

PRELIMINARY FINDINGS

INQUIRY INTO ASSAULTS ON ASIAN CANADIAN ANGLERS

ONTARIO
HUMAN RIGHTS
COMMISSION

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PRELIMINARY FINDINGS INQUIRY INTO ASSAULTS ON ASIAN CANADIAN ANGLERS

Background

During the summer and fall of 2007, there were reports of a series of incidents across southern and central Ontario in which Asian Canadian anglers were physically or verbally assaulted. Racial slurs were associated with a number of these incidents. The Ontario Human Rights Commission (“the Commission”) was gravely concerned by these reports.

In keeping with its mandate under the Ontario *Human Rights Code* (“the Code”) to inquire into incidents or conditions leading to tension or conflict, and encourage programs to address such problems, on November 2, 2007, the Commission launched an Inquiry into the assaults on Asian Canadian anglers. The purposes of this Inquiry are to:

- Learn more about the nature of the incidents and 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 partnership with the Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCALC), the Commission supported a telephone hotline and online survey to receive information from persons who had experienced or witnessed incidents, and to refer those affected to appropriate community and government resources for further response. Interpretation services were available in Mandarin, Cantonese, Vietnamese and Korean. The telephone hotline and online survey operated from November 7, 2007 until December 6, 2007.

These Preliminary Findings are intended to report on the results of the hotline and survey, and will form the basis for the Commission’s further actions on the issues identified.

The Inquiry received 34 submissions. Submissions were received from across southern and central Ontario, including from communities in the area of Aurora and Richmond Hill, Ottawa, and Lake Huron. However, the majority of the submissions came from three areas: Lake Simcoe, Peterborough, and the Rideau Locks, which are all popular areas for locals and tourists alike who enjoy water sports, including angling. Some of the submissions were from Asian Canadians who had experienced racial harassment and assaults while angling, or in other settings. Other submissions were from members of communities where reported incidents had taken place; some of these expressed concerns

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about racism in their communities, others highlighted conservation issues, and a significant number expressed negative and discriminatory sentiments towards Asian Canadians.

The Commission has not conducted investigations into the submissions received. The Preliminary Findings are not intended to, and should not be read as, drawing conclusions about the frequency with which Asian Canadian anglers face hostility or assaults. Nor should they be considered a basis for assumptions about the characteristics or attitudes of any particular community. From the Commission's perspective, even a single racially-based assault on an Asian Canadian angler would be of grave concern. Given the seriousness of some of the reported assaults, and their effect on the Asian Canadian community, the Commission views these events with the utmost seriousness.

The Commission would like to thank all those who assisted this Inquiry, whether by making submissions or by providing the Commission with the benefit of their information and advice. In particular, the Commission would like to acknowledge the invaluable contribution of the MTCSALC to this Inquiry.

The Human Rights Context

The purpose of the *Code*, as set out in its Preamble, is the creation of a province in which there is "a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province." Human rights concerns arise whenever individuals are targeted for greater scrutiny, or are the subject of negative attitudes or treatment because of their race.

The Commission's *Policy and Guidelines on Racism and Racial Discrimination* set out a framework for understanding racism, racial discrimination and racial harassment. The existence of racism in Canada is frequently denied. There is a myth that Canadians are "colour-blind", and that racialized people are too sensitive and tend to overreact. A frequent method of denial is to blame racialized people themselves for any disadvantage or negative treatment they experience. Contrary to these myths, there is a long history of racism and racial discrimination in Canada, including a history of prejudice, stereotyping, and systemic discrimination against Asian Canadians. While progress has been made, racism, racial discrimination and racial harassment continue to be realities that must be acknowledged, and that have profound effects on racialized communities, and on Canadians as a whole.

Racism and racial discrimination operate on many different levels: individual, institutional, systemic, and societal. They may operate in the form of overt bias and prejudice, or as unconscious attitudes and values that have become deeply

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embedded in systems and institutions. As such, racism may not be recognized even by those practising it.

It is an established principle of human rights law that where there are several factors or elements at play in the treatment of a racialized person, racial discrimination need only have been one of the factors for a finding of a human rights violation.

Not all manifestations of racism can be the basis of a claim under the *Code*; some are beyond its jurisdiction. Racially motivated conduct that takes place outside of the social areas of employment, housing accommodation, vocational associations, contracts, or services, goods and facilities falls outside the scope of the *Code* and cannot be the subject of a human rights claim. Many of the incidents targeting Asian Canadian anglers do not fall within the specific protections of the *Code*, as they are encounters between individuals outside of the defined social areas in which the *Code* applies. Where race is a factor in these incidents, they are manifestations of individual stereotypes, prejudices and racism. Such incidents may, however, amount to criminal offences, and where motivated, in whole or in part, by bias or prejudice based on *Code* grounds, may constitute hate crimes.

These events raise very grave human rights concerns and engage the Commission's responsibility to educate, inquire and take action, regardless of whether they give rise to a human rights claim. They remind us that racism and racial discrimination exist in Ontario, and can have an extremely serious effect on the lives of targeted individuals. Racialized anglers have felt their physical and psychological safety and integrity threatened, and in some of the cases under police investigation, anglers have been subjected to physical violence. This has a profound impact on the broader community.

These events also remind us of the importance of taking proactive measures to address racism in society and in our institutions, in order to prevent discrimination and harassment from occurring. Municipalities, police forces, educational systems, government ministries, community organizations and the Commission itself all have a responsibility to address the causes and effects of these events, and ensure that such incidents do not recur.

Anglers who contacted the Inquiry with stories of negative and frightening fishing experiences generally had not previously contacted the authorities regarding their experiences, whether through a sense of helplessness, or fear of reprisal or for other reasons. This underlines the need for responsible institutions, including the Commission, to make greater efforts to include racialized and at-risk communities, so that they are aware of their rights, and feel confident in contacting the authorities to exercise them.

Assaults on Asian Canadian Anglers

During the summer and fall of 2007, a number of serious incidents were reported to the authorities regarding assaults targeting Asian Canadian anglers in southern and central Ontario:

- April 27th, Georgina: A man and his 13 year old son were angling on Malone Avenue when they were approached by two men, who pushed the son into the water. A 72-year old man was also pushed, and his fishing gear damaged.
- July 22nd, Georgina: A group of anglers was approached by another group, which pushed one of the anglers into the water.
- August 5th, Georgina: A group of anglers on the Mossington Bridge was approached by a man who pushed an angler into the water.
- August 6th, Georgina: A group of people who were angling on the Mossington Bridge was approached by a man who pushed an angler into the water.
- August 18th, Georgina: A man who was angling on the Mossington Bridge was approached by two people and pushed from behind into the water.
- August 28th, Gannon's Narrow's Bridge: An angler was pushed into the water.
- September 15th, Westport: Three anglers were assaulted by five men on a bridge on County Road 36, and received minor injuries.
- September 16th, Georgina: Anglers on the Mossington Bridge were approached by a group of men who pushed two of the anglers into the water. In the events that ensued, one of the anglers was very seriously injured.
- September 29th, Westport: Three anglers were threatened by four males.
- September 30th, Coboconk: An angler was assaulted.
- October 25th, Hastings: Racial slurs targeting Asian Canadians were found painted under a Trent Severn Waterway bridge.

Charges have been laid in a number of these incidents.

In addition to these incidents, the Inquiry received six reports of assaults on anglers, including a submission from a person impacted by one of the incidents reported to the authorities. Some submissions detailed multiple incidents. The Inquiry also received submissions from racialized persons who live in the areas where incidents have occurred, and who wished to highlight concerns regarding discriminatory attitudes and incidents in these areas.

It is clear from both the stories of incidents targeting Asian Canadian anglers, and from submissions expressing frustration with improper fishing, that many conflicts are arising around fishing from docks, bridges and piers. Relatively few stories/submissions raised issues around boat fishing. There is more competition for public space around docks, bridges and piers, and persons fishing from these

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locations are not only more visible, they are more vulnerable to harassment and assault.

The nature of the incidents ranged from verbal assaults, to destruction of fishing equipment, to stone-throwing and physical assault. For example, one individual described how, when he was fishing alone in Petre Island, Orleans, near Ottawa, four young men shouted racial slurs at him, such as “fxxking back to xxx” and threw a stone into the water in front of him.

I have been fishing on a boat on Rice Lake from early October to mid-November for the last several years. During this month and a half, on average two times, there is a man ... who would come out of his house and say out loud, the fxxking Chinese (sometime he would say the fxxking Vietnamese or the fxxking Korean) is invading his backyard. (#9)

There was another incident in a small town by the name of Bewdley at Rice Lake; there is a park with a public dock adjacent to the LCBO store. One day I saw an elderly Chinese man weeping there. I went over to ask him what had happened. The elderly man said two teenaged white kids came by and kicked his lure box into the lake, and now he couldn't fish anymore. (#9)

Some of the stories of assaults on Asian Canadian anglers were recounted by White witnesses or friends.

Last August, I and my friend, who is of Chinese origin, were fishing near the channel here in the publicly owned land, we were chased away by the local residents... When I told them we were on public property [he] threatened to push us into the lake and said “if you don't leave now you will end up in the water.” We left because we don't want to get into trouble. (#7)

This past summer my co-worker was accosted by a group of non-Asian men in a small fishing boat while he was fishing from a pier in the Goderich harbour area. He had been fishing alone at the chosen location for a while when the boat pulled up to him and set an anchor. The men then shouted verbal, apparently racially motivated assaults at him ... Taking into account the personality of my co-worker and my having worked with him for well over 10 years, it is clear from what he described that this was a racially motivated assault. (#6)

One gentleman, whose background is Turkish, recounted how a benign encounter while fishing turned negative once his accent revealed that he was a “foreigner”.

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Each of the submissions emphasized the individual's strong belief that the assaults were racially motivated. In the majority of the incidents, racial slurs were used.

The excuses of attackers such as "resources protection" are laughably ridiculous and completely lie. These attackers assault legal fishers who are legally fishing. The only reason is that those objectives are of a certain skin colour and facial features. If this is not racial attack, what is? (#8)

Generally, those reporting racially motivated assaults did not take steps to contact the authorities. One man expressed helplessness, stating, "There was nothing I could do". A woman reported that she did not contact the authorities because she feared retaliation. Another man, who had stones and racial slurs directed his way, stated:

Being afraid of further attack, I chose not to fight back, and they left with extreme happiness. (#8)

These incidents have a significant effect on those targeted. Some indicated that they would never again fish in the communities where they had had a negative experience:

I have never gone back to Peterborough fishing since, because I am afraid some of them may push me into the lake. (#5)

Others spoke of changing their fishing habits; for example, they avoid fishing alone, or ensure that they have a cell phone with them while fishing:

I am afraid to go fishing by myself. I would have my friends with me before I would go fishing in Rice Lake and surrounding areas. (#9)

As well as the immediate trauma of the experience, the assaults left not only the direct victims, but also their friends and family members, with lingering fears:

Hearing his description of the experience I was very upset and I am concerned that he could come to physical harm some day. This especially if something like this was to occur when he is accompanied by his young daughter. (#6)

This incident psychologically impacted my son tremendously, as the hospitalized person is my son's childhood friend ...Because this incident traumatized my son immensely, he still cannot sleep at night even though he is under treatment by medical professionals. My wife is also having nightmares from this. She often wakes up at night calling my son's name. (#4)

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Some of the submissions pointed to the impact of the assaults on the Asian Canadian community as a whole.

No Asians feel safe to do any sport fishing. This is not the first time things of this nature happened. Why didn't the police take any action until it almost cost a human life before something is done? (#4)

It has already caused an atmosphere of fear that in effect strips from Asian visible minorities the fundamental freedom to live as equal citizens and to enjoy the benefits of the community. (#15)

Most fundamentally, for some, their faith in Canada's ability to live up to the values it expresses has been undermined:

Canada, as a named country of "multiculturalism" should have put more efforts on protecting human rights equality and pay more attention to the racially-oriented criminal. (#8)

To this point, while I see very positive things happening, it seems that the deeper issues are not being addressed – the kind of perception that the problem lies with the victimized, in a disturbing lack of perspective ... I can tell you that unless condemnation is quick and hard, hate does truly escalate, through silence from the society. (#15)

The profound sense of vulnerability and disadvantage that may result from these kinds of events is not soon forgotten, and may have a long-term impact on the sense of security and inclusion of the affected community.

Negative Attitudes Towards Asian Canadian Anglers

The history of Asian Canadians has been shadowed by the experience of racism. Laws were passed to limit Chinese immigration. The 1885 *Chinese Immigration Act* imposed a \$50 "head tax" on all Chinese persons entering Canada, and in 1903, this was raised to the prohibitive amount of \$500. In 1872, the right to vote in provincial and municipal elections was taken away from Chinese Canadians in British Columbia; Japanese Canadians and South Asians were similarly disenfranchised in 1895 and 1907 respectively. A range of discriminatory laws and policies prohibited Chinese Canadians from owning property, serving the public, and entering certain professions. As many know, during World War II, Japanese Canadians living on the West Coast of Canada were deprived of their property, forcibly relocated, and detained. Asian Canadians were subjected to racist stereotypes as an unassimilable "Yellow Peril", and as being unsanitary, scheming, and underhanded. Negative attitudes towards Asian Canadians survive in characterizations of these Canadians as "foreigners" and "aliens" whose values and culture are incompatible with the Canadian way of life.

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Concerns about negative attitudes towards Chinese Canadians and South Asian Canadians came to the surface again during the 2003 SARS outbreak. Recently, the media reported that two young men calling themselves the “Port City Aryans” were sentenced in a New Brunswick Court for physically assaulting Chinese university students.

The Commission received 14 submissions from non-racialized members of the communities where assaults against Asian Canadian anglers have taken place. Most, though not all, of these focussed on the fishing practices of Asian Canadians, while denying that race was a factor in the incidents that have occurred.

A few of the submissions pointed out that Asian Canadian anglers are highly visible in the relatively homogeneous communities that they are visiting. According to the recently released 2006 census data, in the areas where incidents occurred, such as the environs of Peterborough and Lake Simcoe, recent immigrants make up between 0 and 3.8% of the total population; by comparison, in some areas of the GTA, that figure is up to 47% of the total population.

Part of the social conflict is clearly related to larger numbers of visible minority citizens using a region that is not very diverse. (#2)

The Lake Simcoe area is and has been a predominantly white community; racism has also been evident for a long time in the school setting. (#14)

It is quite clear to me the park I take my kids to is being populated by people not in our neighbourhood The first encounter that lead me to look upon people that do not live in our community was when I witnessed an Asian family digging holes in our park to locate worms for their fishing trip. (#17)

Being highly visible as presumed “outsiders”, the activities of Asian Canadians may also be subject to greater scrutiny than others. For example, submissions raising concerns about the practices of Asian Canadian anglers frequently cited a single incident, often several years in the past, as the basis for sweeping negative statements about the Asian Canadian angling community as a whole. One individual cited a single incident where he observed Asian Canadians keeping undersized bass as the basis for concluding that “More and more Asians are raping our lakes”. Another submission stated that “Asian has no respect for the country” based on a single incident where Asian Canadians camping at a popular fishing spot were untidy and left their garbage behind.

It is worth emphasizing that there is no evidence to indicate that any one community is more likely than another to violate conservation laws.

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A number of submissions made generalizations about Asian Canadian anglers as being too noisy, or taking up too much space on docks, piers or bridges.

Several submissions displayed outright hostility towards Asian Canadians; for example, drawing a distinction between “Asians” and “Canadians”, and expressing opinions that “Asians” “keep everything that they catch”, “have no respect for the country”, “have a reputation for cheating”, and have a “cultural disrespect for Canada’s laws and decency standards”. Language and accent appear to be a particular trigger for hostility with some submissions describing individuals as “pretending not to speak English” or mocking stereotypical speech patterns of persons for whom English is a second language. Some submissions even went so far as to blame Asian Canadian anglers for the assaults that have occurred; for example, one submission stated:

Just a note about the articles I read about “racial hatred on Asians”. I believe it’s the end result. Time after time people like me are trespassed against till finally we get to the point where some of us lose it and lash out. (#19)

The Inquiry also received hate calls, containing death threats and racist abuse against persons at MTCSALC.

Clearly, not every expressed concern about improper fishing is an expression of racism. There are individuals within every community who do not follow the rules, are inconsiderate towards others, or break the laws. Further, as noted in the following section, **Recreational Fishing in Ontario**, there currently appear to be broad tensions and difficulties over access to what is, after all, a limited resource.

What is of concern is when Asian Canadian anglers, as visible outsiders in relatively homogeneous communities, are subjected to disproportionate scrutiny, and assumed to be more likely than other Canadians to be breaking the laws, with the result that all Asian Canadian anglers are then viewed or treated in a hostile manner.

A White teacher in the Lake Simcoe area emphasized the importance of anti-racist education for youth, citing incidents that she has witnessed as an educator:

Some families promote feelings of intolerance, and unfortunately sometimes their children demonstrate that “the apple does not fall far from the tree”. As an educator I have witnessed many incidents in the hallways, cafeteria, and outside which I find intolerable and at times disgusting...[C]ontinuing and consistent support from all levels of the community, including the schools, is warranted. Professional development for staff and students must be mandated. (#14)

Recreational Fishing in Ontario

Recreational fishing can be a treasured family or community activity, as well as a way of enjoying the great outdoors. Tourism associated with fishing is also of significant economic benefit to many Ontario communities. Recreational fishing is, of course, but one of many water sports enjoyed by Ontarians. Locals, seasonal residents, and daytrippers all share the use of the lakes, rivers and other waterways of southern and central Ontario.

A submission from an individual who works in an official capacity managing one of the waterways near where several assaults have occurred provides a broad perspective on conflicts occurring around access to water sports. This individual pointed out that there has been growing stress and competition surrounding the use of waterways within reach of daytrips from the Greater Toronto Area. There is an increasing number of daytrippers, and the demand for access to the water is outstripping the supply. This is exacerbated by the trend which is replacing “family oriented” facilities with higher end resorts and cottage developments. Some of the social conflict is related to incompatibility between recreational uses – for example, between night fishing and overnight boat mooring and camping. This individual emphasized that, while racism is clearly a factor in the events that have occurred, it is arising in the context of a broader social conflict over access to resources, and these underlying issues must be resolved in order to ease tensions.

These observations are borne out by the emphasis in many of the submissions, not on conservation, but on difficulties that locals, seasonal residents and daytrippers are having in sharing space, particularly on docks, piers and bridges.

A number of submissions raised concerns about conservation and protection of fish stocks. Conservation and protection of Ontario’s fisheries is not only a moral and environmental imperative, it is also essential to the livelihoods of many Ontarians.

In ‘cottage country’, maintenance of fishing stocks is a bread-and-butter issue as well as one of enjoyment. If the regulations designed to keep the fish stocks healthy are not enforced, it damages everyone’s livelihood.
(#21)

In Ontario, recreational fishing is governed through a complex set of laws and regulations, aimed at balancing recreational and economic interests with long-term conservation and management of fish stocks. The federal *Fisheries Act* protects and conserves fish and fish habitat. The Ontario *Fish and Wildlife Conservation Act* governs the issuances of fishing licences. Anglers must ensure that they have obtained the appropriate licences. They are also regulated in terms of where and when they may fish (open and closed fishing seasons); how many fish of a particular fish species they may catch and keep; the size of the

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fish that may be caught; and the type of gear and bait that may be used to catch fish.

A number of the submissions to the Inquiry raised concerns about a lack of knowledge and awareness of the laws regarding fishing, and emphasized the importance of education and awareness campaigns for all anglers, in order to ensure conservation of fish stocks. These submissions also expressed considerable frustration with the lack of enforcement of fishing regulations. Several of those making submissions to the Inquiry had themselves in the past contacted the Ministry of Natural Resources (MNR) or the Ontario Provincial Police (OPP) about fishing violations, to no avail.

I personally know of citizens here that have tried to get MNR and the OPP to do spot checks on licensing, for example, not just for Asians but all who come to fish here, as being an avid licensed angler I feel it is only fair that all should pay for this privilege. We have had little cooperation from any agency. (#20)

While conservation and protection of fish stocks are important objectives, there is clearly a racial overtone to many submissions raising conservation issues. The Commission is disturbed that some are attempting to use conservation issues to justify or explain assaults or hostility towards Asian Canadians. Again, there is no evidence to suggest that Asian Canadians are disproportionately likely to disrespect conservation laws.

Conclusions and Next Steps

Now there is so much racial hatred in our province, what is our government going to do about it? (#4)

The assaults on Asian Canadian anglers have caused significant distress among both the Asian Canadian community and the residents of the communities where incidents have occurred. Progress towards a resolution can only occur if the role of racism in these incidents is acknowledged. Racialized Canadians have been singled out as targets for hostility and resentment, and as a result have been the victims of racial attacks.

The seriousness of these events must not be minimized. Serious harm has occurred. Individuals who have experienced racially-based assaults have been traumatized, and some have experienced serious injuries. The Asian Canadian community as a whole has experienced fear, anxiety, and a loss of faith in their safety and security. There has also been a significant impact on the communities where the assaults occurred.

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Steps must be quickly taken to ensure that no further assaults occur, and to restore the sense of security and safety of Asian Canadians. The existence of racist attitudes among some in the communities where incidents have occurred must be acknowledged, addressed, and combated. As well, it seems clear that greater efforts must be made to ensure that racialized communities are aware of the resources available to them should they experience racial harassment or assaults, and that these resources are able to effectively meet their needs.

While it is beyond the scope of the Commission's expertise to comment on matters related to management of Ontario's water resources, it seems clear from the submissions to this Inquiry that the competition over water resources has taken on a very disturbing racial overtone in some communities, and the Commission urges conservation and waterway authorities to take action to address these issues.

Based on these Preliminary Findings, the Commission intends to immediately reach out to responsible organizations and institutions, in order to seek solutions and obtain concrete commitments for action. This will include:

1. Relevant government ministries, including the Ministry of Natural Resources, the Ministry of Citizenship, the Ministry of Community Safety & Correctional Services, and the Attorney General;
2. Police forces, particularly those operating in the communities where incidents have occurred;
3. Municipalities where incidents have occurred, as well as the Association of Municipalities of Ontario;
4. Educators; and
5. Community organizations, including organizations serving anglers, those serving the Asian Canadian community, and anti-racist organizations.

In the spring of 2008, the Commission will provide a Final Report to the public on its conclusions and commitments obtained.

The human rights vision of inclusion and equality for all shows us the path forward to an Ontario where all can share resources, and enjoy the gifts of this province together. It is the Commission's intent that these Preliminary Findings will be the beginning of a process that will bring us together to achieve this goal.