



# Inquiry into hate in the pandemic: Hearing transcript

Transcription prepared by BC's Office of the Human Rights Commissioner

**Presentation date:** Dec. 16, 2021

**Presenting organizations:** South Asian Legal Clinic of BC (SALCBC)

**SALCBC attendees:** Iqra Azhar, Steven Shergill

**BCOHRC<sup>1</sup> attendees:** Human Rights Commissioner Kasari Govender, Sarah Khan, Carly Hyman, Miley Leong

*Please note that third-party personal information has been removed from this transcript.*

**[Introductory comments by Human Rights Commissioner Kasari Govender not included in transcript.]**

**Iqra Azhar:** Thank you, Kasari. Thank you everyone for inviting South Asian Legal Clinic of BC here today. My name is Iqra Azhar, I'm the Vice Chair of SALCBC.

**Steven Shergill:** My name is Steven Shergill, I am a general board member for SALCBC.

**Iqra Azhar:** So we structured our presentation today using the questions that you sent us as guidelines and hoping to address those questions. So I'll start off with just a bit of a background about SALCBC. So South Asian Legal Clinic of BC was an incorporated society that currently has an operational board of 10 directors, one staffed clinic coordinator, and several volunteers to assist with project and regular functions in addition to volunteer lawyers. We are also in the process of hiring a contract lawyer to lead our anti-racism projects and initiatives, and until recently SALCBC was completely volunteer run.

Our goals with SALCBC are to conduct free not for profit multilingual language advice informational clinics for low-income British Columbians who identify as South Asian and equity seeking groups, to educate British Columbians who self identify as South Asian about their legal rights through legal education seminars, to undertake legal research and advocacy on proposed government legislation and policies that disproportionately and or negatively affect British

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<sup>1</sup> BC's Office of the Human Rights Commissioner

Columbians who identify as South Asian, and to provide legal resources for our community-based organisations and facilitate grassroots community efforts for British Columbians who identify as South Asian.

Our long-term goal is to increase access to justice in the South Asian community in BC, and SALCBC was formulated in response to the lack of free and accessible legal representation, advocacy and resources available to our community. We note that there is no other comparable project serving the South Asian Community in BC.

And further, we intend to further initial our work to set up the stage for preventative cultural change inside and outside the South Asian community, particularly where prevalent narratives and or practices endanger and or harm South Asian women, nonbinary individuals, children, and youth.

**Steven Shergill:** So based on our goals that Iqra set out for SALCBC, the clinic has started providing legal services focusing on issues that are prevalent in the daily lives of people of the South Asian community in the Lower Mainland and British Columbia in general. And those tend to be immigration status, child protection and custody, separation and divorce, domestic violence, sexual assault, racial discrimination and profiling, economic justice for workers, so migrant workers or part-time student workers, elder abuse, mental health, and estate issues as well. We recognize the importance of delivering culturally sensitive services and appropriate legal services and information for those who are facing that barrier to access to justice, whether it be economic, language, cultural.

And through that, since 2019 SALCBC has been putting on a free legal clinic weekly, so that's a pro bono legal advice clinic for South Asian, non-South Asian community members by appointment. Prior to the pandemic this was done in person. Throughout the pandemic, this has been switched to Zoom calls or telephone calls, which we have found to be a positive change because it it removes a barrier to access to justice which we had not highlighted prior to to COVID.

We have recently begun putting on workshops and legal education webinars to provide legal information and resources. Iqra will be expanded on this later, on how we have partnered up with a few groups to do so.

So just moving to the second question that was posed to us, and that is, has your organization seen a rise in hate during the pandemic? We have heard a rise in hate-related incidences throughout the South Asian community. Especially increased racism towards South Asians living in Surrey Abbotsford, and that was due to initial way COVID data was being presented and disseminated through media. Iqra will be touching on Dr. Bonnie Henry's comments and in some of her daily reporting referencing South Asians and the community being a cause of widespread COVID pandemic in the Lower Mainland.

There were also two racist incidents, race-driven incidences in BC. One being in Bear Creek Park this summer in late July of 2021, where a group of senior South Asian members were verbally assaulted in the park and garbage was hurled at them. In response to this, the RCMP had shown up to try and just deescalate the situation, however they forced the senior citizens to pick up the garbage that was hurled at them and clean up the park. There was an inquiry made on this incident, however, to our knowledge that has not gone anywhere.



The second incident that we wanted to highlight was in July of 2021 as well, where a South Asian security guard in Kelowna had been the victim of another verbal assault where he was told to go back home. And again there was an inquiry, however, we have not heard anything since on the progress of that.

Other incidences include issues where local South Asian women working in the hotel industry were laid off during the during the lockdown, and then employers took advantage of this and rehired them, however did not provide them the same seniority status, thus creating a financial a financial dispute.

Beyond this, we also found that there was an increase in South Asian prejudices and systemic racism throughout the South Asian community itself. Negative perceptions of international students was on the rise as well.

I'll hand it over to Iqra, she will discuss the rise in Islamophobia.

**Iqra Azhar:** Thanks, Steven. So a few other incidences that were not specific incidences, but reports that we heard from within the South Asian community, particularly from the Muslim South Asian community, was fear and concern following the London, Ontario terrorist attacks. And we heard concern from South Asian Muslim Community members in the Lower Mainland who are on high alert and concerned about being victims of similar attacks here, and of wanting further security or police presence at mosques and other community events earlier this year.

We also heard concerns after numerous news articles highlighting the COVID-19 transmissions within the South Asian community in which a disproportionate amount of reporting was of health order infractions by people of South Asian descent.

There were specifically comments made by Dr. Bonnie Henry regarding high transmission within the South Asian community where she specifically put blame or directed attention to this community specifically for high COVID cases. And this led into answering the next question was posed to us about what role we thought that the pandemic had played in the rise of hate within our community.

And we saw this to mean that the way data is collected and reported needs to utilize language that is politically and culturally sensitive and correct, and the language used in reporting the COVID-19 news last year and earlier this year created a narrative that the South Asian community was not adhering to provincial guidelines, that they were not as COVID conscious.

And for example, we saw this narrative promoted when daily COVID number reporting changed from reporting city COVID numbers to reporting Health Authority numbers. And we know that the Fraser Health Authority is much larger, covers a much larger population than the Vancouver Coastal Health Authority. This fostered hate and racism towards the South Asian community, which led to incidences last summer such as the Kelowna hate speech attack and the Bear Creek attack with the seniors there. And it also perpetuates this stereotype of uncivility within the South Asian community.



And I'll turn it off to Steven for the next question.

**Steven Shergill:** Thanks, Iqra. So the fourth question that was posed was whether our organization responded to the increase in hate. And our workshops aligned with the... We brought on our workshops at around the same time that we saw an increase in race-based violence.

And so a lot of our workshops were directed towards a simple introduction to the Canadian legal system, introduction to employment law, immigration law and employment law, and a basic "know your rights" kind of 101 for patrons of our workshops to understand what they do in crises. And this is in response to hate-based crime, and so it's not preventative, a lot of the information that we provide is quite responsive to those incidents.

The fifth question that was posed to us... Actually going back to that, I did want to highlight, I misspoke, I said Iqra will speak about our workshops and how we've partnered up with a few organizations, but I'll briefly touch on that. We've partnered up with Options BC to provide these workshops to their employees so that they are able to... Because they're on the front lines providing services to many South Asian members and new immigrants, so we felt as though it was the best form of disseminating this information so that they could go out and educate the population.

The fifth question that was posed to us was, what services or mechanism success in our community to report hate incidences or to support people who have experienced hate incidents, and what are the strengths and challenges of those? Unfortunately, we do see a need for more education and awareness on this for South Asians at this time, especially given the increase in in race-based crime.

And I believe the sixth and last question was, is there anything else that we'd like to add to inform recommendations to address, eliminate, or prevent hate incidents during times of crisis and beyond? As Iqra had touched upon, we do encourage the government to use neutral language and not to point fingers at a particular country or community. And for example, COVID was initially described as the China Virus, and Dr. Bonnie Henry making remarks regarding how South Asian families tend to have an immediate family of two to 300 people, it just exacerbates the prejudices.

We also encourage Kasari to reach out to us if there are any examples or any further information that you'd like to see. I believe that's the end of our portion. I would like to end off by just thanking everyone. Thank you, Kasari, for providing us with the platform and time to highlight the issues that we're seeing. We do see the value in this.

**Commissioner Kasari Govender:** I'm so glad you see the value in this, and we we're grateful, again, for you being here. I do have a few questions now, if that's all right. And Sarah, feel free if you want to jump in afterwards.

Just a couple pieces around just when you describe the organization. I knew a bit about the origins of it back when I was at West Coast LEAF, but I haven't followed the development, so I just wanted to ask you a few questions about that. You mentioned, I think a couple of times, that you serve people within the South Asian community, and I think I heard outside as well. Is that true? You serve a broader... You don't just serve South Asian folks, you serve whoever comes through your door?



**Steven Shergill:** That's correct. We're currently working with Access Pro Bono at this time to schedule our clinics, so wherever there is availability that a self identifying South Asian community member has not filled in our schedule, Access Pro Bono will provide that appointment to them.

**Commissioner Kasari Govender:** That's great. And do you focus on... Sorry, did I interrupt?

**Steven Shergill:** No.

**Commissioner Kasari Govender:** No? OK. Do you focus on systemic advocacy, or is your focus really on individual advocacy and education?

**Iqra Azhar:** I'd say it's a bit of both. When we had first started out, it was more so focusing on the clinics, and it wasn't until the COVID-19 pandemic hit and we weren't able to do in person clinics and we still wanted to reach out as much as we could to our community. So we saw the value of having these Zoom webinars because we were able to have a greater reach to the communities, and we were also able to collaborate with other organizations that had similar values and interests to ours.

So we've done collaboration events with the Canadian Muslim Lawyers Organization in BC, with the South Asian Bar Association. We've been in talks to do events with federal [inaudible] as well, and we see that these are all organizations that are all trying to address individual and systemic racism and prejudice within our communities, within our BIPOC communities.

**Commissioner Kasari Govender:** Thank you, and when you've given us a sense of the breadth of issues that you've seen over COVID, I wondered if by way of context you could tell us how many people you've served over this time. Or worked with over this time.

**Steven Shergill:** Iqra and I were just discussing that, and we would need to follow up with you on on that. We do have the data and it's collected by Access Pro Bono, so we would just need to access that and we can definitely send a highlighted overview of that.

**Commissioner Kasari Govender:** That would be great.

**Iqra Azhar:** We do [inaudible] clinics. So we run clinics every Wednesday evening, and depending on how many lawyers have signed up for that evening, but at a minimum, we're seeing four clients every Wednesday.

**Commissioner Kasari Govender:** OK, that's great. Thank you for that. You talked about the issues around racialized violence and hate. I wondered, you noted at the beginning some of the services that you provide, and particularly I guess the folks who are seeking legal services, the areas of law that they're asking the most questions or support in. A number of those seem to relate to gender-based violence, and I wondered if you'd seen any shifts over COVID in relation to those issues.

**Iqra Azhar:** I think a lot of the questions or the needs we get from our community are questions arising from immigration issues, family issues, not specifically gender-based violence only. There are questions about property disputes, inheritance disputes, and a lot of these need to be addressed in



a culturally sensitive manner because there are certain cultural nuances in addressing inheritance and family issues within the South Asian community.

We've also seen issues arising from just general COVID concerns of contracts not being adhered to and of other disputes regarding property issues and housing during the pandemic as well.

**Commissioner Kasari Govender:** OK. thank you.

**Steven Shergill:** I'm sorry, just to add to that there was an increase in contractual disputes, I would say. [inaudible] property or employment.

**Commissioner Kasari Govender:** You didn't notice in your files through the family law realm, or I think you talked about sexual assault earlier, but maybe I'm mistaken on that... You didn't see any increase particularly in in those files, at least not that you can remember at this time?

**Iqra Azhar:** We can get that information. Steven and I volunteer for the clinics, but neither of us are family lawyers so we don't offer the family law services. I think we both do litigation, civil litigation, so I personally haven't got any clients that were seeking any family law issues.

**Commissioner Kasari Govender:** Yeah, if you're able to get us that I would really interested because you have that direct view in something that we're trying to get a sense of, both from a statistical sense but also from a lived experience kind of perspective as well. Just want to review my questions here. Just give me one moment.

In terms of the folks that that do come to you to talk about many of the issues that you flagged for us today, particularly around racism and Islamophobia, do what gaps do you see, if any, in the services that are available to folks, and do you have specific changes that you'd like to see to meet that gap?

**Steven Shergill:** I think on the specific instance so that we are aware of, quite frequently we have members of the RCMP attending those situations and not having the culturally sensitive training to handle those situations or deescalate them. Which is unfortunate because two of these occurred in communities with high South Asian populations. So I think from what I can speak on, I do believe that culturally sensitive training for authorities is definitely a gap.

**Commissioner Kasari Govender:** And are you able... I can imagine, and as you mentioned actually that the clinic was formed in the context of gaps in publicly available available legal services, do you feel that you're able to meet that gap with the organization that you've built and are building?

**Steven Shergill:** I think at this time we are working towards closing that gap. Unfortunately, with the legal clinic we do provide general legal advice. We are working towards hiring a staff lawyer who would be able to take on pro bono files, which would further eliminate that gap or decrease that gap. Iqra, I don't know if you have any other comments on that.

**Iqra Azhar:** I would say another way as well to address it is our organization also tries to put together all the resources that we can to disseminate that information to our clientele, so that if



there is the need that if it's a cultural sensitive or racially sensitive issue that there's someone who's able to understand.

So I think in that sense representation really matters. So organizations that are representative of our community, and whether that be specific organizations like PICS or Options Canada, or if it's counselors that are from the South Asian background, or whether it is lawyers who are of South Asian or of a Muslim background, because we can then address that cultural, racial, religious language or whatever barrier it is that's been creating this gap thus far.

**Commissioner Kasari Govender:** Thank you. One last question, just following up on the point of working towards getting a staff lawyer to continue to fill the gap. Where is the funding for that coming from? Do you have a sense yet? Is that legal aid quasi-governmental funding, or law foundation? Curious where you're getting that?

**Steven Shergill:** We have secured federal funding for the staff lawyer.

**Commissioner Kasari Govender:** For federal funding, is that what you said?

**Steven Shergill:** Federal funding.

**Commissioner Kasari Govender:** OK, great. Well, that's all the questions for me. Sarah, did you have anything you wanted to add?

**Sarah Khan:** One question. I was wondering if you've noticed any particular demographics within the South Asian community being targeted with hate incidents. For example, based on age, or being Muslim, or other, or perceived to be Muslim, or if there's anything that comes up through those through the work that you're doing.

**Iqra Azhar:** I would say it's definitely members of our community who are visibly South Asian or visibly Muslim. So whether they're wearing the hijab, or whether they have a beard, or if they're wearing a turban, or if they're in traditional clothing, as was the case with the Kelowna incident and the Bear Creek Park incident.

**Sarah Khan:** Thank you.

**Commissioner Kasari Govender:** Thank you both again for making the time to be here. Really, really value your insights. Miley, do you want to wrap us up with talking about next steps?

**Miley Leong:** Yeah, thanks so much for sharing. I just wanted to share two quick reminders and just follow up on next steps. You might have gotten this in one of the emails that we sent you in the invitation, but we are launching a public survey at the end of January where we are asking for the public to be submitting some of their experiences and reflections then.

And there's also the deadline of written and video submissions for the inquiry in March 31<sup>st</sup> of next year. So if you'd like more information about that, I can send that in the follow up email, and I noted some of the follow up things that was [inaudible] the question and answer and then I can get in touch with you to pass that along as well for next steps.



But other than that, really, really appreciative of your time and insights and the work that you're doing to support communities.

**Steven Shergill:** Thank you very much. [crosstalk].

**Sarah Khan:** Thank you so much for taking this time.

**Steven Shergill:** Thank you, have a good day everyone. [crosstalk].

