



ACCT FOUNDATION &
ACT2ENDRACISM

HATE CRIMES AND HATE INCIDENTS

SEPTEMBER 2021

ACT2
END
RACISM

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EXECUTIVE SUMMARY

This report is the result of a series of community consultations during the COVID-19 pandemic and the pandemic of anti-Asian racism. After more than two centuries of the first arrival of Asians to Canada, anti-Asian racism remains embedded in Canadian society. Derogatory and harmful stereotypes about Asian-Canadians continue to circulate and today, thus contribute to skyrocketing rates of violent hate crimes. From legislated discrimination to racial segregation, anti-Asian sentiment has been allowed to fester in Canadian society for far too long.

The ACCT Foundation and ACT2endracism call on the governments and police boards to include and standardize the definition of "hate crime" within the Criminal Code as distinct from "hate acts" or "hate-motivated crimes," provide accessible reporting services, publish public reporting on hate incidents in multiple languages, strengthen the data collection of hate crimes, create specialized hate crime units within police services, provide mandatory anti-racism and diversity training and engage in building relationships of trust and mutual respect with racialized communities, including Asian-Canadian organizations.

ISSUES BACKGROUND



Anti-Asian racism is not an isolated event; it is embedded in the foundation of Canadian society. Derogatory and harmful stereotypes such as the “Yellow Peril,” the “Perpetual Foreigner” and the “Model Minority Myth” about Asian-Canadians continue to exist in Canadian society, marking a long history of systemic racism.

Targeted in Discriminatory Legislation: Since Confederation, Asian-Canadians have been singled out for discriminatory exclusion, with legislated, government-sponsored actions through the *Chinese Immigration Act (1885)* that implemented a head tax only on Chinese immigrants, and the *Chinese Exclusion Act (1923)* which banned only Chinese from immigrating to Canada and remained in place for 24 years ending as late as 1967. Discriminatory clauses were built into deed transfer that banned land sales to anyone of Asian descent. Asian-Canadians also suffered economically from legislated barriers to employment opportunities and endured decades of segregation in education.

Endured Racial Segregation: Chinese-Canadians were not allowed to use the same swimming pool as white Canadians in British Columbia into the late 1940s, and were segregated in movie theatres and refused treatment at “white” hospitals in Montreal. Chinese-Canadians lived in constant fear of government authorities who would look for reasons to deport them from the country. Over 90% of Japanese-Canadians were interned by the Canadian government during World War II, having committed no crime other than to have Japanese heritage. Their homes and businesses were sold to pay for their own detention. Even after the war, Japanese-Canadians continued to be singled out for discrimination, and were forced to choose between being deported to Japan or move out of the Canadian Western provinces.

Excluded from Voting: Throughout the 19th century, Asian-Canadians were denied the right to vote. The *Electoral Franchise Act (1885)* denied all Chinese-Canadians the right to vote, and this law was extended to include all Asian-Canadians in 1898. This discriminatory law remained in place until 1949, resulting in over 60 years of disenfranchisement of Asian-Canadians solely due to race.

The resurgence of anti-Asian sentiment and attacks across Canada during the COVID-19 pandemic is deplorable. Unfortunately this is not a new phenomenon. Racist stereotypes that paint all Asian-Canadians as a threat to public health have been repeated by politicians and the media throughout Canadian history, contributing to today's rising hate crimes against Asian-Canadians.

LITERATURE REVIEW

1 Difficulties in recognizing and reporting hate crimes are unacceptably silencing Asian-Canadians, exacerbating already low reporting rates. "Hate crimes" are not defined or included in the Criminal Code, leading to inconsistencies in how reports are dealt. There is no widely recognized symbol for anti-Asian hate, compared to other targeted communities. Historically, hate crimes against Asians targeted small business owners, further complicating the motive of the attacker. Although there is a recognizable prototype for anti-Semitic, anti-Black or anti-LGBTQ+ hate crime, there is no comparison for anti-Asian hate crime, which are not as clear cut.

2 Although Canada's Criminal Code contains provisions for hate-motivated acts, they're largely reserved for hate propaganda or genocide. The majority of these acts involving racism in Canada are prosecuted as regular offences with hate considered as an aggravating factor. For decades, courts have struggled to provide a consistent answer for how the law should address hatred. At a time when Asian-Canadians are facing increasing violence due to hatred from others, the fact that cases are not being investigated as hate-motivated acts is disheartening and very concerning.

The COVID-19 pandemic has led to a troubling resurgence of anti-Asian sentiment that has resulted in physical and verbal attacks against Asian-Canadians. Recent studies conducted on anti-Asian sentiment in Canada found that:

- In a study of over 3,500 Canadians, 53% believe anti-Asian racist attitudes will continue after the pandemic ends.
- Chinese (25%), Korean (26%) and Filipino (22%) visible minority groups were among the highest to report an increase in perceived harassment or attacks on the basis of race, ethnicity, or skin colour since the start of the COVID-19 pandemic.
- On February 3, 2021, the Vancouver Police Department reported that anti-Asian hate crime incidents rose by 717% from 2019.

3 The current legal system is not addressing hate crimes. In 2018, only 31% of reported hate crimes (as colloquially defined) were solved. Being targeted with a racial slur or verbal abuse is considered to be non-criminal and is protected as a form of freedom of expression. These exacerbate the under-reporting of hate crimes. Many victims do not believe the police will take action or do not trust the police. They may also fear retaliation. Many simply do not know how to report, as indicated in our own community survey.

Hate crimes in Canada are poorly studied and lack standardized data collection, hindering both our understanding of and our ability to improve the ways we address hate crimes. One of the main reasons is there is no standard definition of what constitutes a hate crime, and across Canada, there is considerable variation in the definitions used by police services. The Metropolitan Toronto Police Service uses a more restrictive definition while the Ottawa Police Service uses a more expansive definition, which impacts the number of reports that are categorized as a hate-motivated incident. Without accurate data, the public remains unaware of the severity of the issue and resources cannot be effectively employed to address problem areas.

It is confusing that "hate crimes" are not defined or included in the Criminal Code, even as the term permeates throughout media reports. In order for a crime to be classified as a hate-motivated act, police officers must have some evidence of hate as a motivating factor. Police officers without special training may miss or discount signs that point to a hate crime, which results in the underestimation of hate crimes. This further reduces the number of recorded hate crimes, since only a fraction of all hate crimes is even reported to police. Legal reforms are badly needed.



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Follow the Quick Guide in responding to hate crimes, hate incidents and acts of discrimination. Always keep you and other people safe and provide support to the targeted person. If possible, document what happened.

- Judge Maryka Omatsu

Approximately only 10% of hate crime was reported. To enhance reporting, multilingual brochures and services should be provided; schools and school boards need to develop anti-racism and anti-homophobic programs; police/community partnership should be strengthened and training programs should be provided; and anti-hate hotlines should be promoted.

- Dr. Karen Mock, psychologist and educator, former Executive Director for the Canadian Race Relations Foundation

Throughout 2020, ACT2endracism conducted community consultations and focused on five key areas: race-based data (July 28, 2020), racism in public education (Aug 5, 2020), systemic racism and policing (Aug 13, 2020), hate crimes and incidents (Aug 20, 2020), and human rights commissions and systemic change (Aug 27, 2020). Speakers with expertise in these topics gave presentations and public feedback was recorded into a series of consultation reports.

The community consultation on hate crimes was attended by 48 participants from Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Quebec and the Yukon.

Key findings from this consultation include:

- Over 60% of participants know someone who has experienced a hate incident.
- The most common location for participants who experienced or witnessed a hate incident was in public (e.g., street, grocery store, public transit).
- Eighty-six percent of participants agreed that communities should be included to work with the police to collect data and offer support for hate crime victims.
- Participants believed that there are barriers to reporting hate crimes due to mistrust and fear of the police.
- A lack of follow up after reporting to police only contributes to this mistrust. In addition, participants highlighted how the lack of a standardized definition for hate crimes makes reporting hate crimes difficult.
- A low level of awareness of resources available to the victims contributes to low reporting rates for hate crimes. Participants wanted more support for victims.



POLICY RECOMMENDATIONS

BASED ON OUR CONSULTATIONS, WE RECOMMEND:

- That the federal government add and standardize the definition of “hate incidents” and “hate crime” within the Criminal Code for all police services across the country, and amend section 718.2 related to sentencing of hate-inspired crimes to better define hate based on race. Online hate must be included in this new definition.
- That more guidelines should be released for prosecuting hate crimes under revised legislation.
- That political leaders must show stronger and more vocal support for targeted victims and impacted communities while legislation is revised to provide stronger protection for victims.
- That reporting services be accessible, culturally appropriate and available in multiple languages, with dedicated support provided for victims of hate crimes after reporting, and that the process include victim impact statements.



POLICY RECOMMENDATIONS

BASED ON OUR CONSULTATIONS, WE RECOMMEND:

- That police services strengthen their data collection capacities for hate crimes by ensuring that officers are properly trained in recognizing hate crimes, and that the data be published publicly on an annual basis and in multiple languages to ensure transparency and accountability.
- That federal, provincial and municipal police services ensure that dedicated units are set up across Canada, instead of being limited to major city centres, to tackle hate-motivated acts, that officers in these units receive specialized training in recognizing and recording hate-motivated acts, and that officers be required to record in detail each report of a hate-motivated act and to provide victims with information of support services.
- That anti-racism and diversity training to all officers be mandatory on a regular and on-going basis.



POLICY RECOMMENDATIONS

BASED ON OUR CONSULTATIONS, WE RECOMMEND:

- That police services engage in more community outreach, such as holding informational workshops on reporting hate crimes and hate incidents, and work with community organizations to improve the victim's likelihood of reporting hate-motivated acts and crimes. This includes taking part in community education initiatives to promote resources available to members of racialized groups in reporting hate crimes.
- That police services take the initiative, and make sustained efforts, to build a relationship of trust and mutual respect with racialized communities and community leaders, including Asian-Canadian organizations. It is imperative that this community outreach highlights the community benefits of reporting incidents to the police.
- That federal, provincial, community-based and court-based support services be made more accessible to communities.
- That the model used by the National Office for Victims be replicated at the provincial level to provide more support services to victims, especially victims of hate crimes.

ACCT FOUNDATION & ACT2ENDRACISM



The **Action, Chinese Canadians Together (ACCT) Foundation** builds the capacity of Chinese Canadian leaders committed to creating a more equitable society in Canada. We facilitate capacity building programs across the country, host leadership conferences, and provide a platform where work in academia can inform work in the community. We bring together established and emerging Chinese Canadian leaders to collaborate on identifying and breaking down systemic barriers to the full and equal participation of ethno-cultural leaders in Canadian society.

The **ACT2endracism** initiative is a coalition of concerned citizens and community groups of Asian descent. We aim to focus on Canadians affected by COVID-19 triggered related racism. We work on activities and campaigns targeted at anti-racism. ACT2endracism provides anti-racism resources and tools for the general public, community organizations and survivors of racism.

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REFERENCES

- Asia Pacific Foundation of Canada. (2020). Canadian View on Asia 2020 National Opinion Poll. Asia Pacific Foundation of Canada. <https://www.asiapacific.ca/sites/default/files/publication-pdf/2020%20NOP%20Canadian%20Views%20on%20Asia.pdf>
- Courtney, J. C. (2019). Right to Vote in Canada | The Canadian Encyclopedia. [Thecanadianencyclopedia.ca. https://www.thecanadianencyclopedia.ca/en/article/franchise](https://www.thecanadianencyclopedia.ca/en/article/franchise)
- Government of Canada. (1995, April 4). Disproportionate Harm: Hate Crime in Canada. [Www.justice.gc.ca. https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95_11-dt95_11/p0_1.html](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95_11-dt95_11/p0_1.html)
- Government of Canada, S. C. (2020, July 8). Perceptions of personal safety among population groups designated as visible minorities in Canada during the COVID-19 pandemic. [Www150.Statcan.gc.ca. https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00046-eng.htm](https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00046-eng.htm)
- Hong, N., & Bromwich, J. E. (2021, March 18). Asian-Americans Are Being Attacked. Why Are Hate Crime Charges So Rare? The New York Times. <https://www.nytimes.com/2021/03/18/nyregion/asian-hate-crimes.html>
- Marsh, J. (2012, February 23). Japanese Internment: Banished and Beyond Tears | The Canadian Encyclopedia. [Thecanadianencyclopedia.ca. https://www.thecanadianencyclopedia.ca/en/article/japanese-internment-banished-and-beyond-tears-feature](https://www.thecanadianencyclopedia.ca/en/article/japanese-internment-banished-and-beyond-tears-feature)
- McRae, M. (2019). The Chinese head tax and the Chinese Exclusion Act | CMHR. [CMHR. https://humanrights.ca/story/the-chinese-head-tax-and-the-chinese-exclusion-act](https://humanrights.ca/story/the-chinese-head-tax-and-the-chinese-exclusion-act)
- Proctor, J. (2020, June 13). The difficult history of prosecuting hate in Canada. CBC News. <https://www.cbc.ca/news/canada/british-columbia/racists-attacks-court-hate-crimes-1.5604912>
- Vancouver Police Department. (2021). Report to the Vancouver Police Board. Vancouver Police Board. <https://vancouverpoliceboard.ca/police/policeboard/agenda/2021/0218/5-1-2102P01-Year-end-2020-KPI-Report.pdf>
- Wallace, S. I. (2018). Racial Segregation of Asian Canadians | The Canadian Encyclopedia. [Thecanadianencyclopedia.ca. https://www.thecanadianencyclopedia.ca/en/article/segregation-of-asian-canadians](https://www.thecanadianencyclopedia.ca/en/article/segregation-of-asian-canadians)