission in moving forward generally on initiatives to combat racial discrimination. Although it may be difficult to discuss, the Commission maintains that when racism is named as a problem, organizations become better equipped to appropriately address and prevent it, and are better able to give voice to people who experience it. The Commission is committed to continuing to raise awareness of racial profiling and racial discrimination with public and private institutions in order to provide a forum for open dialogue.

3. Racism and Racial Profiling

When the Commission and the Metro Toronto Chinese and Southeast Asian Legal Clinic set up the hotline to inquire into alleged assaults against Asian Canadian anglers, the Commission heard of many accounts of racial harassment, ranging from verbal assaults, to destruction of fishing equipment, to stone-throwing. In some of the cases under police investigation, people were subjected to physical violence. During its meetings with various organizations and individuals to talk about solutions, the Commission heard of further reports of racial harassment against individuals in the Asian Canadian community.

In York region, the York Regional Police engaged in Project Fisher, a 30-day operation in which Asian Canadian police officers in plainclothes fished at night under a bridge that had been the site of several incidents. The Commission heard that within a few hours of setting up the operation on the first night, the officers were subjected to racial comments from several different people in passing cars. From two additional organizations, the Commission heard of incidents in which racist comments were directed at Asian Canadian people fishing, with one person describing this as a long-standing and common occurrence.

These reports, coupled with the incidents already recorded, point to the very serious nature of anti-Asian Canadian sentiment among some individuals in different regions across Ontario, which seems to be embedded in stereotypes about Asian Canadians and fishing.

Racial Profiling and Misperceptions about Fishing

The Commission has defined racial profiling as any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. The reliance on stereotypes is not always overt. People may rely on unconscious or unquestioned stereotypes based on limited information, misunderstandings or misperceptions.

Throughout this Inquiry, the Commission has been concerned that some people have relied on stereotypes that Asian Canadians are more likely than people from other communities to engage in over-fishing, fishing in sanctuaries, fishing without a licence, and other activities that are against the law. Further, the Commission has been concerned that these stereotypes may be used to “explain” or justify the reported assaults. Racial profiling occurs when individuals act on stereotypes about Asian Canadians and illegal fishing and use these stereotypes as a rationale for greater scrutiny, discriminatory treatment or even

Report on the Inquiry Into Assaults on Asian Canadian Anglers

violence (which is portrayed as vigilantism). Engaging in this kind of discriminatory behaviour is against the law and strong messages need to be provided that it is not tolerated.

As was noted in the Commission's preliminary findings report, there is no evidence to suggest that Asian Canadians are more prone to fish illegally than people from any other community. In any of the incidents that were recently investigated by police, there has been no evidence reported that suggests that victims engaged in activities that were against the law.

The Commission is concerned that a focus on fishing regulations as a solution to this problem misplaces the debate and minimizes the experiences of people who have been harassed while fishing.

Some individuals who came forward during the Inquiry indicated that they were not relying on stereotypes that Asian Canadians were over-fishing, based on their experiences of seeing some Asian Canadian people catching large numbers of fish. However, other people identified that this perception is erroneous and that it could lead to stereotyping. They indicated that misperceptions may be developed when some Asian Canadians are seen to catch many fish of smaller varieties that are different than those historically caught in lakes and rivers in Ontario. Many of these smaller fish have high limits on the number that can be caught, which may lead to assumptions that Asian Canadians are over-fishing.

It should be stated that even in an instance where someone may break the law, this does not provide cause for violence or harsh treatment. Where race is a factor, such treatment can still be considered a form of racial profiling. In a situation where a racialized person breaks the law and is subjected to harsh treatment or violence, it raises a question as to whether a non-racialized person would be subjected to the same scrutiny and similarly treated in a comparable situation.

It is important to distinguish between a hate crime and racial profiling. As noted above, racial profiling may occur on a subtle level. A person may not be fully aware that he or she is operating on the basis of stereotypes attributing group characteristics to individuals from different backgrounds. In contrast, hate crime activity requires an overt motive.

In meetings with various individuals and organizations, the Commission again heard concerns about the lack of public access to many waterways, decreasing fish stocks, and about individuals from all communities who are believed to be conducting illegal fishing. The Commission heard that responsible institutions, such as the Ministry of Natural Resources and different municipalities, are looking seriously into these issues to ensure equal access to fishing areas and

Report on the Inquiry Into Assaults on Asian Canadian Anglers

resources. The Commission urges that dialogue continue about these issues, with the understanding that no one community should be held responsible for these concerns, and that people from all communities should benefit from improvements in these areas.

Through their public education and outreach activities, provincial and local organizations have a key role to play in combating negative attitudes and stereotypes about Asian Canadians and fishing. The Commission sought commitments from the Ministry of Natural Resources, the Ontario Federation of Anglers and Hunters, and the Ontario Chinese Anglers Association that were aimed at combating stereotypes, addressing racial profiling, providing strong public messages that racism should not be tolerated, and identifying support systems for people experiencing hate activity.

The Hate Crimes Community Working Group Report

When the attacks on Asian Canadian anglers were first reported in the mainstream English-language media at the end of September 2007, they were quickly condemned by many community groups as being hate crimes,³ and were referred by police to their respective Hate Crimes units. Part of the concern was not only that Asian Canadians, or people fishing with Asian Canadians, appeared to be targeted, but that a racist name referring to Asian Canadians was associated with reports of assaults in some areas.

Incidents involving hate create a broad chilling effect across the community. The impact on people in the Asian Canadian communities was made clear to the Commission in its Inquiry and in the news media. Many people reported changing their behaviour to increase their safety and some expressed that the events caused “an atmosphere of fear” for Asian Canadians. News media reported that some Asian Canadians were “terrified” to go fishing.⁴ Similar sentiments were expressed to the Commission by others.

These incidents demonstrate the far-reaching impact of hate and bias crime on affected communities, and the need for quick, effective responses. In these incidents, Asian Canadians appeared to have been targeted for hate activity; however, hate incidents also affect people from other *Human Rights Code* protected groups, including Aboriginals, African Canadians, lesbians, gays, bisexuals, transgendered and intersexed individuals, Jews, Muslims, Arabs, those from South Asian communities, and women.⁵

It is for these reasons that many of the commitments the Commission proposed to organizations stem from the work done by the Hate Crimes Community Working Group (“HCCWG”). A discussion of the commitments proposed and the HCCWG’s report can be found in Appendix A.

Initiatives in Schools

Some of the commitments sought by the Commission were focused on education initiatives that could be delivered in the school system. School programs aimed at teaching anti-discrimination and anti-racism are critical tools in combating stereotyping, interrupting discrimination when it occurs, eliminating barriers for racialized and other equity-seeking groups, and increasing understanding of human rights. The Commission was concerned that many of the people who were charged by police in connection with assaults were young adults, only a few years from school-leaving age. The Commission also received a particularly notable submission from a teacher, calling for greater education in the schools to deal with discriminatory attitudes. These examples provide support for further integration of anti-discrimination initiatives in schools. For a more detailed description of the commitments proposed and obtained from educators, please see Appendix A.

4. Collective Responses to Racism

The Commission recognizes that no one community or institution is wholly responsible for addressing the assaults reported by Asian Canadians. As a widespread issue that occurred outside of the social areas protected by the *Human Rights Code*, no human rights claim could be filed in these cases. Instead, responsibility is shared among institutions and individuals that have a collective obligation to protect the public interest.

The Commission's 2003 Racial Profiling Inquiry report, *Paying the Price: The Human Cost of Racial Profiling*, and the Commission's *Policy and Guidelines on Racism and Racial Discrimination* ("Policy") highlight the responsibility of institutions for taking leadership on preventing and responding to racism and racial discrimination. The *Policy* describes how all organizations and institutions have a positive obligation to ensure that they are not engaging in systemic or institutional racial discrimination. This may involve examining and removing any potential barriers in organizational policies, practices, regulations and culture that adversely affect people from racialized groups. Both the *Policy* and *Paying the Price* note that actions do not have to be intentional or conscious to be considered racial discrimination. As was noted earlier, where there are perceptions of racial discrimination, acknowledging that racism exists is a critical first step in responding to it and preventing it.

Issues of Integration

In both phases of the Inquiry, many organizations and individuals indicated that Asian Canadians appeared to be singled out due to the visibility of this group in relatively homogeneous communities as well as lack of acceptance of cultural differences in fishing practices. Negative attitudes towards Asian Canadians appear related to the lack of exposure to racialized people in general and the

Report on the Inquiry Into Assaults on Asian Canadian Anglers

perceived threat of people from racialized groups allegedly encroaching on resources in smaller communities.

Census data from 2006 reveals that people from racialized groups are more likely to live in cities across Canada than in small towns or rural areas.⁶ For many municipalities in Ontario, attracting and integrating immigrants, many of whom come from racialized groups, is a key goal to expand the viability and livelihood of these communities. In our Inquiry, municipalities stressed the importance of increasing racial diversity, and told us they are making efforts to demonstrate that their communities are safe and welcoming to people of all backgrounds. Many different municipalities have engaged with the Ministry of Citizenship in projects designed to attract and retain immigrants for the benefit of the entire community. The Commission sought various commitments from the Minister of Citizenship, some of which focused on ensuring that the goals of anti-racism and anti-discrimination are reflected in the Ministry's ongoing work around integrating immigrants into communities.

One part of making communities welcoming to immigrants and racialized individuals is to proactively address issues of racism that may result when integrating individuals into mostly European or White communities. Some communities showed leadership in this area by providing an immediate response to the reports of assaults against Asian Canadian anglers and engaging in dialogue about the impact of racism. These municipalities were quick to condemn the incidents and reach out to community groups.

In Peterborough, the Race Relations Committee of Peterborough held a press conference shortly after the news reported concerns about assaults. Community leaders from Peterborough, the surrounding county, Kawartha Lakes, and the police, among others, condemned the violence. The result was the establishment of a working group with various organizations, including representatives from the Ministry of Natural Resources, the Ontario Provincial Police, and members of the Asian Canadian community. In Georgina, the mayor met with Chinese Canadian and Jewish Canadian community groups to offer his apologies for incidents that appeared to target Asian Canadians and Jewish people. These kinds of responses have a profound impact on increasing public trust and send a message that the issue is being taken seriously.

Formal Structures to Address Racism

Having formal structures in place to address racism can help to quickly defuse racial tension and conflict in communities when incidents occur. Several municipalities across Ontario have joined The Coalition of Municipalities Against Racism and Discrimination ("CMARD"), an initiative of the United Nation's Educational Scientific and Cultural Organization. The goal of this coalition is to

engage municipalities and their residents in activities that address racism as well as share information and practices with other municipalities experiencing similar issues. One success story involves the City of Windsor. Due to having a race relations committee in place because of CMARD, in January 2007, the City of Windsor was able to respond quickly with its community partners to a series of lectures that were perceived to promote Islamophobia.

As a result of this Inquiry, a councillor from the City of Kawartha Lakes will propose to City council that it join CMARD, and the municipality of Georgina has created a race relations committee. The City of Peterborough has also passed a motion to adopt CMARD. The Association of Municipalities of Ontario has a role to play in guiding municipalities in responding to racism and will provide an opportunity for municipalities to learn from each other around this issue. The Commission encourages all communities to work with individuals and organizations representing people from racialized communities to continue to build trust and understand the lived realities of racism and strategies to address it.

5. Conclusion

To combat discriminatory attitudes and behaviours, it is critical for Ontario's institutions to show strong leadership and take action. Overall, the Commission is pleased that many organizations, municipalities and government ministries responded positively to this challenge and are planning steps to address racism and hate activity in their future initiatives. These actions are a step in the right direction. The commitments obtained, while aimed at alleviating discrimination experienced by Asian Canadians, provide the opportunity to open dialogue more broadly about racism in cities, towns and institutions across Ontario. On a broad level, success in this area is realized when immigrants and people from racialized groups experience a sense of inclusion in all communities across Ontario.

It is with continued commitment and collective effort that organizations and municipalities can become proactive in acknowledging and responding to human rights concerns. More work is required on the part of all institutions to ensure a coordinated and comprehensive response to discrimination and hate activity. The Commission will continue to work with the organizations that participated in the Inquiry to support them in fulfilling their commitments, and will continue to report on this progress. The Commission will also continue to encourage building partnerships between institutions and community organizations to further facilitate this work. It is the Commission's expectation that implementation of these plans will result in increased safety and access for people of all backgrounds who enjoy recreational fishing.

6. ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued*
1	Association of Municipalities of Ontario (AMO)	<ol style="list-style-type: none"> 1. In the Immigration Committee's research on best practices for creating "welcoming communities," incorporate research on how communities can address racism and hate activity 2. Highlight, at a conference, how some communities have dealt with incidents of racism proactively, using the Asian Canadian Angler example 	<ol style="list-style-type: none"> 1. Will include issues relating to racism, cultural sensitivity, discrimination and hate as a component of its research, among a broad range of issues 2. Will discuss, at a conference workshop on "welcoming communities," how one community responded to discrimination and a hate-motivated incident, using the angler incidents as an example 	<ul style="list-style-type: none"> • As a member of the Police Services Advisory Committee, AMO is working with sector partners to review and respond to the Hate Crimes Community Working Group report recommendations that affect policing and victim services
2	City of Kawartha Lakes	<ol style="list-style-type: none"> 1. Join CMARD (Coalition of Municipalities Against Racism and Discrimination) 2. Place a statement on the town website with respect to the incidents. Provide a strong message that racism is not tolerated 	<ol style="list-style-type: none"> 1. Will propose CMARD to City Council 2. Will place a statement on the town website referencing the incidents and condemning racism and discrimination 3. Will provide a statement/editorial to Asian language media at the beginning of the fishing season, promoting Kawartha Lakes as a welcoming community, and identifying that discrimination is something that is dealt with seriously 4. Will work with the OPP to identify the issues, and ask for greater presence in the community 5. Will obtain information about funding for local initiatives at community agencies, potentially for initiatives involving youth 	<ol style="list-style-type: none"> 3. Kawartha Lakes City Councillor took part in the Peterborough Race Relations Committee's press conference about the angler incidents; Mayor issued statement. The City issued press releases about the incidents
3	City of Peterborough	<ol style="list-style-type: none"> 1. Join CMARD 2. Place a statement on the town website with respect to the incidents. Provide a strong message that racism is not tolerated 	<ol style="list-style-type: none"> 1. Will take a report forward to Council supporting a Local Immigration Partnership Council 	<ol style="list-style-type: none"> 4. Race Relations Committee (RRC) held a press conference about the incidents 5. City Council passed CMARD 6. RRC established a group to address this issue through public education and activities

*This column describes organizations' or municipalities' responses to the angler incidents that were consistent with an anti-racist approach. It also describes a sample of the broader anti-hate or anti-racism initiatives they already pursue.

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
4	Village of Westport	<ol style="list-style-type: none"> 1. Join CMARD 2. Place a statement on the town website with respect to the incidents. Provide a strong message that racism is not tolerated 	No commitments obtained	
5	Town of Georgina	<ol style="list-style-type: none"> 1. Join CMARD 2. Place a statement on the town website with respect to the incidents. Provide a strong message that racism is not tolerated 3. Establish a race relations committee 	<ol style="list-style-type: none"> 1. Established a race relations committee 	<ul style="list-style-type: none"> • Georgina Mayor issued statement condemning the incidents, met with community groups • Georgina Mayor met with school boards about the issue
6	York Regional Police Service (YRP)	<p>The Commission and YRP discussed:</p> <ol style="list-style-type: none"> 1. Further opportunities for public education about hate crimes, particularly against Asian Canadian people 2. Increased accessibility to police services in languages other than English or French 	<ol style="list-style-type: none"> 1. Will integrate examples of the Asian Canadian angler incident into the public education curriculum on hate crimes, which is directed at youth 2. Will advise schools that YRP is prepared to offer its education services on this issue 3. Will request to speak with parent councils about the issue 4. Has assisted the town of Georgina in the development and ongoing support of a race relations committee 5. Will advertise through media releases and other means that people can contact the police in multiple languages to make complaints, and do not have to have experienced a crime to contact the police about a hate incident 6. Will incorporate examples of the angler incidents into the annual officer recertification program on hate crimes 	<ul style="list-style-type: none"> • YRP has established a hate crimes unit and a Diversity and Cultural Resources Bureau • YRP assigned hate crimes unit to investigate angler incidents • YRP established "Project Fisher," an undercover operation • Will establish "Project Safe Shores" in Spring 2008 to increase community safety • YRP provides annual recertification training to all officers on hate crimes • Will develop brochure about the issue • YRP monitors hate incidents even if they do not lead to charges <p><i>*OHRC recommends refresher training on hate crimes to officers prior to fishing season</i></p>

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
7	Ontario Provincial Police (OPP)	<p>The Commission and OPP discussed:</p> <ol style="list-style-type: none"> 1. Further opportunities for public education about hate crimes, particularly against Asian Canadian people 2. Increased accessibility to police services in languages other than English or French 	<ol style="list-style-type: none"> 1. Will enhance hate crimes training provided to officers by having experts in hate crimes come to teach components of the criminal investigation course at the OPP academy. The Hate Crimes Unit will speak to the Ontario Police College to identify opportunities to enhance their curriculum in this area 2. In educating youth about hate crimes and hate activity, the OPP hate crimes unit will incorporate a discussion of the angler incidents into its public education curricula. OPP will canvass schools or boards in affected areas to make them aware of the education content available 3. Will develop a brochure, in consultation with community/police partners, around hate crimes and the angler incidents. The brochure will outline police and victim supports available. This brochure will be produced in multiple languages and made available during the 2008 fishing season 4. Where hate incidents are reported to police and do not fit the criteria of a criminal offence (e.g. racial slurs), these incidents will be tracked and monitored through the Hate Crimes Liaison Officers and the victims referred to appropriate services 5. Will continue to work with community partners (e.g. Peterborough Race Relations Com'ttee) around this issue and around hate crimes generally 	<ul style="list-style-type: none"> • Established Hate Crimes/Extremism Unit. Assists in training of OPP officers in identification and investigation of hate crimes, collects intelligence, and provides specialized investigative support • Hosts an annual conference on hate crimes for law enforcement personnel • Introduced the Hate Crime Liaison Officer Program to front-line OPP. 72 OPP officers will assist detachments by monitoring and investigating hate crimes • Assisted the Ontario Police College in creating the Responding to Hate Crime Booklet, in response to the Hate Crime Community Working Group recommendations • Assisted MCSCS in creating of a Crime Stoppers video in relation to reporting hate crime • Will be developing a hate crime front-line training video for OPP officers <p><i>*OHRC recommends refresher training on hate crimes to officers prior to fishing season</i></p>

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
8	Ministry of Natural Resources (MNR)	<ol style="list-style-type: none"> 1. Provide training to enforcement officers to create an understanding of racial profiling, and to know how to respond to individuals who make fallacious complaints based on race 2. Consider if sanctions could be imposed on people who are reported as harassing anglers based on race and other <i>Code</i> grounds 3. Work collectively with police to coordinate MNR enforcement presence in communities, releasing notifications about any assaults, and providing information about where to call if assaults happen 4. Place a message on the MNR website welcoming people back to fishing season and providing a strong message with respect to discrimination, indicating that poaching/illegal fishing is not attributable to one community 5. Work collectively with anglers' organizations and community race relations committees to engage in public education initiatives to combat assumptions about illegal fishing 	<ol style="list-style-type: none"> 1. Will provide training to conservation officers on how to respond to racial profiling when responding to fallacious complaints based on race. Will incorporate the angler incidents as a training example. MNR will work with OHRC to provide an overview of the topic of racial profiling, even though the Commission has not heard of any complaints of racial profiling made against MNR officers 2. MNR will work collectively with police to coordinate MNR enforcement presence in communities, particularly at the beginning of the next fishing season 3. Will work with the Ministry of Citizenship and Immigration and other ministries on a communications strategy for the 2008 fishing season. MNR released the following message in the booklet containing the 2008 fishing regulations (Chinese language version only): "We must also show similar respect towards our fellow anglers, embracing each other's differences while participating in an activity that unites us all." 4. MNR will work with anglers' organizations and community race relations committees to engage in public education initiatives to combat assumptions about illegal fishing 	<ul style="list-style-type: none"> • Will extend outreach activities to include anglers from all Asian Canadian communities, in addition to Chinese Canadian anglers • MNR has begun work with the Peterborough Race Relations Committee, and the Fish and Wildlife Heritage Commission. MNR will continue to work with these groups, among others <p><i>Note: The Commission will continue to work with MNR on its anti-racism messaging</i></p>

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
9	Ministry of Citizenship and Immigration (MCI)	<ol style="list-style-type: none"> 1. Define the ongoing leadership position that the Minister and the Ministry could take on this issue on a government corporate level with the following goals in mind: <ol style="list-style-type: none"> a. Promote and report on the government's commitments and results with respect to the Inquiry b. Influence and support government and policy development activities to ensure that racial diversity and equity are respected and promoted in government initiatives c. Facilitate dialogue between those with concerns about racial profiling and private and public service providers; or support government initiatives that facilitate dialogue between those with concerns about racial profiling and private and public service providers d. Engage in public awareness and education activities concerning racial diversity; or support government initiatives that engage in public awareness and education activities concerning racial diversity 2. Develop a communications strategy for release at the start of the fishing season (spring 2008), in which the incidents and reported assaults are acknowledged and condemned as a form of racism and hate activity 	<ol style="list-style-type: none"> 1. The Ministry will work collaboratively within the OPS on a corporate approach including: <ol style="list-style-type: none"> a. MCI will work with other ministries identified in Inquiry in a coordinated approach to address the results with respect to the Inquiry b. The Ministry will continue to work at a variety of program and policy levels within its mandate to ensure that racial diversity and equity are respected both within government and with other stakeholders. c. The Ministry has offered to initiate a dialogue with the OHRC on racial profiling to better understand the specific intention of this commitment. d. The Ministry will continue to engage in public awareness and education concerning racial diversity in the context of the Ministry's mandate. 2. The Ministry will work with MNR and other ministries on a communications strategy related to the incidents of racially motivated assaults. 	<ul style="list-style-type: none"> • MCI supports a number of initiatives with the goals of increasing diversity and equality. The Commission will continue to work with MCI to incorporate activities involving anti-racism and removing barriers for people from racialized groups

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
9	Ministry of Citizenship (Continued)	<ol style="list-style-type: none"> 3. Work to ensure that future Ministry of Citizenship immigration initiatives or joint partnerships with Citizenship and Canada include components that address racism and discriminatory barriers to integration and employment 4. Commit to working with the Attorney General and local immigrant and settlement agencies on initiatives to combat discrimination/hate crimes 	<ol style="list-style-type: none"> 3. The Ministry will review its grant eligibility criteria and draft a clause promoting diversity and anti-racism in the funding criteria and the delivery of funded initiatives & will work to advance this issue with Citizenship & Immigration Canada on joint projects. 4. Will join the Interministerial Committee on Hate Crimes. Will work with immigration & settlement agencies to examine ways to identify & support victims of discrimination & hate crimes within their existing resources 	See previous page
10	Ministry of the Attorney General (MAG)	<ol style="list-style-type: none"> 1. Define leadership on this issue by making the implementation of the recommendations of the Hate Crimes Community Working Group Report a priority within the Ministry 2. Make funding available on an annualized basis to support appropriate community-based services for hate crime victims. Commit to working with other Ministries on initiatives to assist victims 3. Urge the federal government to adopt the standard definitions of "hate crimes" and "hate incidents" across all public institutions, and encourage that additional hate-motivated offences be incorporated in the <i>Criminal Code</i> 4. Ensure that all Crown attorneys in all regions are trained to identify hate crimes and proceed appropriately. Use the angler incidents as a training example 5. Commit to publicizing the progress of implementation of all Hate Crimes Working Group Report recommendations 	<ol style="list-style-type: none"> 1. MAG indicated that leadership is being taken on this issue through the creation and coordination of an interministerial committee to implement the recommendations of the Hate Crimes Community Working Group (HCCWG) 2. Ministry staff are participating in meetings with staff from Ministry of Citizenship and Ministry of Natural Resources to respond to the Asian Anglers issue 3. The Ministry is assessing the results and success of hate crimes initiatives to determine the appropriate scope for community based grant programs 4. Will be training more Crown Attorneys on hate crime issues 	<ul style="list-style-type: none"> • Deputy ministers at a Federal/Provincial/Territorial meeting asked officials to examine options for enhancing the status of hate crimes within the <i>Crim. Code</i> • Undertaking training of victim service staff on situations involving hate crimes. Provincial training strategy and curriculum will be delivered over next 2 years • Through the grants program, funded appropriate tools and templates for victim impact statements • Ont. Victim Services will review its programs & victim services to increase access & improve responsiveness to Aboriginal victims, victims from diverse groups, & communities affected by hate

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
10	Ministry of the Attorney General (Continued)	<p>6. Have MAG representatives sit on community Race Relations committees, where appropriate, to understand the barriers that prevent reporting to police and accessing victim services</p> <p>7. Work with OHRC (and MCSCS) on a large-scale social marketing campaign focused on hate and bias-related incidents in everyday life (Rec. 7.1 of HCCWG report)*</p> <p>8. Work with OHRC (and MCSCS) to produce information and resources for the public on victims' rights, and processes and procedures for reporting and responding to hate crimes in appropriate languages (Rec. 7.3 of HCCWG report)</p> <p>9. Work with the OHRC (and MCSCS) to undertake an examination of media coverage with respect to the role that can be played by media bodies to educate and sensitize the public to hate activity (Rec. 7.4 of HCCWG report)</p> <p>10. Amend O.Reg.456/96 to ensure any person convicted of a hate crime is liable, pursuant to Section 3 of the <i>Victims' Bill of Rights</i>, to his or her victim for emotional distress/bodily harm resulting from the crime, and introduce legislation to provide that the <i>Victims' Bill of Rights</i> ensures that all victims of hate crime are presumed to have suffered emotional distress (Rec. 6.7 of HCCWG report)</p>	<p>5. Will commit to MAG representation on community race relations committees where appropriate</p> <p>6. Will review recommendation 6.7 from the HCCWG report</p> <p>7. Will work closely with OHRC staff, where helpful, on a social marketing campaign, producing information/resources on victims' rights, and the roles of media bodies</p>	<ul style="list-style-type: none"> ● Will provide training to through a phased-in approach to victim services to raise awareness of hate victimization and improve victim services ● Hate crime victims given priority service by court based victim services program ● Provided \$1.35 million in grants to 23 organizations for anti-hate projects. Grants completed in 2008 ● MAG included victims of hate crimes in its Victim Quick Response Program, which provides emergency and financial assistance in the immediate aftermath of a crime ● Updated Crown prosecution policy to reflect legal developments and address the current social environment relating to hate activities

*Note: The recommendations from the HCCWG are summarized in this chart. To see the full recommendations and access the report on the Internet, please see: http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/hatecrimes/HCCWG_full.pdf

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
11	Ministry of Community Safety and Correctional Services (MCSCS)	<p>1. Recommendation 6.11 of the Hate Crimes Community Working Group report, which includes:</p> <ul style="list-style-type: none"> • Reviewing the existing protocols for dealing with hate/bias crime and hate propaganda recommended in the Policing Standards Manual and revise these protocols within the next 12 months. <p>2. Recommendation 6.12 of the Hate Crimes Community Working Group report, which includes:</p> <ul style="list-style-type: none"> • Ensuring that each police service has dedicated hate crimes officers and officers with specialized hate crime expertise to serve as resources to the rest of the police service • Each service make public, on an ongoing basis, the resources it has available for responding to and investigating hate incident allegations and the easiest and most appropriate ways of obtaining access to those resources • Each police service make best efforts to ensure that all individuals in its local area are able to report crimes, and hate crimes or incidents in particular, in the languages in which they are most comfortable. 	<ol style="list-style-type: none"> 1. MCSCS is in the process of establishing a Police Stakeholder Working Group to further review and respond to recommendations of the HCCWG report that affect policing. The working group is expected to meet in the next month 2. The working group will consider any proposed changes to the Ministry guidelines dealing with hate/bias crime and hate propaganda through the Policing Standards Advisory committee 	<ul style="list-style-type: none"> • January 2008: the Ontario Police College (OPC) developed the brochure <i>Responding to Hate Crimes: An Ontario Police Officer's Guide to Investigation and Prevention</i>, which was distributed to all police officers across Ontario • January 2008: the OPC released an on-line hate crime awareness module, accessible to all police services in Ontario • March 2008, MCSCS released a Crimestoppers hate crime awareness DVD, which will be used for outreach in the community • Ontario Provincial Police introduced a Hate Crimes Liaison Officer Program to train 75 front-line OPP officers on hate crime-related matters. The program is available to municipal agencies that do not have dedicated hate crime units • \$855,000 was available under the Safe and Vital Communities Grant to fund proposals from community agencies that focus on preventing racism and hate crimes

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
11	Ministry of Community Safety and Correctional Services (Continued)	<p>3. Recommendation 6.27 of the Hate Crimes Community Working Group report, which includes:</p> <ul style="list-style-type: none"> • Working in partnership with MAG, the Association of Chiefs of Police and the Centre for Justice Statistics to develop a mechanism for collecting statistics on hate crimes and hate incidents and submitting them to the Ministers and to the public on an annual basis <p>4. Recommendation 7.1 of the Hate Crimes Community Working Group report, which includes:</p> <ul style="list-style-type: none"> • Working with the OHRC (and MAG) on a large scale social marketing campaign focused on hate and bias-related incidents in everyday life <p>5. Recommendation 7.3 of the Hate Crimes Community Working Group report, which includes:</p> <ul style="list-style-type: none"> • Working with the OHRC (and MAG) to produce information and resources for the public on victims' rights, and processes and procedures for reporting and responding to hate crimes in appropriate languages <p>6. Recommendation 7.4 of the Hate Crimes Community Working Group report, which includes:</p> <ul style="list-style-type: none"> • Working with the OHRC (and MAG) to undertake an examination of media coverage with respect to the role that can be played by media bodies to educate and sensitize the public to hate activity 	<p>3. The working group will review recommendation 6.27. MCSCS will remind police services without hate crimes units that they can access the OPP Hate Crimes Liaison Officer program</p>	<p>See previous page</p>

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
12	Ministry of Education (EDU)	<ol style="list-style-type: none"> 1. Develop and enhance curricula in consultation with people from <i>Code</i>-protected communities that will address issues of overt and systemic discrimination and provide students with the knowledge, resources and skills to recognize and confront hate and hate-related bullying (recommendation 4.2 of the Hate Crimes Community Working Group Report) 2. Ensure that curricula for school boards in affected areas include a component on hate-related incidents and discrimination specifically pertaining to the experience of Asian Canadians and Asian Canadian anglers 	<ol style="list-style-type: none"> 1. Will work with school boards in affected areas to develop teaching and resource materials around racism and hate activity using the angler incidents as an example. 2. During the curriculum review process, and within discussion of discrimination and hate-related incidents, EDU will try to incorporate specific examples and expectations pertaining to Asian Canadians and the angler incidents as appropriate 3. Further consideration will be given to engagement of community groups in the curriculum review process 	<ul style="list-style-type: none"> • EDU is developing a province-wide Equity Strategy and Implementation Plan. One key component will be to provide anti-racism, anti-discrimination and cultural awareness training • Courses involving equity are in development: Gender Studies, Equity Studies, World Cultures • EDU is adding examples and learning expectations relating to anti-discrimination into several courses • Code of Conduct re-issued. Prohibits engaging in hate propaganda or other forms of behaviour motivated by bias
13	Conseil Scolaire de District Catholique Centre – Sud	<ol style="list-style-type: none"> 1. Invite the OPP into schools to provide education about stereotypes, hate crimes and the angler incidents 2. Provide training for teachers on anti-racism and anti-discrimination 	<ol style="list-style-type: none"> 1. Will invite the OPP into schools to provide education sessions on this issue 2. Will provide training for teachers on anti-racism and anti-discrimination 	<ul style="list-style-type: none"> • Introduced an anti-intimidation program. One component includes respect for people from different racialized groups • Will continue to provide support for schools around anti-racism and anti-intimidation
14	York Region District School Board	<ol style="list-style-type: none"> 1. Take part in community race relations committees 2. Invite the York Regional Police (YRP) into schools to talk about stereotypes, hate crimes and the angler incidents, if possible, prior to year's end 	<ol style="list-style-type: none"> 1. Will work with boards/Ministry of Ed to develop teaching and resource materials around racism and hate activity, using the angler incidents as an example 2. Will invite YRP into schools when possible 	<ul style="list-style-type: none"> • Established an Anti-Racism Education Equity Team, a Director's Race Relations Advisory Committee, and a Community Race Relations Advisory Committee

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
15	York Catholic District School Board	<ol style="list-style-type: none"> 1. Take part in community race relations committees 2. Invite the YRP into schools to talk about stereotypes, hate crimes and the angler incidents 	<ol style="list-style-type: none"> 1. Will work with boards/Ministry of Ed to develop teaching and resource materials around racism and hate activity, using the angler incidents as an example 2. Will continue to work with the YRP in the area of hate crimes and will provide opportunities at schools to address the issue. 	<ul style="list-style-type: none"> • Has integrated anti-bullying into the curriculum • Met with Mayor of Georgina after the incidents were reported to talk about solutions
16	Kawartha Pine Ridge District School Board	<ol style="list-style-type: none"> 1. Take part in community race relations committees 2. Invite the OPP into schools to talk about stereotypes, hate crimes and the angler incidents 	<ol style="list-style-type: none"> 1. Will work with boards/Ministry of Ed to develop teaching and resource materials around racism and hate activity, using the angler incidents as an example 2. Will work with the OPP in the area of hate crimes and will provide opportunities at schools to address the issue 	<ul style="list-style-type: none"> • Convened an Equity and Diversity committee • Partnering with community groups (Peterborough Race Relations Committee, and the Canadian Race Relations Foundation) to plan a community-wide strategy for anti-racist and anti-oppression education as a result of the incidents
17	Peterborough Victoria Northumberland and Clarington Catholic District School Board	<ol style="list-style-type: none"> 1. Take part in community race relations committees 2. Invite the OPP into schools to talk about stereotypes, hate crimes and the angler incidents 	<ol style="list-style-type: none"> 1. When developed, will implement teaching and resource materials around racism and hate activity, using the angler incidents as an example 2. Will work with the OPP in the area of hate crimes and will provide opportunities at schools to address the issue 	<ul style="list-style-type: none"> • Developing a Diversity and Equity Policy
18	Upper Canada District School Board	<ol style="list-style-type: none"> 1. Take part in community race relations committees 2. Invite the OPP into schools to talk about stereotypes, hate crimes and the angler incidents 	<ol style="list-style-type: none"> 1. Will work with boards/Ministry of Ed to develop teaching and resource materials around racism and hate activity, using the angler incidents as an example, and will introduce this issue to the school senate 	<ul style="list-style-type: none"> • Supports school exercises pertaining to anti-racism and how it relates to character development

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
19	Catholic District School Board of Eastern Ontario	<ol style="list-style-type: none"> 1. Take part in community race relations committees 2. Invite the OPP into schools to talk about stereotypes, hate crimes and the angler incidents 	<ol style="list-style-type: none"> 1. Will work with boards/Ministry of Ed to develop teaching and resource materials around racism and hate activity, using the angler incidents as an example, and will pilot this example in an upcoming meeting with principals and VPs 2. Will work with police in the area of hate crimes and will provide opportunities at schools to address the issue. 	<ul style="list-style-type: none"> • Developing an Aboriginal framework, and supports the celebration of Black History month • Committed to working with a variety of groups in developing resources and curriculum that address racism • “[A] fundamental principle of the CDSBEO is the Gospel value which emphasizes the dignity of the human person, [which is] expressed in the...curriculum”
20	Ontario Federation of Anglers and Hunters (OFAH)	<ol style="list-style-type: none"> 1. Engage in public education initiatives to combat stereotypes about Asian Canadian anglers and clarify misunderstandings about legal and illegal fishing 2. Issue a notice on the web site at the beginning of fishing season about the assaults, condemning racism, and identifying support services for anglers who experience discrimination or assault 	<ol style="list-style-type: none"> 1. OFAH has facilitated contact between the Commission and the editor of <i>Ontario Out of Doors</i> magazine for publication of materials related to the angler incidents 	
21	Ontario Chinese Anglers Association	<ol style="list-style-type: none"> 1. Engage in community initiatives (e.g. with the Race Relations committee of Peterborough) that <ol style="list-style-type: none"> (a) Combat stereotypes that Asian Canadians are more likely to fish illegally than people in other communities (b) Work to increase the safety and support for Asian Canadians who may be victims of discrimination and/or hate activity 	<ol style="list-style-type: none"> 1. Will post a message on the web site about the seriousness of the incidents, and directing people where to call for help if they experience racism, assault, or harassment 	

ASIAN CANADIAN ANGLER INQUIRY COMMITMENTS

	Organization	Commitments Proposed	Agreements Reached	Response/Anti-Racism Initiatives Pursued
22	Ontario Human Rights Commission (OHRC)		<p>OHRC will work with MAG and MCSCS and others to find ways to address the recommendations in the HCCWG report, including:</p> <ol style="list-style-type: none"> 1. Rec. 7.1: Work with MAG & MCSCS on a large scale social marketing campaign focused on hate and bias-related incidents in everyday life 2. Rec. 7.3: Work with MAG & MCSCS to produce information and resources for the public on victims' rights, and processes and procedures for reporting and responding to hate crimes in appropriate languages 3. Rec. 7.4: Work with MAG & MCSCS to undertake an examination of media coverage with respect to the role that can be played by media bodies to educate and sensitize the public to hate activity 4. Will assist MNR in delivering training on racial profiling, & in developing materials on anti-racism 5. Will provide an editorial to OFAH for submission to Ontario Out of Doors and work with them on their message about these incidents 6. Will provide guidance to Boards of Ed to develop case study, and provide training on racial profiling, where requested 7. Over the 2008 fishing season, will monitor reports of any similar incidents, and will support organizations with fulfilling their commitments. Will share information on the progress throughout the year. 	

APPENDIX A

The Hate Crimes Community Working Group Report and Initiatives in Schools

The Hate Crimes Community Working Group Report

The Hate Crimes Community Working Group defines hate activity as:

Hate incidents: expressions of bias, prejudice and bigotry that are carried out by individuals, groups, organizations and states, directed against stigmatized and marginalized groups in communities, and intended to affirm and secure existing structures of domination and subordination.

Hate crimes: hate incidents that are also criminal offences committed against a person or property and motivated, in whole or in part, by bias or prejudice based on real or perceived race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor.⁷

Many of the recommendations the Commission proposed to organizations stem from the work done by the Hate Crimes Community Working Group. In 2005, the Hate Crimes Community Working Group was appointed by the Attorney General and the Minister of Community Safety and Correctional Services to examine the need for reform in addressing hate and hate crime in Ontario.⁸ The Working Group made approximately 100 recommendations as part of a multi-pronged approach aimed at enhancing the ability of the criminal justice system, the education system, the human rights system, and community agencies to address and prevent hate incidents and hate crimes, as well as assist those who experience them. There are eight themes outlined, including a focus on Aboriginal peoples, victim services, communities, the criminal justice system, public awareness, social marketing, implementation and accountability.

One of the key issues identified by the Hate Crimes Community Working Group is that hate-specific offences are defined very narrowly in the *Criminal Code*.⁹ Hate-specific offences pertain only to “Hate Propaganda” and “Mischief” (where there has been damage to property used for religious worship). This means that someone can be charged for advocating genocide, publicly inciting hatred, and wilfully promoting hatred, if based on the victim’s colour, race, religion, ethnic origin or sexual orientation, but cannot be charged with “hate-motivated assault”, for example.¹⁰ According to the Hate Crimes Community Working Group, very few charges have been laid under the *Criminal Code*’s hate provisions.¹¹

However, many people experience hate-based crime that does not fit within the definitions of prosecutable offences of “hate propaganda” under the *Criminal*

Code. The criminal justice system addresses this by introducing hate motivation into the proceedings at sentencing, but only after the perpetrator has been found guilty. A narrow focus of what constitutes “hate” in the *Criminal Code* and inconsistent definitions across jurisdictions, make it difficult to capture an accurate picture of the extent of the problem and the seriousness of the impact on vulnerable communities.¹²

In other jurisdictions, such as England, Wales and Scotland, hate-specific crimes are distinct offences in criminal law. The Hate Crimes Community Working Group recommended studying the effectiveness of these offences and suggested that the province of Ontario, in conjunction with federal and territorial partners, propose amendments to the *Criminal Code* to incorporate these types of offences (Recommendation 6.2). The Commission also asked that the Attorney General encourage consistency in definitions across jurisdictions, and examine how the *Criminal Code* might be amended to incorporate broader hate-motivated offences.

Another concern of the Hate Crimes Community Working Group was the underreporting of hate-motivated crimes to police. According to a survey released by Statistics Canada, less than half of people who experience hate crimes report them to police.¹³ In the Commission’s Inquiry, many people who experienced negative or frightening fishing experiences had not previously contacted authorities, whether through a sense of helplessness, fear of reprisal or other reasons.¹⁴ Many individuals rely instead on community groups for support and are reluctant to report to police for a number of reasons.¹⁵

This underscores the need to ensure that community groups have adequate resources on an ongoing basis to address hate crimes or incidents of discrimination, and to ensure that police actively reach out to communities so that people can make complaints in the language they are most comfortable with. These recommendations, made by the Hate Crimes Community Working Group, were also raised by Chief Commissioner Barbara Hall in meetings with Police Services, the Attorney General, and the Minister of Citizenship.

Recently, the Government of Ontario announced the interim progress that has been made with respect to the recommendations, including:

- Developing a brochure for all police officers to supplement hate crimes training. This brochure contains the broader definitions of hate crimes proposed by the Hate Crimes Community Working Group
- Providing grants to community organizations for anti-hate crime projects
- Piloting hate-crimes training with victim service workers
- Funding research on incorporating individual and community victim impact statements into the criminal justice process

- o Updating the Crown prosecution policy on hate crimes to ensure that it reflects legal developments.¹⁶

In addition, an interministerial committee has been convened to address the Hate Crimes Community Working Group's report. The Commission reiterated many of the Hate Crimes Community Working Group's recommendations to the various ministries involved, particularly the Ministry of Education, the Attorney General, and Community Safety and Correctional Services. A list of these proposed commitments is included in the chart in section 5. In response to many of the commitments proposed, ministries supplied information on the progress that has been made in the area of anti-racism and anti-hate. The Cabinet Office of the Government of Ontario has indicated that some of the proposed commitments will require further consideration from government. The Commission is committed to working on this issue further with government ministries to enhance their current activities and ensure a comprehensive response to the issues raised by the Inquiry.

Initiatives in Schools

The Ministry of Education and various boards serving the affected areas agreed with the Commission's proposal to develop curriculum support materials to teach about racism and hate activity, with opportunities to examine racism against Asian Canadians and the angler incidents. The Commission encouraged that this development be undertaken in conjunction with anti-racism educators and people from Asian Canadian communities. The activities that boards and the Ministry of Education already undertake with respect to anti-discrimination education are described in the chart in section 6.

The Commission also asked that the Ministry of Education agree to consider modifying its curriculum in accordance with one of the recommendations of the Hate Crimes Community Working Group. Recommendation 4.2 pertains to modifying the curriculum in consultation with communities vulnerable to hate to teach about issues of difference and possible forms of overt and systemic discrimination; and providing students with the knowledge, skills, resources and tools to recognize and confront hate. The Commission also asked the Ministry to consider Recommendation 4.9, which recommended that the Ministry of Education ensure that processes are in place for early intervention in response to discriminatory attitudes and beliefs and responding to reports of hate-related incidents.

In the Commission's Safe Schools settlement with the Ministry of Education,¹⁷ the Ministry agreed to implement various anti-racism initiatives, including training teachers and principals on anti-racism principles; investing in resources for teachers to inform them of strategies for teaching Black, Aboriginal and other racialized students; and highlighting resources for teachers and guidance counsellors to help inform strategies for teaching racialized students and

students with disabilities.¹⁸ The Ministry of Education has indicated that some of these initiatives are in development. As the Hate Crimes Community Working Group recommendations and the settlement terms are interrelated, the Commission would like to explore these terms further with the Ministry of Education to understand how they can add to the education already provided in schools.

Endnotes

¹ *Human Rights Code*, R.S.O. 1990, c.H. 19, as amended by the *Human Rights Code Amendment Act*, S.O. 2006, c.30.

² Ontario Human Rights Commission (2003). *Paying the Price: the Human Cost of Racial Profiling*. Ontario.p. 69.

³ On September 27, 2007, a coalition of community groups held a press conference denouncing the incidents in York region as hate crimes and demanding that individuals be charged accordingly.

⁴ Ontario Human Rights Commission (2007). *Preliminary Findings: Inquiry Into Assaults on Asian Canadian Anglers*. Ontario. p. 9.; Peat, D. Fishing in Fear, Anglers of Asian descent call it a hate crime, *Peterborough Examiner*, October 26, 2007.

⁵ Gannon, M. and Mihorean, K. (2004). *Criminal Victimization in Canada*. Ottawa: Statistics Canada, p.7.; and Hate Crimes Community Working Group (2006). *Addressing Hate Crime in Ontario: Final Report of the Hate Crimes Community Working Group*. Ontario. p.19.

⁶ 96% of the visible minority population live in a census metropolitan area versus the 69% of the general population. Statistics Canada (2008). Found at: www12.statcan.ca/english/census06/analysis/ethnicorigin/highlights.cfm

⁷ Hate Crimes Community Working Group (2006). *Addressing Hate Crime in Ontario: Final Report of the Hate Crimes Community Working Group*. Ontario. pp.18-19.

⁸ Hate Crimes Community Working Group (2006). *Addressing Hate Crime in Ontario: Background Document and Resources*. Ontario. Part 1, p.1.

⁹ Hate Crimes Community Working Group (2006). *Addressing Hate Crime in Ontario: Final Report of the Hate Crimes Community Working Group*. Ontario. p.51.

¹⁰ In the *Criminal Code*, R.S.C. 1985, c.C-46, as amended, hate propaganda is defined in the following sections: advocating genocide s.318(1), publicly inciting hatred, s.319(1), and wilfully promoting hatred, s. 319(2).

¹¹ Hate Crimes Community Working Group (2006). *Addressing Hate in Ontario: Background Documentation and Resources*. Ontario. Part 4, p. 3.

¹² Janhevich, D.E. (2001). *Hate Crime in Canada: An Overview of Issues and Data Sources*. Ottawa: Statistics Canada. And Hate Crimes Community Working Group (2006). *Addressing Hate Crime in Ontario: Final Report of the Hate Crimes Community Working Group*. Ontario .p.22.

¹³ The General Social Survey (1999) put this number at 45%. Silver,W., Mihorean, K., and Taylor Butts, A., (2004). *Hate Crime in Canada*. Ottawa: Statistics Canada, p.5.; The Hate Crimes Community Working Group indicates that some studies say that only one in 10 report to police. Hate Crime Community Working Group (2006). *Addressing Hate Crime in Ontario, Final Report of the Hate Crimes Community Working Group*. Ontario. p. 13.

¹⁴ Ontario Human Rights Commission, (2007). *Preliminary Findings: Inquiry Into Assaults on Asian Canadian Anglers*. Ontario. p. 5.

¹⁵ Reasons may include fear of reprisal by perpetrators, fear and mistrust of law enforcement because they come from different cultural backgrounds, and fear of secondary victimization. For a summary, see Janhevich, D.E. (2001). *Hate Crime in Canada: An Overview of Issues and Data Sources*. Ottawa: Statistics Canada. According to the 2004 General Social Survey, approximately one in ten victims of violent crime (hate motivated and not hate motivated) were likely to turn to community agencies for support. Gannon, M. and Mihorean, K. (2004). *Criminal Victimization in Canada, 2004*. Ottawa: Statistics Canada, p.13.

¹⁶ Government of Ontario Press Release, March 17, 2008, found online at ogov.newswire.ca/Ontario/GPOE/2008/03/17/

¹⁷ The Commission initiated a complaint against the Ministry of Education based on the perception that the Safe Schools provisions of the *Education Act*, R.S.O.1990, c.E2, had a discriminatory impact on racialized students and students with disabilities. The settlement, reached in April 2007, addressed various aspects of education, including school discipline, data collection, progressive discipline, staffing and training, and curriculum.

¹⁸ Clauses 31 (b) and (c). The full settlement with the Ministry of Education can be found on the Commission's web site at www.ohrc.on.ca.