

bilingual  
**human rights guide**  
*for* Japanese Canadians



日系カナダ人ための人権ガイド  
英語・日本語



Japanese Canadian Citizens' Association



Human Rights Committee

## Acknowledgements

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In 1993 we began work on the first *Bilingual Human Rights Guide for Japanese Canadians* as a concise and practical educational tool for the English and Japanese speaking members of the community. In addition to providing basic information about human rights, it also illustrated how human rights related to our history, cultural heritage, social values and on-going experience as members of Canadian society.

Our original guide was subsequently produced in 1995. Many changes have occurred since then in areas of resource updates and community needs. With the turn of the century, the Human Rights Committee felt the existing manual needed revision. With the generous contribution from the Law Foundation of BC, we are able to provide the community with this updated edition.

In order to assess community needs, we invited a variety of representatives to a series of information meetings. Participants represented organizations such as Tonari Gumi, a Japanese speaking community social service agency; The Greater Vancouver Japanese Immigrants' Association; Ritsumeikan University and Canadian International College. Also participating were all the Japanese community newspapers and Mr. Fumiaki Tominaga – former Consul, Consulate General of Japan. Input from these meetings contributed to the framework of this publication.

Early in the preparation of our revised guide, the current Government abolished the BC Human Rights Commission. For a time it was unclear what services would be available to effectively respond to those who had experienced human rights violations and to continue providing public education about human rights. This delayed completion of our guide during 2002, since we were determined to include up-to-date information on available public services to address human rights concerns. The Human Rights Code Amendment Act, 2002 (Bill 64) amended the Human Rights Code, R.S.B.C. 1996, c. 210 to eliminate the Human Rights Commission and make the Human Rights Tribunal responsible for receiving, investigating and adjudicating human rights complaints in BC. Information about the Tribunal's responsibilities is provided in our revised guide.

Through our human rights work in our community, we have met and assisted Japanese citizens on student or working visas, and new immigrants, who, unaware of their rights, experienced sexual and other forms of harassment upon taking employment in their new environment. It is our fond wish that this booklet will assist all individuals to become aware of their inherent and legal human rights in this province, so they will be effectively protected and supported when dealing with discrimination, harassment, racism, racial profiling or any other socially unjust treatment.

## DEFINITIONS OF HUMAN RIGHTS

Human rights are inherent rights defining the basic standards of recognition for all members of the world human family. They include both individual and groups rights.

Human rights concepts or codes of behavior for society have existed in some form as long as human beings have been living together in groups. In today's world these rights concepts have been evolving at the local, national and international levels. They are written into documents or codes of law to reflect the needs of diverse modern societies and the ideals of inclusiveness. Some examples are cited as follows:

**1 The British Columbia Human Rights Code** The Code prohibits discrimination in the areas of: publications, public accommodations and services, purchase of property, tenancy premises, employment advertisement, wages, employment, union and association membership.

Discrimination means treating people differently, negatively or adversely without good reason. Prohibited grounds are not the same in every section. The main ones are: race, colour, ancestry, place of origin, marital status, physical or mental disability, sex (including sexual harassment and pregnancy), sexual orientation, political belief or family status.

### 2 The Canadian Human Rights Act

This Act states that "Every individual should have equal opportunity with other individuals to make for herself or himself the life she or he is able and wishes to have, consistent with her or his duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offense for which a pardon has been granted".

### 3 United Nations Universal Declaration of Human Rights

Article I "All human beings are born free and equal in dignity and rights".

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Minister of State  
Multiculturalism  
and Citizenship



Ministre d'État  
Multiculturalisme  
et Citoyenneté

September 18, 1989

Mr. Toshiaki Kitagawa  
4970 Stevens Lane  
Delta, British Columbia  
V4M 1P1

re: File # 10756

Dear Mr. Kitagawa:

I am pleased to inform you that your application for individual redress has been reviewed and that you are eligible to receive payment according to the terms of the Japanese Canadian Redress Agreement.

You will find enclosed a cheque in the amount of \$21,000, as well as the acknowledgement signed by the Prime Minister. The acknowledgement summarizes my feelings and those of many millions of Canadians.

The Japanese Canadian Redress Secretariat has returned your original documentation under separate cover. Thank you for your patience and cooperation.

Yours sincerely,

Gerry Weiner

## AN OVERVIEW: JAPANESE CULTURAL VALUES ON HUMAN RIGHTS ISSUES

The mission of the Greater Vancouver JCCA Human Rights Committee is to support equal rights for all, giving priority to racial and ethnic minority issues.

### Community's Experience

Following the historic redress settlement of 1988, then-NAJC President Art Miki, along with some other community leaders, pointed out that the signing of the redress accord was an important achievement in the history of human rights in Canada that carried with it a special responsibility. Japanese Canadians, as individuals and as a group, must be vigilant with regards to human rights violations. We should be the first to speak up when situations occur.

We feel that other minority groups should not have to experience similar violations of their rights. As we belong to a representative organization of Japanese Canadians, our interest and motive for getting involved with human rights activities seem to be clear and specific. This can be our common starting point. As one of our activities, the committee published the first edition of the Bilingual Human Rights Guide for Japanese Canadians in 1995. It has been well received, both by the established community and by newcomers and visitors from Japan, for whom it served as an orientation reference for the history and culture of Japanese Canadians.

Through our human rights work, we have learned that postwar immigrants and temporary residents are often unaware of their rights, making them vulnerable to exploitation and discrimination. For this group, there is also a language barrier. This booklet will assist our community members, helping them to become aware of their rights and responsibilities in Canadian society. If members feel their rights have been violated, this booklet can serve as a reference guide for contacting agencies and organizations that may assist them.

Community members, regardless of their birthplace or citizenship status, are influenced by the historical experience of their ancestors. They continue to carry certain cultural traits that affect their understanding of and dealing with human rights issues.

### From Obligation to Rights

In Japan's pre-war society, where the Issei came from, the concept of human rights as we know it was alien to most. Instead of rights, the Confucian idea of obligation was emphasized. In the Imperial Prescript of Education of 1890, which all students were taught, loyalty to the emperor and obedience to one's parents were regarded as dominant codes of behavior. There was only limited room for individual rights, which were allowed "as far as they are permitted by legislated statutes", as stated in the Meiji Imperial Constitution.

Soon after the Meiji Restoration of 1867, Japanese people were allowed to go overseas. Most migrants went abroad, not so much for their individual freedom or advancement, but for the sake of their families, in hopes of bringing home riches and fame.

**Since the end of war, considerable progress has been made in the area of human rights in Japan. As the Japanese culture goes through transformation, there have been some improvements made, especially in the area of women's rights. There is now legal protection against domestic violence, sexual harassment in the work places and in the public transportation system. Packed commuter trains are closely monitored and perpetrators are reprimanded.**

#### **Japan's Defeat in World War II - Introduction of Democratic Principles**

After recovering from the shock and devastation of war and defeat, Japanese people in general felt a sense of relief from the oppressive political and social norms of the past. With postwar reforms, the principle of fundamental human rights was entrenched in the new constitution. Article 13 of the Postwar Constitution of Japan (1947) stipulates:

*All the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.*

Not only were individual rights and freedoms approved, but also the equality of men and women. The social class system

was abolished. Further, social rights of enjoying association (unions), education and a decent living were added to the concept of human rights. The *ie* (family) system with its privileges for the head of an extended family was abolished and the new civil code supported the nuclear family.

#### **Old Values Persist in a New Environment**

Even though legal and political systems were "modernized" to support individual freedoms and human rights, changes in Japanese society itself took place at a much slower pace. A major persisting element is "group identity within a homogeneous society". Many people are still inclined to identify themselves as a member of a group rather than as an individual. Small children are trained to be obedient to their parents. Deviant behavior brings shame to the family. Young people identify themselves as belonging to the school they attend; later they identify themselves as members of a company or an office where they work.

Within a school or office, *sempai-kohai* (senior-junior) relations are persistent. This informal relationship structure is omnipresent in Japanese organizations, schools, and associations. Older, experienced members offer friendship, assistance, and advice to inexperienced members, who, in return, offer gratitude, respect, and often, personal loyalty. The *sempai-kohai* tie is determined by the date of entrance into a particular organization. The *sempai*, perhaps a graduate of the same school or a senior in the work group, act as a friend and patron, disciplining and teaching the junior person's appropriate conduct. These *sempai-kohai* ties permeate Japanese society. Chie Nakane, a Japanese anthropologist, explains that vertically structured human relations flourished in any homogeneous society.



Crimes Against Humanity Conference, UBC, March, 2003

On the one hand, this type of human relations tends to enhance group loyalty, and on the other hand, it hampers the development of individual rights and assertiveness. Generally speaking, Japanese society has maintained the idea of the homogeneity of the vast majority of people. "To be the same as others" is a priority, and people with a slightly different position or background, and those who are by some reason isolated politically or socially, have been regarded as odd and excluded. A typical example of this idea of "odd man out" is the treatment of people with a disability. Rejected and disregarded, these people used to be confined at home. Members of the family were afraid that if this strange, i.e., handicapped person is exposed to the public, all the family members would be treated as strange and would be discriminated against. Even though the homogeneity of the Japanese society is a myth, the unfair treatment of minorities such as Koreans, Burakumin, Ainu and foreign workers is a reality that has been perpetuated by discriminatory practices both in the public and private sectors.

#### **Human Rights Issues in Japan**

Since the end of war, considerable progress has been made in the area of human rights in Japan. As Japanese culture goes through transformation, there have been some improvements made, especially in the area of women's rights. There is now legal protection against domestic violence, sexual harassment in the work place and in the public transportation system. Packed commuter trains are closely monitored and perpetrators are reprimanded.

Still, the integration of minorities including women and children has been slow in progressing, and the legal framework for the rights of minorities leaves a lot to be desired. The idea of either multiculturalism or melting pot can hardly be accepted, as homogeneity is still the prevailing belief. As a result, outside observers' can easily detect Japan's shortcomings in human rights protection. The list of problems is lengthy when examining the framework of human rights protection and the disadvantaged position of Koreans, Burakumin and Ainu.

There is neither an independent Human Right Office, which could conduct an investigation of human rights violations,

nor distinct mechanisms to rectify the violations. (The Human Rights Protection Office is a section of the Ministry of Justice and locally appointed Human Rights Protection Commissioners are under the supervision of the Ministry. They are only capable of giving advice.)

Further, there is a systemic and persistent discrimination against minorities. Foreign nationals living in Japan have to carry an alien registration ID all the time. Failure to do so is a criminal offence. If they do not obtain a reentry permit before leaving the country, they may lose resident status. As we can see, these regulations are particularly harsh for Korean residents who were born and brought up in Japan.

### Seeking a New Frontier

Since the majority of Canada's immigrants come from all over the world in the hope of improving their economic status, it is hard to understand why Japanese people want to emigrate from their prosperous home country. Indeed, it is often the case that Japanese nationals would be financially better off staying in Japan. There are, however, some independent-minded people with talents and ambitions who are looking for new frontiers, challenges and fulfillment, because they feel that their potential may flourish in a different and perhaps freer environment.

### Human Rights and the Aboriginal Peoples of Canada

Although this overview is critical of the status of human rights in Japan, we in Canada must also examine our own shortcomings in the area of human rights. In Canada, the primary human rights challenge which continues to be unresolved is the treatment of Aboriginal peoples - the indigenous and original peoples of this land. Japanese speak-

ing, immigrant, Canadian born and visiting community members should learn about the cultures, colonization and social history of Aboriginal peoples in Canada and the monumental contemporary challenges which they continue to experience in their human rights struggles. This includes recognizing their inherent and constitutional rights, achieving a just settlement of outstanding Aboriginal land claims and overcoming other social injustices and challenges. This learning will provide the most meaningful lesson about priority human rights issues in Canada. When Japanese Canadians fought for Redress from the Canadian government for the injustice of our wartime internment, we were supported by the generosity of Aboriginal peoples, despite their own unresolved social justice issues.

### Concluding Comments

Consciously or unconsciously all community members constantly adjust and adapt to day-to-day situations. For newcomers, this adjustment process starts from day one in learning the laws and regulations of Canada, getting used to colloquialism in language, cultural behaviors, non-verbal cues, etc. Sharing cultural values, human rights experiences and insights between Canadian-born people and immigrants and temporary residents will be an enriching exercise if it is done in a co-operative and understanding spirit and with the awareness that all of us want for ourselves and others, to be treated equally, with fairness and respect for our human dignity.

<sup>1</sup>The signatory states of the UN Human Rights Conventions including Japan are obliged to file a progress report on human rights. (Article 40-1, (b) International Covenant on Civil and Political Rights, 1966.) In response, the UN Committee made comments on the report. The comments of 1998 on a report from the Japanese government illustrate the human rights situation in Japan.

## HISTORY OF THE JAPANESE CANADIANS IN BC

By the time the first Japanese immigrant entered Canada, the atmosphere of hate and discrimination against Asians was well established. The initial targets were the Chinese, whose cheap labour was sought after but whose physical presence was reviled. Opposition was strongest in British Columbia, due in large part to the high concentration and visibility of Asians. Politicians, along with the general public, feared the loss of a "white British Columbia". To discourage Asians from settling and remaining in BC, the government passed laws discriminating against non-whites.



Royal Canadian Navy officer interrogates Japanese Canadian fishermen following Japan's attack on Pearl Harbour, 1941.

### Denial of the Franchise and Rights

Most white British Columbians looked upon Japanese Canadians as aggressive and untrustworthy. Japan's victory over China in 1895 and Russia in 1905 seemed to validate their fear. Restrictive laws were passed to limit the number of Asian immigrants and to limit their rights after entry into the country. By 1928 under a "gentlemen's agreement" between Canada

and Japan, the yearly quota of immigrants was reduced to 150 individuals. Some BC politicians not only wanted zero immigration from Japan, they wanted to repatriate the ones who were already here. They perceived the Japanese Canadians as insidious, menacing, untrustworthy and incapable of ever successfully assimilating into the mainstream society. The prevailing belief was, "once a Jap, always a Jap" (Adachi, 1976).

Denial of the franchise was a major roadblock to Japanese Canadians fully enjoying the rights granted to white Canadians. In 1896, Sir Wilfred Laurier granted federal voting rights to Canadian born and naturalized Asians, but none were exercised. The provincial voters' list was used to prepare the federal list. When BC passed an amendment to the Provincial Elections Act in 1895, it denied the vote to all Asians. This restriction also prevented Japanese Canadians from participating in professions and being able to hold public office. In order to enter any of the professions, one had to be on the voters' list by the age of twenty-one.

Prevented from entering the professions, Japanese Canadians were limited to participating in primary industries such as farming, fishing and logging. When we achieved success in these occupations, the white community became fearful and accused us of unfair competition. In the fishing industry, Japanese Canadians owned forty percent of fishing licenses by 1901. By 1919 we owned half of all gill net licenses. The federal marine



Confiscated Japanese Canadian fishing boats

and fisheries department heeded the complaints of white and native fishermen, and set about gradually eliminating the Japanese Canadian fishing industry. By 1925, one half of the licenses held by Japanese Canadian fishermen had been cancelled. On the Skeena River, between 1921 and 1930, Japanese Canadian fishermen were denied the use of gas powered fishing boats. By 1941, only twelve percent of the licenses were held by Japanese Canadians. In other industries, the white employers paid Japanese Canadians less than a white employee for the same work. One reason for this inequity was the belief that Japanese Canadians had a lower standard of living therefore did not require as much money. Despite this constant barrage of injustices, Japanese Canadians not only survived but achieved success.

The aim of white racist British Columbians was to eliminate the physical presence of Japanese Canadians. According to one BC delegate to a January 8, 1942 Ottawa conference dealing with the

"Japanese Problem", the Pacific war, "was a heaven-sent opportunity to rid the province of the Japanese economic menace forever". The Canadian government immediately invoked the War Measures Act, stripping Japanese Canadians of their civil rights. It gave the government unlimited powers that could not be challenged in court. Japanese Canadians, now labeled as "Enemy Aliens", were collectively dealt with as "persons of Japanese racial origin". Successions of Orders-in-Council were passed to further strip Japanese Canadians of their rights. Six months before Japan attacked Pearl Harbor, Japanese Canadians over the age of 18 years were fingerprinted and registered with the Royal Canadian Mounted Police. We were forced to carry an identification card until 1949.

#### **Internment and Dispersal**

Beginning with the confiscation of Japanese Canadian fishing vessels that were later disposed of without the owners' consent; the situation for Japanese Canadians

**In 1977, the Japanese Canadian community celebrated the 100 year anniversary of the first Japanese immigrant to settle in Canada, giving us the courage to tell the stories of our uprooting. Until then, many were silent, not even revealing our experiences or our suffering to our children. The Japanese Canadian Citizens Association, formed in 1947, explored the question of redress for the community. A grass roots movement for redress began and the public was made aware of injustices suffered by our community.**

became a nightmare. On February 7, 1942, the government passed Order-in Council 365 that created an area 100 miles inland from the coast as a "protected area". The BC Security Commission, a civilian body, was empowered to systematically carry out the expulsion of "all persons of Japanese racial origin" from this restricted area. Japanese Canadians from along the coast were herded to a sorting compound at the Hastings Park livestock buildings in Vancouver where conditions were barbaric and degrading. Many families were separated as men were sent to work camps in the Rocky Mountains. Women and children were left to cope with these inhuman conditions and uncertainties. Men who opposed being separated from their families were sent to prisoner-of-war camps in Ontario. Many of those who chose to leave British Columbia ended up in the sugar beet fields of Alberta, where they suffered

brutal work and living conditions.

Internment centres were hurriedly created in the interior of BC, although many communities were openly hostile and would not accept the internees. Hundreds of hastily built shacks became home to thousands. In many abandoned mining towns, unused buildings were converted to accommodate the intern-



Beetfields, Southern Alberta

ees. Often in centres like Slocan, tents were set up in the snow to house multiple family units until other accommodations were completed. Living under these conditions, the internees suffered unimaginable hardships.

The properties left behind were placed under the administration of the Custodian of Enemy Property and were to be held "in trust" until the Japanese Canadians were allowed to return. Order-in Council 469 passed on January 19, 1943, authorized the government to sell the properties without the owners' consent. The money was put into bank accounts to which families had no access. The government doled out the money in small increments, forcing the internees to pay for their own incarceration. Any trace of the Japanese Canadian community that existed on the coast before the dispersal was totally destroyed.

A loyalty survey carried out by the RCMP on March 12, 1945, guaranteed the expulsion of all Japanese Canadians from the

**I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daybreak of peace and brotherhood can never become a reality . . . I believe that unarmed truth and unconditional love will have the final word.**

*Martin Luther King, Jr.*

**Racism is man's gravest threat to man - the maximum of hatred for a minimum of reason.**

*Abraham Joshua Heschel*

province of BC. The ultimatum: move east of the Rocky Mountains or be exiled to Japan. Of the four thousand who were exiled to Japan, most were Canadian born or naturalized citizens. They truly became people without a country—neither welcomed by Japan nor wanted by Canada.

#### **Full Citizenship**

Following the bombing of Hiroshima and Nagasaki Japan surrendered to the Allies. However, the restrictions were kept in place for another four years and the Japa-

nese Canadians were not allowed to return to the west coast until April 1, 1949. In June of 1948, we received the right to vote federally and on March 31, 1949 we received the right to vote in BC.

#### **The Centennial and Redress**

In 1977, the Japanese Canadian community celebrated the 100 year anniversary of the first Japanese immigrant to settle in Canada, giving us the courage to tell the stories of our uprooting. Until then, many were silent, not even revealing our experiences or our suffering to our children. The Japanese Canadian Citizens Association, formed in 1947, explored the question of redress for the community. A grass roots movement for redress began and the public was made aware of injustices suffered by our community. In 1980, with the name changed to National Association of Japanese Canadians, the movement for redress became a community project. With courage and determination, our leaders persevered, overcoming innumerable obstacles. On September 22, 1988, the redress agreement was signed in Ottawa. In parliament, Prime Minister acknowledged injustices to Japanese Canadians. The redress settlement included symbolic monetary compensation for survivors who were affected and a Community Fund to help revitalize the community. A provision was included to establish the Canadian Race Relations Foundation.

The Redress achievement gave Japanese Canadians courage to speak out and to regain pride in our heritage. Canada is richer because of our presence.

## **RIGHTS OF FAMILIES AND CHILDREN**

**F**or many Japanese speaking and other immigrant families, settling in Canada has meant fulfilling a hope for new opportunities, new adventures and a bright future. Life in Canada however presents complex new challenges such as learning English, finding a home and job, starting children in school and learning and adjusting to Canada's culture, social attitudes and laws.

Just as each human being goes through life cycle stages in growing to adulthood, all families of all cultures also experience life cycle stages. Examples of family life cycle stages include being a single young adult, becoming a couple, having young children, having adolescent children, launching children into adulthood, and being a family in later life. Families experience great stress while adjusting as newcomers to a new country while undergoing their natural life cycle stages. Experts on family life say that immigration is so disruptive; it adds an entire extra stage to a family's life cycle.

For this reason, it is understandable that Ijusha families will need helpful information, and social support as they adjust to life in Canada. This chapter provides guidance for Ijusha families about what the law in British Columbia says about the rights and responsibilities of parents and children. Here are some questions, which will be answered in this Chapter:

- What are your responsibilities and rights as a parent?
- What are the rights of children?
- How do Canadian parents discipline children?
- What is child abuse and neglect?
- What can you do if there is physical violence in your home?
- What is available for parents who need help?
- What happens if someone reports that you are abusing your child, and what can you do?

#### **What are your responsibilities and rights as a parent?**

In British Columbia, there is a law that protects the safety of children. This law, called the Child, Family and Community Service Act, says that parents are responsible for the care and safety of their children.

In British Columbia, parents are responsible for taking care of the physical and emotional needs of their children until they reach the age of 19. Physical and emotional care includes making sure your child has enough food each day, making sure your child has the clothes she needs, making sure you have a safe home for your child, and making sure your child receives health care. Emotional care means giving your child the love, attention and support she needs to be a healthy person.

For Ijusha families, the difficulties of adjusting to life in Canada can result sometimes in parents feeling angry, overwhelmed and exhausted with the responsibilities of parenting. These feelings are normal and do not mean the parent is abusive or a bad parent. It is important though to manage feelings so that anger does not get out of control, and children are disciplined in a positive way which helps them learn. When parents are having difficulty, it is important to remember

that rather than being shameful, asking for help is a good thing. Nobody is a perfect parent. (See Support Services in Appendix)

### What are the rights of children?

Children have a right to be safe from abuse and neglect. This means it is against the law for parents to abuse or neglect their child and parents must protect their child from physical and emotional abuse, sexual abuse and sexual exploitation and neglect.

### How do Canadian parents discipline children?

Each family may differ in how they discipline their children. Some families spank and/or yell at their children to teach them a lesson, and while this is not considered against the law, many families avoid spanking and yelling, believing there are better ways to discipline and help their child learn. Using appropriate discipline usually depends on the age of a child, and matches the seriousness of the misbehaviour. This includes giving a child quiet time, denying a privilege, and talking to the child about the situation.

It is abuse to spank a child using an object like a stick or belt, or to hit a child hard enough to leave a mark. If parents are not able to control their anger, are often using threats, or severe forms of physical or emotional punishment or discipline, they need help.

### What is child abuse and neglect?

The law is clear about certain things that are abuse. Examples are:

**Emotional abuse** happens when parents behave in an emotionally harmful way with their child. Examples of this include parents who refuse to give their child affection, or attention, or parents who constantly criticize or threaten their child. Emotionally abused children feel worthless or afraid and show signs of being emotionally

abused when they seem anxious, depressed, withdrawn, or hurt themselves or others. Emotional abuse can also occur when a child witnesses violence in the home on an ongoing basis.

**Physical abuse** occurs when a child is shaken, kicked, punched, beaten or thrown. Babies must never be shaken. Other examples are burning a child, choking, hitting with an object, holding a child under water, and locking a child in a room for a long time with no food or water.

**Sexual abuse** occurs when a parent or another person has sex with a child, touches a child in a sexual way or threatens to do so. It also occurs when a parent allows the child to look at sex magazines, watch sex videos or watch people having sex.

**Sexual exploitation** occurs when a parent or another person uses a child as a prostitute or to make pornography (sexual pictures or movies), or do other sexual activities.

**Neglect** occurs when a parent does not provide the supervision needed in order for the child to be safe, or enough food to eat, suitable clothes for the weather, a safe place to live, health care, affection, or protection from danger.

### What can be done when there is domestic violence in the home?

Victims of domestic violence can be male or female, but the common situation usually involves a woman being physically assaulted by her male partner. Frequently victims of domestic violence are also victims of emotional abuse and are reluctant to report the situation to the police. They hope the violence will stop. Usually however, the violence does not stop unless the situation is reported. Adults

who are unsafe in their family due to physical abuse should report the situation immediately to the police; and should be assisted to find shelter if needed. Physical assault is against the law. For Ijusha families, it is important to understand that domestic violence must be reported to authorities in order to stop it. Even though the direct victim of domestic violence is the adult, it is also important to know that children are victimized too. Children who witness violence, who live in a violent home, can be victims of emotional abuse and neglect. There are programs and services to assist both adult and child victims of domestic violence. (See Support Services in Appendix)

### What is available for parents who need help?

For Ijusha and other immigrant families, immigration usually results in parents going through a slower and greater adjustment than their young children. For example, sometimes children become English interpreters or teachers about Canadian culture for their parents. It is important to understand that Ijusha families experience great stress due to these difficulties of adjusting to life in Canada. These adjustment challenges can affect the parent's abilities in areas such as being able to reinforce cultural identity in their children, being emotionally supportive for their children, or being able to manage other responsibilities of parenting. When families are experiencing stresses, help may be needed to guide a family to overcome their challenges.

Parents may need help to look at their family situations honestly and see if there is anything that needs to change. For example, if a parent loses her/his temper, or often uses severe physical discipline, parents need to learn other ways to manage their children's behaviour. This will assist in preventing a more serious problem from developing. Through multicultural services, help of various kinds is available such as:

- Family and personal counselling

- Interpreting services
- Domestic violence prevention programs
- Settlement services
- Family in home support
- Services for children and youth
- Parenting programs
- Services for children who witness violence

### What happens if someone reports that an Ijusha parent is abusing a child?

The B. C. government Ministry of Children and Family Development must look into every report of possible child abuse or neglect. The Ministry's main concern must be the safety and well-being of children. The law also says that:

- A child's family is usually the best place for a child to live.
- A family has a right to get support services.
- A child has a right to keep their cultural identity.

A social worker from the Ministry will investigate a report of child abuse or neglect and decide what to do based on the investigation information. It is important to remember that:

- Interpreting services (arranged by the Ministry) must be available as soon as possible so that the parent properly understands what is going on.
- Parents can take steps to keep a child safe and ensure the child's safety.
- Parents can ask for help.
- Parents can have a lawyer or an advocate with them when talking to the Ministry social worker. If the parent has difficulty accessing an advocate, the Ministry can assist by arranging to access a Japanese speaking advocate through a multicultural agency. The advocate can make sure that the parent is listened to, has information about rights and understands how the Ministry works.
- The Ministry social worker who comes to the home is required by law to investigate

and so it is best to co-operate.

- The parents can ask the social worker for an explanation about the exact concern about the child.
- The parent has a right to obtain information about the social worker such as name, office address, telephone, and name of the social worker's supervisor.
- The parent has a right to express what she thinks is right for the child and the law says that the social worker must also consider what the child wants.
- The parent has a right to be told what action the Ministry can take and what services are available for the parent.
- The parent has a right to know what information the Ministry has about the situation (except the identity of the person who reported about the child).
- If the child is removed, the parent has a right to ask the Ministry to make sure the culture, language, race and religion of the child is respected. The parent can suggest relatives, friends, or community members who could care for the child.

The Ministry must consider and act upon all possible ways to keep a child safely in the home when investigating whether a child is in need of protection. If the Ministry still believes the child is in danger and the problem cannot be quickly resolved, an application may be made to the court for a supervision order with terms to keep the child safely in the home, or the child may be removed for a period of time.

A removal must be reported to the Court. If the Ministry has removed the child or has told a parent the child will be removed, the parent usually needs to have a lawyer, especially to deal with the Court process. Parents in this position may be eligible for legal aid assistance. (See Appendix).

After removal, the child will be taken to a foster home (a foster family is trained,

studied, and approved to look after children), or to relatives or friends who can keep the child safe.

A Ministry social worker cannot arrest a parent, or bring about deportation for newcomers to Canada.

If the social worker finds signs that a child is physically or sexually abused, they will tell the police, and this may lead to criminal investigation and charges. For Ijusha families, if a parent is found guilty of criminal charges, permanent residence status in Canada can be affected.

### Care Agreements

Sometimes, a parent and the Ministry can enter an agreement without involving the court, in order to ensure a child will be safe. An agreement is a legal document saying what a parent and the Ministry are going to do to ensure the safety and well-being of a child.

### Conclusion

This Chapter provided information about parents rights and responsibilities, the rights of children, child abuse and neglect and what happens when a child is reported to be in need of protection to the Ministry of Children and Family Development.

While adjusting to life in Canada, it is known that Ijusha families have experienced dealing with the difficulties and stresses of being newcomers. Some have experienced a child abuse investigation by the Ministry of Children and Family Development. It is important to remember that the challenge of adjusting to a new country is a major life cycle change which presents extraordinary stresses with profound effects upon the well-being of families. Asking for help is the healthiest thing to do and is overall best for children AND parents. When parenting difficulties arise, it is most important to get help. There are no perfect parents.

## GENDER AND FAMILY ISSUES

Today nearly two thirds of the immigrant Japanese (Ijusha) population in Canada is female and the highest number of Ijusha reside in the Greater Vancouver area.

This chapter will look at the challenges which immigrant Japanese women and families face as they adjust to life in Canada. These challenges may include:

- Language barriers
- Adapting to Canadian culture and social structure
- Relationship stresses including domestic violence
- Economic hardship and poor employment opportunities
- Sexual harassment
- The relationship between race, class and gender
- Parenting dilemmas and the generation gap

### Language barriers

Generally speaking, immigrant women who do not speak English experience powerlessness and isolation. They may be confined and dependent on others for information on rights, options, and resources. The language barrier affects social and family relationships, employment opportunities and access to public resources and programs. There is a greater chance that immigrant women who cannot speak English will experience being at the lowest political, social and economic levels of Canadian society.

Studies indicate that immigrant Japanese women between the ages of 26 to 35 usually have university level education. They often conclude that there are greater employment opportunities in Canada and seek permanent residence. Many intermarry. Speaking English well enough to reduce isolation, overcome social, employment and other barriers, may still be a challenge however. In a crisis situation, they may not know where to go or be aware that assistance is available to them. They may not have the language skills to communicate their problems and needs and may be reluctant to seek help. Being able to speak English is a key to integration and accessing support.

### Adapting to Canadian culture and social structures

Ijusha women may encounter difficulty adapting to the democratic process and varied social structures in Canadian society. Canadian social rules and values differ from Japan, which continues to have a patriarchal, male-dominated social system. For example, they may not have knowledge about and have difficulty relating to school authorities and be challenged when dealing with a problem their child may have in school. They may be frightened by institutions or agencies, such as hospitals, police, the courts, or Ministry of Children and Family Development. Although these institu-

tions, rather than imposing their authority, could also offer help or support, the Ijusha woman may feel too intimidated to present any difficulties or problems she is having. For women in these circumstances, it is essential that available services include translation and a culturally sensitive support person for establishing mutual understanding.

### **Relationship stresses including domestic violence**

Ijusha men may also have difficulty integrating into Canadian society. Upon adapting to life in Canada, they may experience reduced social and economic status and encounter changes in family roles. They may feel unable to fulfill socially prescribed roles as head of the household or breadwinner. The partner may become the recipient of their feelings of inferiority, anger, insecurity and frustration.

Given that many Ijusha women intermarry, it is an additional challenge for both partners to adapt, accept and mutually respect the different values, culture, and social rules they each have.

Furthermore, the Ijusha woman who intermarries and is sponsored by her Canadian husband, is legally and possibly economically dependent on her husband. A marriage breakdown can mean losing legal status, social and economic security. Abusive husbands can use their sponsorship as a means of keeping wives from leaving them.

### **What is domestic violence?**

Domestic violence refers to violent acts in a domestic relationship where one partner victimizes the other. In most cases the abuser is the male partner. The assault may be psychological, sexual or physical. The intent is to control the victim partner through isolation, inflicting pain and in-

ducing fear. Physical assaults range from threats and beatings to homicide. They are accompanied by varying degrees of psychological abuse designed to degrade and belittle.

The occurrence of domestic violence is rarely isolated, but is often a repeated pattern in the relationship. In some cases, beatings may occur daily, weekly and may increase in frequency or severity. Women, usually, from all economic and cultural groups are victims.

Victims of domestic violence may be trapped in a cycle of abuse due to personal feelings and social and economic pressures. When cross cultural or culturally sensitive services are minimally available, the victim may return to an abusive situation because she has not received the support and services she needs to leave.

### **Economic hardship and poor employment opportunities**

More than any other group, immigrant women work in the most poorly paid jobs. They can be exploited in their work situation, working for low wages and being subjected to oppressive working conditions. Working hours may be irregular, with no benefits, and no union to protect them. Immigrant women are segregated in the workforce. Without the economic security of a husband's earnings, the majority of immigrant women cannot make enough money to support themselves and their children. For Ijusha women who have undergone marital separation, the economic challenges, loss of status and security and hardships of single parenting may be enormous.

### **Sexual harassment**

Ijusha women have been subjected to sexual harassment in the workplace. Sexual

harassment in the workplace occurs when an employee is subjected to unwelcome comments or conduct of a sexual nature, which may lead to adverse job related consequences for the victim.

It is especially hard when immigrant women experience sexual harassment, because they are already experiencing the stresses of adapting to a new culture and environment. They may be isolated and already challenged by a diminished sense of identity and self-worth. Their cultural values may identify the harassment as a reflection of their personal virtue. The victim Ijusha woman may choose to keep quiet and the reaction may be one of shame and self-blame.

Ijusha women need to know they should not be subjected to sexual harassment and that it is against the law. There are steps that can be taken to stop the harassment. Help and support are available for them.

### **The relationship between race, class and gender**

Racial discrimination is the unequal treatment of a person based upon the person's ancestry and racial origin. As a result of racism, immigrant visible minority women face higher unemployment and underemployment than white immigrant women. The effects of racism and discrimination can be devastating.

The stereotyping of Japanese and other Asian women as submissive to male authority, dependent and sexually available, is racial discrimination. Asian women have been depicted as objects to be seen and not heard, to be used for men's sexual pleasure and as convenient targets for their anger. Ijusha women, without knowledge of the risks in developing heterosexual, cross cultural social relationships, have been subjected to this form of racism



Aya and Masami

and abuse from predatory men. Having experienced abuse, they may internalize social attitudes that state they are weak, inferior and must submit to men in return for some degree of social, financial support and protection. Women trapped in abusive relationships have been forced to be passive and emotionally dependent on the abuser. If married, social attitudes also tell her that when her marriage fails she is a failure as a person. When immigrant women experience abuse, they may also feel forced to sustain the abusive relationship due to personal disempowerment or the lack of opportunity to become economically independent. Despite recent indications of professional career skills among immigrant Japanese women, Ijusha women who are single parents can face isolation, poor job opportunities, low wages and poverty. Fortunately, most Ijusha women live in larger centres like Vancouver or Toronto where Japanese language support services will likely be more available.

**It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home.**

*Carl T. Rowan*

### **Parenting dilemmas and the generation gap**

With immigration, families experience the stresses of adaptation, and may act out these stresses with each other.

Conflicts may occur within parent – child relationships as Ijusha parents apply a more authoritarian disciplining approach with their children than the norms of a Canadian parenting approach. Differences in parenting may be indicated by:

- Using physical punishment as a form of discipline.
- Rejecting dating as a normal behaviour for adolescent children.
- Emphasizing and insisting upon academic skill building in their children over social or athletic skills.
- Expecting conformity in their children to their family, social, cultural values, traditions and behaviour patterns.

As children become adapted to Canadian society, they are learning social norms and values outside of their homes. They may feel caught between two different cultures, values and traditions. The pressure to conform to both cultures may create identity conflicts.

Immigrant children's Canadian education and social experience may subject them to peer pressure to conform to values and practices of the dominant 'Canadian' culture. They may begin dis-

tancing themselves from their parents and their cultural background and resent their heritage and feel ashamed of their parents' non-English -speaking status and traditional values. This may also stem from their own frustration over difficulty with English, having to adapt to new modes of learning, or being the object of racial slurs and intimidation.

In some families, the woman's dependency on their children for translation may result in a role reversal. Parents, school authorities and others in the community need to be available to help immigrant children cope with their identity conflicts and struggles. When parents are also struggling, services and programs must be available so that they will be able to access the help and support they need.

### **Conclusion**

Organizations and agencies serving the needs of immigrant and visible minority women must continue to integrate anti-racist strategies into all of their programs. They must pay attention to how the intersectionality of race, class and gender is indicated among visible minority immigrant women, and look at what services and supports are necessary to assist Ijusha and other immigrant women to overcome intersecting challenges. Sometimes the existence of a Japanese-speaking support worker or helpful volunteer can make all the difference when an Ijusha woman experiences social adjustment or economic difficulties. Support and advocacy may be available from Japanese Canadian human rights programs, multicultural services organizations with Japanese language services, and Japanese community service agencies. In the Lower Mainland, social agencies such as Tonari Gumi have made a positive difference for many Ijusha women.

## **DEFINING AND DEALING WITH HUMAN RIGHTS VIOLATIONS**

**H**uman rights can be violated in many different ways. It can be as obvious as an act of violence, or as subtle as a remark intended as a harmless joke. While Canada's criminal code deals with violations of a person's body and property, federal and provincial human rights laws deal with violations of a person's dignity and equality within our community. The most common form of human rights violation is discrimination.

### **What is Discrimination?**

Discrimination means to treat someone differently or unfairly because of a personal characteristic. The Supreme Court of Canada describes discrimination as a "distinction which, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, has an effect which imposes disadvantages not imposed upon others or which withholds or limits access to other members of society." (Andrews v. Law Society of British Columbia [1989] 1 S.C.R. p. 144)

As the well-known maxim, "ignorance of the law is no defense" suggests, an act of discrimination is against the law, even if it is unintentional. A deliberate act of discrimination might be more reprehensible than an unintentional one, but harm caused by carelessness is no less real to a victim. By knowing how to identify discrimination, we can prevent acts of harm towards others and help everyone to participate freely, without fear, in the life of our community.

### **"Discrimination" in the Law**

The Human Rights Code of British Columbia defines discrimination in the following ways:

**Section 7 (1)** A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that (a) indicates discrimination or an intention to discriminate against a person or a group or class of persons, or (b) is likely to expose a person or a group or class of persons to hatred or contempt because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.

**Section 8 (1)** A person must not, without a bona fide and reasonable justification, (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public because of the race, colour, ancestry . . . of that person or class of persons.

**Section 9** A person must not (a) deny to a person or class of persons the opportunity to purchase a commercial unit or dwelling unit that is in any way represented as being available for sale, or (b) deny to a person or class of persons the opportunity to acquire land or an interest in land because of the race, colour, ancestry...of that person or class of persons.

**Section 10 (1)** A person must not (a) deny to a person or class of persons the right to occupy, as a tenant, space that is represented as being available for occupancy by a tenant because of the race, colour, ancestry...of that person or class of persons.

**Section 11** A person must not publish or cause to be published an advertisement in connection with employment or prospective employment that expresses a limitation, specification or preference as to race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age unless the limitation, specification or preference is based on a bona fide occupational requirement.

**Section 13 (1)** A person must not (a) refuse to employ or refuse to continue to employ a person because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person. (2) An employment agency must not refuse to refer a person for employment for any reason mentioned in subsection (1).

**Section 14** A trade union, employers' organization or occupational association must not, (a) exclude any person from membership, or (b) expel or suspend any member because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or member, or because that person or member has been convicted of a criminal or summary conviction offence that is unrelated to the membership or intended membership.

**Section 43** A person must not evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty on, deny a right or benefit to or otherwise discriminate against a person because that person complains or is named in a complaint, gives evidence or otherwise assists in a complaint or other proceeding under this Code.

#### **What is Racism?**

One form of discrimination Japanese Canadians can encounter is racism. Racism is broadly defined as "hostility towards people of a different 'race,' skin colour, religion, ancestry or national origin." (Canadian Anti-racism Education and Research Society, 1993) Racism becomes particularly evident during hard economic times and periods of rapid social change, when people who feel anxious about change seek scapegoats for their insecurities. At its root, racism is about one group seeking power over another.

In extreme cases, racism can give rise to incidents of violence. Here "violence" means not only physical violence (assault with or without a weapon), but also intimidation (physical and verbal threats, hateful glares, etc.) and harassment (in-

sults, shoving, telling 'ethnic' jokes, racist graffiti and racist hate propaganda, etc.).

#### **What is Racial Profiling?**

One form of racism that has been at the centre of much recent controversy and debate is racial profiling. Racial profiling is a form of institutionalized discrimination, where an individual is targeted by authorities (e.g. police) on the basis of their ethnicity, race, or national origin. For example, a person from a Middle Eastern ethnic heritage, who is about to board an airplane, is suddenly approached by immigration and customs officers and detained for questioning. The individual's belongings are thoroughly searched and a pair of immigration officers asks the individual a series of questions, all of them related to terrorism and Al Qaeda. It becomes clear to the individual that the reason why he was stopped, searched and questioned was due to his ethnic heritage. When one's race or ethnicity is the only reason for being treated differently than other citizens, this is racial profiling.

#### **What is Harassment / Sexual Harassment?**

Discrimination encompasses harassment, which includes behaviour that demeans, humiliates or embarrasses a person if a reasonable person should have known it was unwelcome. Harassment involves actions (e.g. touching, pushing), comments (e.g. jokes, insults, name-calling) or displays (e.g. posters, cartoons). When harassing behaviour is directed at a person because of any ground covered by the Canadian/BC Human Rights Act, including race, colour, or national or ethnic origin, then it is also considered an act of discrimination.

Sexual Harassment means that someone is bothering you by saying or doing unwanted or unwelcome things of a sexual or gender-related nature. Such actions include inappropri-

ate touching, offensive jokes or remarks about women or men, making sexual requests or suggestions, staring at or making unwelcome comments about your body, displaying sexually offensive pictures, being verbally abusive to you because of your gender.

Similarly, offensive comments and jokes about race, ethnicity, national heritage or religion can be defined as "racial harassment." Such acts can poison an environment at work, school, or in the community.

An action does not have to be directed at someone personally to be considered harassment, either. Making stereotypes about a sex, gender or racial group can also be harassment if it causes offense to anyone listening.

#### **Human Rights in the Workplace**

Workplaces are organized to ensure the efficient, effective and accountable conduct of business. Typically, this entails a hierarchy of responsibility and authority, which can create relationships of unequal power among individuals. Most people in positions of power use their authority responsibly and fairly. However, power can sometimes be abused in ways that violate the rights of people in positions of relative weakness. Human rights in the workplace have been carefully defined in labour and human rights laws designed to guard against such violations. When employers and employees are aware of and respect these laws, the dignity and human rights of all people in the workplace can be protected.

The main human rights issues in the workplace are listed below:

#### **A) Human Rights Violations in the Workplace**

The fundamental rights of employees, which are protected by the BC Human Rights Codes, are equal access to employment opportunities and fair treatment in the workplace. For example, only job-re-

lated considerations such as ability, merits and responsibilities may be used to evaluate applicants or employees.

The Human Rights Code prohibits employment discrimination on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age and criminal or summary conviction that is unrelated to the employment or intended employment.

Employees are also protected from harassment in the workplace based on any of the prohibited grounds.

### **B) Employees' Rights in the Workplace**

Employees in BC have rights to work in an environment that is free from discrimination and harassment, and to file a complaint without fear of reprisals. This means employees should be (1) considered for jobs on the basis of an individual assessment, (2) given clear statements of the skills, experience and education required for the job, (3) informed of duties and performance expectations and (4) advised of shortcomings and permitted opportunities to improve job performance.

### **C) Sexual Harassment**

Employees have the right to work in an environment that is free from sexual harassment. Sexual harassment is abuse of power and unwelcome comments or conduct of a sexual nature that may lead to adverse job-related consequences for the person who is being harassed.

Examples of sexual harassment include, but are not limited to, (1) verbal abuse or threats, (2) unwelcome remarks, jokes, innuendos or taunting, (3) display of pornographic or other offensive materials, (4) practical jokes that cause awkwardness or embarrassment, (5) unwelcome

invitation or request, (6) leering or other gesture, (7) unnecessary physical contact such as touching, patting, pinching and (8) sexual assault.

### **D) Recruitment**

The following guidelines will help employers establish recruitment and selection policy and practice. During a job interview process, recruiters should avoid (1) asking about age in general, or about birth certificates, (2) asking an applicant's birthplace or nationality, including nationality of relatives or spouses, (3) asking for statements of criminal and/or arrest record, unless the record is related to the job (e.g. the job requires working with children and the search is to ensure their safety), (4) asking for a general statement of disabilities, limitations or health problems, (5) asking for statement of political beliefs and philosophy, (6) asking about religious beliefs, affiliation and church membership, (7) asking about the applicant's sex or sexual orientation, (8) asking for information regarding pregnancy, child care arrangement or child bearing plans and (9) asking about an applicant's marital status. Unless related to bona fide occupational requirements, an employer who asks any of these questions is open to complaints of discrimination by unsuccessful candidates.

### **E) Wage Discrimination**

BC Human Rights Codes require that men and women doing similar or substantially similar work be paid the same wage. The obligation rests with the employer to ensure that sex is not a factor in determining wage scales.

### **F) Disabilities**

People with physical or mental disabilities are protected under BC Human Rights Codes. Employing people with disabilities

may involve some modification to the job or existing facilities. These reasonable accommodations may include reassigning non-essential work duties, flexible work schedules, physical alteration of facilities, training or technical aids.

### **Dealing with Human Rights Abuses**

All persons residing in Canada are entitled to equal protection of their human rights under federal and provincial laws. As mentioned above, in order to prevent human rights violations in our communities, citizens must know their own rights, and how to recognize discrimination as defined in law. It is also important to know what we can do when human rights are violated. This enables each citizen to help uphold the dignity and rights of others, and for others to uphold ours.

There are a variety of government and non-governmental institutions that can assist individuals who wish to pursue a claim against an abuser. In this booklet we provide some basic information about dealing with human rights abuses in the workplace, sexual harassment and hate crimes. Please refer to Support Services under the Appendix for a list of organizations that may be contacted for guidance and assistance in specific types of human rights abuse.

The agency that most commonly deals with discrimination in BC is the BC Human Rights Tribunal. However, the Canadian Human Rights Commission deals with cases against certain types of businesses (e.g. airlines, railroads, banks and telecommunications companies). If you do not know which agency deals with your case, you can call either of them and they will provide the necessary information. For convenience, the following discussion focuses on the BC Human Rights Tribunal.

### **Sexual and Other Harassment**

If you are the victim of sexual or another form of harassment and are thinking of initiating a claim against the violator, it is important to take the following steps to ensure that your claim has the best chance of success. (1) Keep a record of the incident(s), such as time, date, exacts actions, witnesses (if any), etc. (2) Talk to fellow employees/tenants/students in case the violator has victimized others. (3) Let the harasser know how you feel, or that the behaviour is unwelcome. (4) Report the incident to your supervisor, other personnel or faculty. (5) Get help from the community, such as local women's group or community safety groups.

Harassment in the workplace should first be discussed with a person of authority within the company, so that the employer can take appropriate steps to stop the behaviour. However, if the company fails to stop the harassment, or if the person of highest authority is the violator a claim can be submitted to the BC Human Rights Tribunal (or the Canadian Human Rights Commission).

### **In the Workplace**

A person who is subjected to discrimination or harassment in the workplace has the following options for recourse: (1) Use the employer's internal complaints procedures; (2) Use complaints procedures of your union (where applicable); and (3) File a complaint with the BC Human Rights Tribunal.

Although employers are obligated to protect the rights of employees, companies, especially small enterprises, often lack formal procedures or appropriately trained personnel for dealing with claims of abuse. Also, many workers do not belong to a union to which they can take their complaint. When suitable channels, or procedures are

not available through the employer, a person can take their case to the BC Human Rights Tribunal.

### **BC Human Rights Tribunal**

Residents of BC can seek remedy for the violations of rights covered by the BC Human Rights Code by initiating a claim with the BC Human Rights Tribunal. The BC Human Rights Tribunal is a quasi-judicial body created by the BC Human Rights Code to ensure that all BC residents have recourse to human rights legislation. Anyone may submit a claim of human rights abuse to the Tribunal by filling out a complaint form within 6 months after the most recent incident of abuse/harassment by the violator (This time limit can be extended in certain circumstances).

When a claim is submitted, the Tribunal will first try to resolve the complaint amicably through mediation. If and when mediation fails, the Tribunal will hold a hearing to determine fault and appropriate remedies.

For further details of the Tribunal's operating procedures, visit its website: <http://www.bchrt.bc.ca/>

### **What if . . . ?**

An act of discrimination, racism, harassment or violence almost always elicits a combination of fear, anger, isolation, confusion and depression in the victim. This can have a devastating effect on the victim's ability to judge what is the appropriate course of action. If you or a friend become a victim of such an act and are not sure what to do, it is important that you talk to someone who can help you decide. Please refer to Support Services under the Appendix for a list of groups that can offer such assistance.

The following Questions and Answers will hopefully help to clarify what you should do, or who to call.

### **What if you experience an act of violence?**

What if you feel threatened, are in immediate danger, or have experienced an act of violence?

Dial 911 for help. If you live in a community without 911 service, contact the emergency number listed in your phone book.

### **What information is important in filing a report or claim?**

It is important to describe the incident(s) as completely and objectively as possible. Include as much of the following information as is applicable to your experience.

- Date, time and place of incident
- Description of what happened
- Description of the people involved, including as much as possible about height, hair and eye colour, clothing and distinguishing characteristics
- Description of any vehicles or other objects involved in the incident
- Names, addresses, telephone numbers of any witnesses
- Name, badge number, district of any police officer called
- Medical report of any injury
- Photographs and insurance reports of any property damage

### **How do you file a complaint with the police?**

The following points are important in dealing with the police

- You should have someone (friend or witness) accompany you to the police station to provide support and reassurance.
- If you need help with the English language, you should ask for an interpreter.
- You should ask what procedures the police use in dealing with racial violence.
- You should ask for the file number of your case for future reference.
- You should ask the police to keep you informed about the status of your case.

### **Is there anything else you can do if you have been injured?**

You may be able to claim financial compensation with the Victims Assistance Program if there has been an assault, a property offense or any other crime. You should contact the Victims Information Line, 1.800.563.0808.

In some circumstances you may be able to sue for damages in civil court. It would be wise to get advice from a lawyer. If you cannot afford one, or you are not sure who to contact, you may call the Legal Service Society, which provides service to people living in BC. They will provide advice on whether you qualify for legal aid and advise you about options. The phone number for Legal Services Society can be found in your phone book. (See Support Services in Appendix)

### **Additional comments on How to Avoid Being a Victim or Aggressor**

There are often risks that accompany living in a country as a member of a minority group. We can often feel like victims, especially of racism. However, each one of us can be both a victim and an aggressor at the same time. Being a member of a minority does not ensure that you yourself are free from prejudice against other races or groups.

The source of such prejudice is often stereotyping. Stereotyping is the act of generalizing certain traits from a few encounters to all members of that group. For example, some Japanese people have been known to make critical comments about cultural behaviours of other Asian races without any understanding their cultural meaning and historical backgrounds. Instead of seeing others as simply being different, we often apply our own norms to others and judge them as strange or inferior. It is easy to see how inaccurate and unfair stereotyping can

be if we consider a common stereotype about Japanese people: " Japanese can only act in groups and not as individuals."

The process of human learning relies in large part on categorizing events and people in our lives. Categorization is a necessary tool for every person to navigate the complex reality that is life. For instance, after getting burnt by touching a red-hot electric stove, an infant learns not to touch things that are similar in shape, colour or smell. It is no exaggeration to say that people cannot survive unless they categorize the world around them by grouping similar things together and learning how to cope with them.

Stereotyping, however, takes categorization and generalization to a harmful extreme. It creates a fixed opinion, or prejudice, about people belonging to a certain group. When you meet an individual and only look at that person through stereotyped traits of his/her country or class, this is not only unfair to that person, but a loss to yourself. You lose the opportunity to appreciate the richness of a world in which each individual is unique. By closing your mind in this way, you also give up the possibility for mutual understanding. Categorization, when properly used, is a tool of learning, but stereotyping is the opposite; it is a barrier to learning. And when stereotyping goes unchecked, it can lead to hateful relations among people and provide an excuse for violence, as it did in Nazi Germany and continues to do in many interethnic conflicts, or attacks against homosexual persons.

Humans, being what we are, cannot be totally free of stereotyping. However, by adopting an attitude of openness and respect toward people of other groups, we can avoid directing unfair judgment toward characteristics that differ from ours. We must try to understand different characteristics by learning about the historical and social back-

**Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person...**

***Eleanor Roosevelt***

grounds of our fellow citizens.

For Japanese people, the ability to understand people from neighbouring Asian countries relies heavily on learning the facts of history. People who were educated in Japan are at a disadvantage in this respect, because they were taught only about the misery of food shortages, atomic bombs, air raids and death of Japanese soldiers when the Pacific War is discussed. Mutually respectful relationship between people of Japan and other Asian countries can only be built by learning what happened in the past, and thinking about what can be done now.

For many of us who have immigrated to Canada, it is only after we have settled into our new country that we realize the depth of our attachment to Japan, its culture and our mother tongue. At the same time we can see the reality of our ancestral land much more clearly. We must take advantage of this wonderful opportunity to view Japan from the outside and learn about Japanese history, her relations with other countries and how Japan is perceived by the rest of the world. Having missed the opportunity as students in Japanese schools, we should feel fortunate, not threatened, to be able to hear directly the voices of people from the countries that were victimized.

Although it is very difficult—perhaps even

impossible—for two nations that were once aggressor and victim to share an identical interpretation of history, we must strive to continue dialogue in order to achieve better understanding. Nothing can be accomplished unless the facts of the past are acknowledged, no matter how difficult this may be emotionally. Only by admitting to and facing the past can we move toward reconciliation and a peaceful future for all people and nations.

As we seek reconciliation and lasting peace among the world's nations, let us beware of stereotyping others and do what we can in our communities to safeguard the rights of minorities in Canada. This is the best way to ensure that we do not fall into the position of victim or offender.

#### **For the Sake of the Rights of All**

If you should experience or witness acts of discrimination, racism or harassment, let the appropriate government representatives know about your experience. This is the best way to ensure that lawmakers are informed about today's human rights issues and thus enabled to improve our laws and institutions.

- Your elected representative (City Councillor, MLA, MP)
- Federal Minister of Multiculturalism & Citizenship
- Attorney-General of BC

Also let appropriate community organizations know about the incident. If you are part of the Japanese Canadian community, you can contact the JCCA Human Rights Committee through the JCCA office; phone 604.777.5222, fax 604.777.5223. If you live outside the lower mainland, your local NAJC chapter may be of assistance. Information can be obtained through the JCCA office.

## **OTHER REMEDIES - POLITICAL LOBBYING AND COMMUNITY ACTION**

What kind of actions can you take in addition to the formal Human Rights complaint procedure?

### **Informal Negotiations and Settlement**

There is sometimes the possibility of resolving issues by dealing directly with the party, such as with an employer. When possible negative publicity is considered and the cost and time needed to defend him/herself at a formal Human Rights Tribunal, the employer may decide to settle the matter privately.

If this doesn't work, there are other possible approaches such as community action. Community action means joining with other groups or individuals in order to act together on a particular issue or human rights problem.

### **Class Action**

It is often useful to organize a group-based action, called class action, by forming a supportive group—even though for the time being the case may affect only a particular individual. The B.C. Human Rights Code recognizes class action, and allows a class of persons to file a complaint to the BC Human Rights Tribunal, which can then order remedies affecting the whole group.

### **Writing to Government**

You can write a letter to government departments, MP's, or MLA's. You can also request an interview. In some cases, your support group can organize a rally or demonstration.

Here is a good example: The individual redress payment as a result of the Redress settlement of 1988 was tax-exempt from the federal government, but arrangements had to be made with the provincial governments. An MLA, then opposition social service critic, was contacted and asked to assist in ensuring that social security benefits, such as GAIN (welfare payment) for seniors, were not affected by the redress payments. As a result of our request, the Ministry of Social Services issued a directive not to count the payment as income.

### **Letters to the editor and press campaigns**

You can write a short letter to the editor and send it by fax or e-mail. (The newspaper will check your identity so you must include your address and phone number). From our experience, the newspaper will print a letter that is concise—a half typewritten page or less—includes a reference to the report or article in the paper that you are responding to, and containing only one or two point(s) that you would like to make from your point of view as a Japanese (Canadian) or a member of a minority group.

**We hate some persons because we do not know them; and will not know them because we hate them.**

*Charles Caleb Colton*



Prime Minister Brian Mulroney and NAJC President Art Miki sign Redress Agreement on Sept 22, 1988

If a number of people write on the same issue the media may become interested and send a reporter to write an article. You or your friends should be available and prepared to give a brief interview.

### **Our Redress Campaign - A Unique Example of Community Efforts**

The Redress campaign with its settlement in 1988 is a historical achievement in human rights in Canada. Throughout our concentrated efforts for several years in the 1980's, we utilized all the strategies and activities that are mentioned above.

To begin with, we had to overcome the resistance of many community members who were resigned and afraid of 'backlash', even retaliation. Numerous meetings, not only large ones but also small ones were held in private homes for information exchange, share feelings and experiences. The involvement of a large number of community members made the campaign possible, as we had to raise funds to send our representatives to Ottawa to lobby the government and opposition MPs, and conduct our own research on the damages inflicted upon us during wartime. Later in our campaign we were assured that the media were on our side and most Canadians, both groups and individuals, were behind us. We successfully made the public aware of the past injustices inflicted upon us and secured

support for our position that the Government should acknowledge the violation of the rights of its own citizens and amend the past injustices.

### **How secure are our rights and freedoms?**

We need to be prepared to act with short notice. Most things we have to deal with could happen suddenly and we have to act quickly, otherwise it would lose effectiveness. Be prepared for the unexpected! Who among us expected the tragic incident of September 11th?

In the society of Western democracy, certain rights have been regarded as inalienable and assured. History as well as our recent experiences, however, tell us that unless we are constantly vigilant and working on protecting them, these rights may be regarded as a sort of luxury and eroded by the current trends—in the interest of national and international security.

Our concern was well expressed in a timely manner through a press release issued soon after the September 11 incident by the National Association of Japanese Canadians. See the following page:

### **NATIONAL ASSOCIATION OF JAPANESE CANADIANS 404 Webb Place Winnipeg, Manitoba R3B 3J4**

#### **Press Release**

#### **ACTS OF INTOLERANCE September 17, 2001**

The National Association of Japanese Canadians (NAJC) joins other Canadians in condemning the acts of terrorism on September 11 and grieves for the thousands who perished as a result. We send sincere condolences to our friends in the United States who have lost loved ones in this tragedy.

In the aftermath of these horrendous events, anger and thoughts of revenge surface as we question why this has happened to innocent people. But it is important that we seek justice and not revenge against those who are responsible for the atrocities. It is when we act upon destructive feelings that we become no better than the perpetrators.

The NAJC is concerned during this challenging time at the growing number of incidents of hate and racism directed against Muslim, Middle Eastern and South Asian community members in the United States and Canada. No person or group should be targeted and presumed guilty based on beliefs or physical appearances.

The recent unjustified acts of intolerance bring back painful memories for Canadians of Japanese ancestry. During the wartime hysteria in 1942, they suffered racism and discrimination and were called enemy aliens because of their ancestry. During and after the Second World War, Japanese Canadians were stripped of their rights, dispossessed and sent to internment camps and permanently dispersed.

We must all speak out and be vigilant in opposing hateful actions and support those who are suffering fear of backlash and violence. We urge Governments to protect and ensure the safety and rights of members of the Islamic, Arab and other communities under attack.

Let us hope that we have learned a lesson so that the experiences of Japanese Canadians will never again happen to any other community.

#### **Contacts:**

Winnipeg

Keiko Miki, President

National Association of Japanese Canadians

204.943.2910

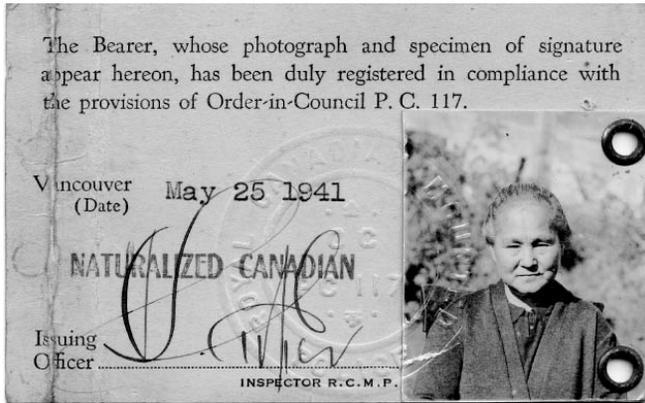
Vancouver

Judy Hanazawa, Chair

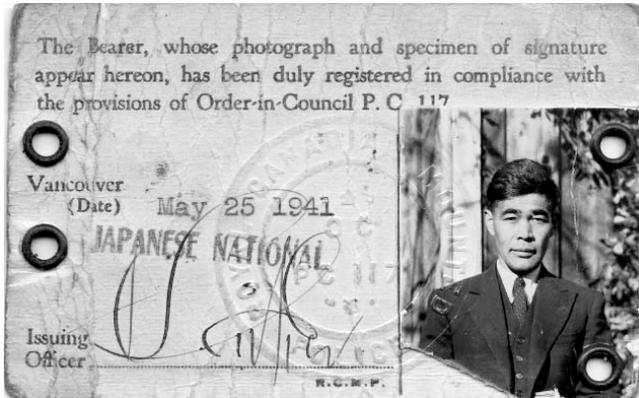
NAJC Human Rights Committee

604.876.9858

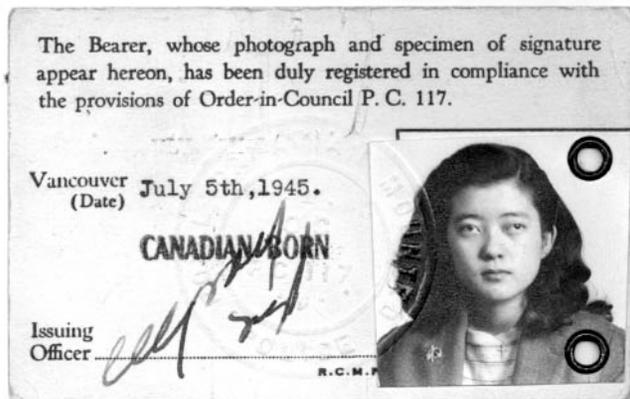
ID cards issued to Japanese Canadians six months prior to December 7, 1941



Pinkish-orange - Naturalized Canadians



Buff coloured - Japanese nationals



White - Canadian born

## Human Rights for People with Temporary Residency Status in BC

**W**hy am I treated this way?" Have you ever felt this way living in Canada? There are numerous instances in school, at the workplace, in stores, or at home where temporary residents are treated unfairly as human beings. However, many people may accept a given situation based on a wrong interpretation, feeling that "I don't have citizenship (or an immigrant visa), so probably I won't get treated the same way as Canadians."

Regardless of one's status in any given place, every person has basic human rights, that is, every individual should have equal opportunity with other individuals to pursue the lifestyle of one's choice. Therefore, human rights guarantee one's dignity as a person whether one does or does not have citizenship or an immigrant visa.

Everyone should familiarize themselves with the idea of human rights that we hear about quite often in North America; you can protect your own dignity by using this idea wisely.

### 1.0 What does temporary resident status mean?

Japanese temporary residents are Japanese nationals living in BC who belong to one of the following categories. Each of them needs a Temporary Resident Visa.:

- Visitors (Short term visitors such as tourists are usually given a Visitor's Visa at the port of entry.)
- Foreign Students (They need a Study Permit. Some may be allowed to study without the Permit.)
- Foreign Workers (They need a Work Permit. A Working Holiday Visa is much easier to obtain than a regular Work Permit.)

Therefore, this includes all Japanese citizens who are not immigrants, such as: tourists; those visiting family members; students; working holiday visa holders; workers with "work permits"; visiting research scholars and their families, etc.

### 2.0 What constitutes "human rights violation"?

#### 2.1 What is "Human Rights"?

"Human Rights" are inherent rights to which a person is entitled because of membership in the global human community. It is more fundamental than one's citizenship or voting rights. In other words, whether you live in Japan or are staying in Canada on a tourist visa, as a person who happens to have Japanese citizenship you are nevertheless always entitled to the exact same "human rights" as anyone else.

As we see cited below, human rights are guaranteed in a variety of levels through the United Nations, nationally, and provincially.

#### a) United Nations Universal Declaration of Human Rights, Article 1

"All human beings are born free and equal in dignity and rights."

#### b) Canadian Human Rights Act, Section 2

"Every individual should have equal opportunity with other individuals to make for herself or himself, the life she or he is able and wishes to have, consistent with her or his duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offense for which a pardon has been granted."

#### c) British Columbia Human Rights Code

The BC Code outlines there must not be discrimination in the following areas: publication, public accommodations and services, purchase of property, tenancy premises, employment advertisement, wages, employment and union, and association membership.

Discrimination means treating people differently, negatively or adversely without good reason. Prohibited grounds in every section of the Code are race, colour, ancestry, place of origin, religion, marital status, physical or mental disability (including sexual harassment and pregnancy) or sexual orientation.

For employment, there are three additional prohibited grounds: age, conviction for criminal or summary conviction charge that is unrelated to employment and political belief.

#### 2.2 What constitutes a "Human Rights Violation"?

The definition of "human rights violation" for temporary status residents is exactly the same as those for Canadian citizens or immigrants. Simply put, any situation where you are made to feel either 'discriminated' or 'harassed' because of a ground such as race or sex would all have the potential to be in 'violation of human rights'.

*Note: "Discrimination" means that a person is denied equal opportunity or is subjected to adverse differential treatment. "Harassment" means a deliberate intentional act to do anything that causes discomfort to a person.*

#### 3.0 You and the Charter of Rights and Freedoms, Human Rights Act, and BC Human Rights Code

So long as you are legally residing or staying in British Columbia, you are protected under the following laws in the same way as all Canadians:

- 1) Canadian Charter of Rights and Freedoms
- 2) Canadian Human Rights Act
- 3) BC Human Rights Code

You will especially be directly affected by the BC Human Rights Code.

*Note: The Canadian Charter of Rights and Freedom (effective 1982) mentioned above is a human rights law as a part of the Canadian Constitution. In comparison to the Canadian Human Rights Act, which controls discrimination at individual, corporate and governmental levels, the "Canadian Charter of Rights and Freedoms" only controls discrimination by governments.*

Illegal residents (those who are staying in British Columbia without a valid visa) will find difficulty asserting one's human rights in initiating legal procedures even if their human rights are being violated. Please make an effort to have a valid visa at all times. For information or questions regarding the necessary procedures for visa extension, changes or renewal, please contact Immigration Centre. **Immigration Centre, Tel: 604.666.2171 1148 Hornby Street, Vancouver, BC**

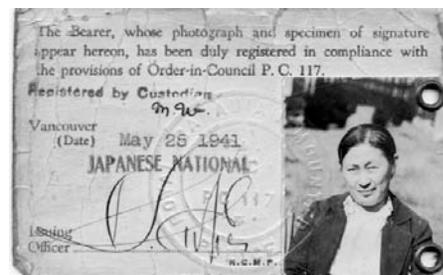
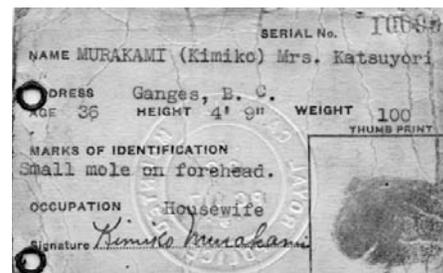
Also, if you are a Japanese citizen residing in BC for longer than 3 months, you are obligated by Japanese law to report to the Japanese Consulate General's office in Vancouver.

**Consulate General of Japan in Vancouver**  
Tel: 604.684.5868  
#900 – 1177 West Hastings Street  
Vancouver, V6E 2K9

#### 4.0 Procedures for Addressing Human Rights Violations

If you live in BC, regardless of your citizenship, you are obligated to abide by Canadian and BC laws. If you experience what you consider as discrimination and/or harassment, you need to deal with the situation by taking a basic "self-help" approach, while you can also get support from the police, consult with someone familiar with the law, or seek advice from lawyers.

However, for those who are temporary residents unaccustomed to everyday life in BC, there may be situations where you feel completely at a loss as to what to do. If this is the case for you, please contact and get advice from organizations and agencies (Please see Support Services in Appendix) or call the Japanese Consulate General's office for advice.



#### 4.1 "British Columbia Human Rights Tribunal" and "Japanese Canadian Citizen's Association Human Rights Committee"

In British Columbia, when temporary residents are filing a complaint against a human rights violation, most cases are handled within the jurisdiction of the "BC Human Rights Code", that is, at the provincial level. The complaints can be made through the BC Human Rights Tribunal. However, in the beginning, if you feel reluctant to directly contact the Tribunal yourself, you can contact the JCCA Human Rights Committee in Japanese. Both of these services are free of charge. (Please see Support Services in Appendix)

The type of Human Rights violation experienced by temporary residents may seem unique and different from the violation experienced by Canadians. However, for the most part, these violations can be handled by the "BC Human Rights Code".

For example, there is no mention in the "BC Human Rights Code" about "visa

status" as being one of the prohibited grounds for discrimination. However, if temporary residents experience discrimination or harassment, in many cases, this can be legally processed using some other criteria cited in the "BC Human Rights Code" such as 'race', 'place of origin', 'sex' etc.

#### **A Point of Advice:**

*Any employment related complaints (work hours, overtime, payment etc.) can be possibly handled more quickly and efficiently if you file a complaint to the Office of Employment Standards. Anyone who works in Canada, whether a citizen or temporary resident is protected under Canada's Employment Standard Act. (Please see Support Services in Appendix)*

#### **Help for Underage Visiting Students**

*A 13-year-old visiting student lives in a homestay where the family does not provide enough food for lunches or supper and they leave her alone much of the time. The homestay mother works, gets home very late each night and there is a 19 year old son who is out most of the time. There is no one else in the home and this situation has gone on for 3 months. Recently the mother got angry when the student didn't get her school lunch made on time, grabbed and shook her by the shoulders and yelled at her. After this incident, the girl didn't want to return to the homestay, and finally asked her teacher to help. She has no relatives in Canada and her parents have not responded yet to contact from the school.*

The student is entitled to child protection services from the Ministry of Children and Family Development in the exact same way as all children in British Columbia. A referral should be made to the Ministry of Children and Family Development to investigate this

situation to make sure of the girl's safety and well-being. If she is found in need of protection, a social worker can provide casework services so that family in Japan can be contacted, and any necessary arrangements for her to be safe and cared for can be made. The Helpline or a local Ministry office in the area of the student's address, can be called to assess and look into this situation. The Helpline contact number is 604.310.1234.

#### **4.2 Examples of Human Rights Violations**

Below, there are some examples of Human Rights violations, which may be considered unique to temporary residents. Under each example, note how the BC Human Rights Code or any other laws can be applied.

##### **Case #1**

*Mr. A is working at a Sushi restaurant with a working holiday visa. His employer constantly says to him and other working holiday visa employees: "Working holiday visa workers are all so stupid. You should all go back to Japan."*

The verbal conduct of this employer is considered discriminatory harassment based on the grounds of "one's place of origin" according to the BC Human Rights Code.

##### **Case #2**

*Miss B is attending ESL school. A male Canadian teacher from this school calls her home asking her out for dates and sending her letters. Even though she has indicated to him that she has no intention of accepting his outings, he still continues to call.*

This teacher's conduct is considered harassment or discrimination on the grounds of one's "sex" according to the BC Human Rights Code.

##### **Case #3**

*The daughter of Family C was staying here, as her father was sent by a Japanese corporation. She attended a local school where her classmates were bullying her because she came from Japan. The parents complained to the teacher and the principal, but the school did not take any action regarding this situation.*

The Human Rights of temporary residency status children are protected under the BC Human Rights Act in the exact same way as all Canadian children. (See Chapter 3)

##### **Case #4**

*Miss D was working as an engineer with her working holiday visa until 4 months into the job when she was abruptly fired without any clear explanation. Moreover, the employer has been postponing the payment of her 4 months worth of wages. At the time of firing her, he said: "You were not really working; you were only in training", and refuses to pay her any wages.*

##### **Case #5**

*E Travel Agency is hiring a number of Japanese Nationals by sponsoring their "Work Permits". This company pays each worker a monthly wage of \$2600 as one of the conditions in order to earn an approval as a sponsoring company. Meanwhile, the company orders their employees to pay \$1000 out of the monthly wages back to the company. Because of the difficulty in finding other work or sponsors, they continue to work under such conditions.*

Both Cases #4 and #5 above are employment related and therefore most effectively handled by the Employment Standards Office. (Please see Support Services in Appendix)

#### **4.3 "I don't know how my situation fits with Human Rights Code, but I feel like I have been discriminated or harassed!"**

*A Japanese tourist named F who has a visitor visa was riding on the public bus, and realized after a while that he was headed towards an unknown area. When he asked the bus driver where they were, the driver suddenly yelled at him, "Get off the bus!" He had to get off at a strange place where it almost seemed deserted with no one around. He has no idea why the driver became upset, and whether it was because he was Japanese or because his English was poor.*

*A student, G, and her friend were waiting for a seat to become available in a Cafe. Behind them, a Canadian couple stood waiting for a seat. When a table became available, the waitress escorted the Canadian couple to their seats, ignoring G and her friend.*

Before you file a complaint to the Human Rights Tribunal, one way to deal with such cases as the ones illustrated above, is to directly ask whoever is involved: "Excuse me, why do you do this?" You can also approach the business manager, talk to a customer service representative of the company, or even write a complaint letter. It is often quite effective to include any information that helps to identify the person who harassed you or who behaved in a discriminatory way (such as the number on the bus, the time period you were on the bus, name tag of the waitress, etc.). This can be then given to the business manager or the representative as a record.

Here is a success story: A Japanese woman was put in a situation similar to the one mentioned above. She smiled and directly

**Human rights education can be defined as a process of learning, discovery and action that cultivates the knowledge, skills, attitudes, habits and behaviour needed for people effectively to know, assert and vindicate their human rights consistent with the Universal Declaration and to respect the rights of others.**

*Richard Pierre Claude, 1998*

asked the waitress, "Excuse me, do you do this because I am Asian or Japanese, or a woman?" Quickly, the waitress became flustered, turned red, denied what she just heard and immediately attended to her with the appropriate service. There is no need to accept being mistreated or to remain uncomfortable. With just a little courage, you can make a difference to yourself and to other temporary residents who may end up in a similar situation.

#### 4.4 Contacts

Below is a list of places you can call when you feel you might have been discriminated against or harassed. If you feel hesitant to call these organizations directly, it is advisable for you to speak to someone you can trust. The more time lapses after the incident, the greater the likelihood of you denying that the unpleasant experience happened, or to become critical of yourself, for example: "I must have exaggerated the situation", "I shouldn't be saying such nonsense", "I must have done some-

thing wrong". Unfortunately, this kind of attitude only permits the discrimination and harassment to continue. "If you even suspect that you might have been discriminated or harassed", see Support Services under appendix for list of agencies and organizations that will assist you.

There is also a legal advice program given by UBC students in the Faculty of Law. In a criminal case, as long as the defendant is a first time offender without previously laid charges, the UBC students are able to attend a court hearing with the defendant. Temporary residents can use this service. The program is also open throughout the summer months. Certain areas such as cases related to immigration are not handled in this program. Fees are on a "pay what you can" basis. However, if you need a Japanese interpreter for this program, you must make your own arrangement.

#### Lawyer Referral Service

604.687.3221 (English)

A Japanese speaking lawyer will be referred to you.

#### 5.0 What happens after you make that first call?

Although temporary residents have time limitations, there are alternative means to deal with a situation as outlined below. It is advisable to carefully consider both the time factor and the availability of financial resources before deciding your course of action.

- Private settlement.
- Settlement through intervention from one of the above organizations.
- If necessary, change your address, phone number, school, workplace or environment
- File a complaint with the above listed BC Human Rights Tribunal.

## SUPPORT SERVICES

### Recent Changes

The BC Human Rights Commission was abolished in early 2003 by the current Government and all Human Rights complaints are now being adjudicated by the BC Human Rights Tribunal. Their mandate is as follows:

The B.C. Human Rights Tribunal is an independent, quasi-judicial body created by the B.C. Human Rights Code. The Tribunal is responsible for accepting and resolving human rights complaints in a way that is fair to the parties (the person who made the complaint and the person against whom the complaint is made). The Tribunal does this in two ways:

- The Tribunal helps the parties to resolve the complaint, for example, through mediation, and/or
- If the parties don't resolve the complaint, the Tribunal holds a hearing. The Tribunal is made up of members, one of whom is the Chair of the Tribunal. The members are experts in human rights law and are appointed by the Lieutenant Governor in Council.

The Tribunal deals with human rights complaints that arise in British Columbia and are covered by the Human Rights Code. The Tribunal cannot deal with any other type of discrimination. For more information about the Tribunal, see the Tribunal's Guide 1 - The BC Human Rights Code and Tribunal.

Please see the following pages for their address, telephone number and website.

### 人権擁護団体

2003年春にBC州人権委員会(Commission)が廃止され、人権に関する苦情はBC州人権審判法廷(Tribunal)で裁定されることになりました。同法廷はBC州人権法に基づく独立の準司法機関です。同法廷は人権問題に関する苦情を受け付け、当事者両方(苦情を申し立てた人と苦情の対象になっている人)に公平な方法で問題を解決する責任があると定められています。同法廷はこの責任を以下の方法で果たすこととなります。

- 仲裁などにより、当事者間の話し合いで問題を解決するよう援助、助言する。
- 関係者同士の話し合いが不成立の場合には、聴聞を行って裁定する。州副総督が任命する同法廷のメンバーは人権法に通じた人で、そのうちの一人が議長を務める。

同法廷はBC州で起こった事件で、州人権法によってカバーされる人権に関する苦情のみを取り扱い、それ以外の差別問題などは取り扱うことができません。BC州人権審判法廷の詳細については、以下のリストに含まれているホームページをご覧ください。

## Advocacy and Rights

### BC Civil Liberties Association

#425 – 815 West Hastings Street  
Vancouver, BC V6C 1B4  
Tel: 604.687.2919  
www.bccla.org

*To preserve, defend, maintain and extend civil liberties and human rights in British Columbia and across Canada. Please visit their website for additional information.*

### BC Coalition of People with Disabilities

#204 – 456 West Broadway  
Vancouver, BC V5Y 1R3  
Tel: 604.875.0188  
www.bccpd.bc.ca

*Provides group and individual advocacy, information and referrals. Please visit their website for additional information.*

### BC Freedom of Information & Privacy Association

#103 – 1093 West Broadway  
Vancouver, BC V6H 1E2  
Tel: 604.739.9788  
www.fipa.bc.ca

*Offers education, publications and non legal advice on freedom of information and privacy issues.*

### Caers (Canadian Anti-Racism Education and Research Society)

PO Box 2783  
Vancouver, BC V6A 2E2  
Tel: 604.687.7350  
www.antiracist.com

*Engaged in exposing and opposing racism in all its manifestations and forms and is committed to supporting human rights community networks throughout the world. For additional information, please visit their website.*

### Gay & Lesbian Transgendered Bisexual Community Centre

1170 Bute St.  
Vancouver, BC V6E 1Z6  
Tel: 604.684.5307  
Fax: 604.684.5309  
www.lgtbcentrevancouver.com

*THE CENTRE is a community resource providing support, health and social services, and public education for the well being of lesbians, gay men, transgendered*

*and bisexual people and their allies in Vancouver and throughout BC.*

### Greater Vancouver Japanese Canadian Citizens' Association Human Rights Committee

#200 – 6688 Southoaks Crescent  
Burnaby, BC V5E 4M7  
Tel: 604.777.5222 Fax: 604.777.5223  
To support equal rights for all, giving priority to racial and ethnic issues.

### BC Human Rights Coalition

#1202 – 510 West Hastings St.  
Vancouver, BC V6B 1L8  
Tel: 604.689.8474  
www.bchrcoalition.org  
*A charitable non-profit, community-based organization dedicated to promoting strengthened Human Rights throughout B.C. and Canada.*

### Canadian Human Rights Commission

#420 – 757 West Hastings St.  
Vancouver, BC V6C 1A1  
Tel: 604.666.2251  
www.chrc-ccdp.ca  
*Federal agency responsible for administering the Canadian Human Rights Act. This includes; disability, employment equity, harassment, pay equity, race & religion, sexual discrimination and sexual orientation. Please visit their website for additional info.*

### BC Human Rights Tribunal

#1170 – 605 Robson St.  
Vancouver, BC V6B 5J3  
Tel: 604.775.2000  
Toll Free: 888.440.8844  
www.bchrt.bc.ca  
*The Tribunal helps the parties to resolve the complaint, for example, through mediation. If the parties don't resolve the complaint, the Tribunal holds a hearing.*

### Immigrant Services Society of BC

501-333 Terminal Ave.  
Vancouver, BC  
Canada V6A 2L7  
Tel: 604.684.2561  
Fax: 604.684.2266  
www.issbc.org  
*The Immigrant Services Society of British*

*Columbia (ISS) is a not-for-profit charitable organization that provides settlement, community, English-language, training and employment services to immigrants, refugees and students in Canada.*

## Counseling Services

Crisis Pregnancy Centre  
7416 Edmonds Street  
Burnaby, BC V3N 1A8  
Tel: 604.525.0999  
cpcbarnaby@telus.net  
*Offers rape counseling, post abortion counseling and provide 2nd stage safe house.*

*Other counseling services are covered under specific subject areas*

## Services For The Disabled

### Alda Learning Disability Association

#603 – 409 Granville St.  
Vancouver, BC V6C 1T2  
Tel: 604.683.5554  
www.alda-bc.org  
*Services include assessments, remediation and counseling. Please visit website for additional information.*

### BC Paraplegic Association

780 SW Marine Drive  
Vancouver, BC V6P 5Y7  
Tel: 604.324.3611  
www.canparaplegic.org/bc  
*To assist persons with spinal cord injuries and other physical disabilities to achieve independence, self reliance and full community participation. Please visit website for additional information.*

### CNIB (Canadian National Institute for the Blind)

5055 Joyce Street  
Vancouver, BC V5R 6B2  
Tel: 604.431.2121  
www.cnib.ca  
*A national voluntary agency providing services to individuals across Canada to whom loss of vision is a central problem in personal and social adjustments. Please visit their website for additional information.*

### Coastal Foundation Society

293 East 11th Ave.  
Vancouver, BC V5T 2C4  
Tel: 604.872.3502  
www.coastfoundation.com  
*Counseling and employment services for those with psychiatric difficulties. Please visit their website for additional information.*

### BC Coalition of People with Disabilities

#204 – 456 West Broadway  
Vancouver, BC V5Y 1R3  
Tel: 604.875.0188  
www.bccpd.bc.ca  
*Provides group and individual advocacy, information and referrals. Please visit their website for additional information.*

### Handy Dart Custom Transit

#300 – 3150 East 54th Ave.  
Vancouver, BC V5S 1Z1  
Tel: 604.430.2692  
*Pre-booking required. Please check with individual municipalities for local telephone numbers.*

### Learning Disabilities Association of BC

3292 East Broadway  
Vancouver, BC V5M 1Z8  
Tel: 604.873.8139  
www.ldav.ca  
*Promotes the education, social development and legal rights of people with disabilities. Please visit their website for additional information.*

### Western Institute for the Deaf & Hard of Hearing

2125 West 7th Avenue  
Vancouver, BC V6K 1X9  
Tel: 604.736.7391  
www.widhh.ca  
*Address the needs of deaf, deafened and hard of hearing individuals by providing products, services and programs that work towards ensuring accessibility to their environment which is equal to that of the hearing public. Please visit their website for additional information.*

## Drug & Alcohol Counseling Services

### Alcohol & Drug Information & Referral Service

#202 – 3102 Main St.  
Vancouver, BC V5T 3G7  
Tel: 604.660.9382  
www.vcn.bc.ca/isv  
Provides 24 hour toll-free information and referral service for people needing help with any kind of substance abuse.

### Alcoholics Anonymous

3457 Kingsway  
Vancouver, BC V5R 5L5  
Tel: 604.434.3933  
www.vancouveraa.ca  
Services for people who are alcohol abusers or recovering from alcohol addiction. Please visit their website for additional information.

### Vancouver Recovery Club

261 East 12th Ave.  
Vancouver, BC V5T 3L1  
Tel: 604.708.9955  
www.recoveryclub.com  
24-hour, seven-days-a-week drop in and referral centre for recovering alcoholics. Please visit their website for additional information.

### Al-Anon Central Services Society

#910 - 626 West Pender St.  
Vancouver, BC. V6B 1V9  
Tel: 604.688.1716  
alanon@vcn.bc.ca www.vcn.bc.ca/alanon/  
Relatives and friends of alcoholics who meet for mutual help and support.

## Education Opportunities

### Kwantlen University College

8771 Lansdowne Road  
Richmond, BC V6X 3V8  
Tel: 604.599.2100  
www.kwantlen.bc.ca  
Other Campuses at: Surrey, Newton & Langley Admissions: 604.599.2512  
Daycare: 604.599.2601  
Library: 604.599.2692  
Counseling: 604.599.2400  
Student Loans/Awards: 604.599.2040  
Please visit their website for additional information.

### Open Learning Agency, Open College and BC Open University

4355 Mathissi Pl.  
Burnaby, BC V5G 4S8  
Tel: 604.431.3300 Toll Free: 800.663.9711  
www.ola.bc.ca  
Distance and Open Learning. More than 2000 courses, wide range of programs. Please visit their website for additional information.

For a full listing of other public and private colleges and institutions in the Greater Vancouver area, check the Yellow Pages under "Schools-Academic-Colleges & Universities"

## Family and Childcare Services

### Office for Children and Youth

PO Box 9207 Stn Prov Govt  
Victoria BC V8W 9J1  
Tel: 800.476.3933  
www.gov.bc.ca/officeforchildrenandyouth  
Provide children, youth and their families with information and guidance on accessing services that meet their needs. Please visit their website for additional information.

### Ministry of Children and Family Development

Help Line for Children 604.310.1234  
The Ministry provides government services in the area of child protection, youth services, and protective and voluntary family support services. When serving families with English as a second language, the Ministry uses interpreting and translating services. The Help Line for Children can be called at any time and will provide direct services or provide information about services, if parents need help or if a child may be in need of protection.

### Family Services of Greater Vancouver

1616 West 7th Ave.  
Vancouver, BC V6J 1S5  
Tel: 604.731.4951  
Fax: 604.733.7009  
www.fsgv.ca  
A not-for-profit organization dedicated to strengthening people, families and communities. They provide a diverse range

of professional support and counseling services to those who are experiencing challenges in their lives.

## Financial Assistant Services

### Credit Counseling Society of BC

#200 – 435 Columbia St.  
New Westminster, BC V3L 5N8  
604.527.8999  
www.nomoredebt.org  
Offers confidential financial counseling and budget planning. Please visit their website for additional information.

### Debtors Anonymous

Tel: 604.878.3328  
www.debtorsanonymous.org  
Support group for people dealing with and overcoming compulsive debt problems. Please visit their website for additional information.

## Health Services

### Canadian Mental Health Association

#1200 – 1111 Melville St.  
Vancouver, BC V6E 3V6  
Tel: 604.688.3234  
www.cmha-bc.org  
Offers a resource centre with information on support group meetings and education programs. Please visit their website for additional information.

### Vancouver Coastal Health Authority

#200 – 520 West 6th Ave.  
Vancouver, V5Z 4H5  
Tel: 604.736.2033  
www.vancoastalhealth.ca  
Provide assistance for medical problems. Please visit their website for additional information.

## Housing/Accommodation

### BC Housing

#601 – 4555 Kingsway  
Burnaby, BC V5H 4V8  
Tel: 604.433.1711  
www.bchousing.org  
Administers housing for people with low incomes, including families, seniors and

people with mental or physical disabilities. Please visit their website for additional information.

### Residential Tenancy Office

1190 Melville St.  
Vancouver, BC V6E 3W1  
Tel: 604.660.3456  
www.pssg.gov.bc.ca/rto  
Information on landlord and tenant's rights. Please visit their website for additional information.

### Tenant's Rights Action Coalition

2681 East Hastings  
Vancouver, BC V5K 1Z5  
Tel: 604.255.0546  
Information on tenant's rights regarding evictions, repairs, rent increases, etc.

## Immigrant and Multicultural Family Support Services

### MOSAIC – Employment Programs

1522 Commercial Drive  
Vancouver, BC V5L 2Y7  
Tel: 604.254.0244  
www.mosaicbc.com  
MOSAIC is a multilingual non-profit organization dedicated to addressing issues that affect immigrants and refugees in the course of their settlement and integration into Canadian society. Please visit their website for additional information.

### Multicultural Family Support Services

5000 Kingsway Plaza  
Suite 306 - 4980 Kingsway,  
Burnaby, BC V5H 4K7  
Telephone: 604.436.1025  
This service provides information, culturally sensitive counselling and support services to women and families experiencing violence related problems. Services are provided in many languages.

### Tonari Gumi

511 Broadway  
Vancouver, B. C.  
604-687-2172  
604-687-2168 (Fax)  
Tonari Gumi provides Japanese language social support and information services

to seniors and other Japanese speaking community members.

### **Greater Vancouver Japanese Immigrants' Association**

Suite 245-6688 Southoaks Crescent,  
Burnaby, BC V5E 4M7 Canada  
Tel:(604)777-7000; Fax:(604)777-7001,  
Attn: JIA  
URL: [www.geocities.co.jp/WallStreet/1915/](http://www.geocities.co.jp/WallStreet/1915/);  
E-Mail:[jia@geocities.co.jp](mailto:jia@geocities.co.jp)  
*The Japanese Immigrants' Association provides Japanese language support and information services to newcomers, prospective immigrants and other Japanese speaking community members.*

## **Legal Services**

### **People's Law School**

900 Howe St.  
Vancouver, BC V6Z 2M4  
Tel: 604.331.5400  
[www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)  
*Provide legal information on a variety of topics in plain language to the people of British Columbia (BC), Canada. Please visit their website for a list of all available services.*

### **Community Legal Assistance**

#800 – 1281 West Georgia St.  
Vancouver, BC V6E 3J7  
Tel: 604.685.3425  
Fax: 604.685.7611  
E-mail: [clas@vancouver.net](mailto:clas@vancouver.net)  
[www.clasbc.net](http://www.clasbc.net)

*The purpose of the Community Legal Assistance Society (CLAS) is to provide legal advice and assistance to people who are physically, mentally, socially, economically or otherwise disadvantaged. Please phone for additional information or visit their website.*

### **Dial-A-Law**

845 Cambie St.  
Vancouver, BC  
Tel: 604.687.4680  
[www.bccba.org](http://www.bccba.org)  
*Dial-A-Law is a library of pre-recorded messages prepared by lawyers to provide practical information on specific topics of law as they apply in British Columbia. Dial-A-Law is a free, convenient and easy way to learn about the law and your rights as a resident of British Columbia.*

### **John Howard Society**

#300 – 96 East Broadway  
Vancouver, BC V5T 4N9  
Tel: 604.872.5651  
[www.johnhoward.bc.ca](http://www.johnhoward.bc.ca)  
*Provides direct support services, prevention and educational programs for persons involved in the criminal justice system. Please visit their website for additional information.*

### **Legal Services Society of BC (Legal Aid)**

#1500 – 1140 West Pender St.  
Vancouver, BC V6E 4G1  
Tel: 604.601.6000  
[www.lss.bc.ca](http://www.lss.bc.ca)  
Provincial Call Centre & Law Line:  
866.577.2525  
*Administers legal aid in BC. for people with low income and operates a law line. Please visit their website for additional information and offices in other areas of BC.*

### **BC Human Rights Clinic**

#1202-510 West Hastings St.  
Vancouver, BC V6B 1L8  
tel. 604.689.8474  
fax .604.689.7511  
Toll Free 1.877.689.8474  
E-mail: [bchuman@istar.ca](mailto:bchuman@istar.ca)  
E-mail: [info@bchrcoalition.org](mailto:info@bchrcoalition.org)  
[www.human-rights-coalition.bc.ca](http://www.human-rights-coalition.bc.ca)  
*Through this publicly funded agency paralegals and lawyers will assist and represent you if you wish to file a complaint at the BC Human Rights Tribunal.*

## **Transportation Services**

### **Bus Pass Program**

Tel: 604.682.0391  
*Limited benefits available to low income adults under 60 with a level 2 disability.*

### **Handy Dart Custom Transit**

#300 – 3200 East 54th Ave.  
Vancouver, BC V5S 1Z1  
Tel: 604.430.2892  
*Transportation services for individuals with disabilities that prevent them from using regular services. Pre-booking required.*

### **Translink**

#1600 – 4720 Kingsway  
Burnaby, BC V5H 4N2  
Tel: 604.953.3333  
[www.translink.bc.ca](http://www.translink.bc.ca)  
*Bus service—information on routes, schedules and fares. Please visit their website for additional information.*

## **Women's Services**

### **Battered Women's Support Services**

Tel: 604.687.1867  
Fax: 604.687.1864  
[www.bwss.org](http://www.bwss.org)  
*BWSS provides free support services for all women who are or have been in an abusive, intimate relationship as an adult. The abuse may be emotional, physical or sexual. Peer Supporters are available to talk with women on a one-to-one basis by appointment. Women who require additional services or information may be referred to other sources available in the area. All of our services are free and confidential.*

### **Rape Crisis Centre – Women Against Violence Against Women**

Tel: 604.255.6344  
[www.wavaw.ca](http://www.wavaw.ca)  
*Rape Crisis Centre is operated by a group of women working to provide counseling and support services to women who have been victimized through sexual violence.*

### **Rape Relief & Women's Shelter**

Tel: 604.872.8212  
[www.rapereliefshelter.bc.ca](http://www.rapereliefshelter.bc.ca)  
*A group for women who have experienced male violence. Women grouping in a safe, confidential space for peer support, to raise consciousness and to bring about change.*

### **Multicultural Family Support Services**

5000 Kingsway Plaza  
# 306 - 4980 Kingsway, Burnaby, BC, V5H 4K7  
Tel: 604-436-1025  
*This service provides information, culturally sensitive counseling and support services to women and families experiencing violence related problems. Services are provided in many languages.*

## **Dispute Resolution**

### **Employment Standards Branch**

#210 – 4946 Canada Way  
Burnaby, BC V5G 4J6  
Tel: 604.660.4946  
[www.labour.gov.bc.ca/esb](http://www.labour.gov.bc.ca/esb)  
*The Employment Standards Branch administers the Employment Standards Act and Regulation, which set minimum standards of wages and working conditions in most workplaces. Please visit their website for additional information.*

### **Residential Tenancy Office**

1190 Melville St.  
Vancouver, BC V6E 3W1  
Tel: 604.660.3456  
[www.tssg.gov.bc.ca/rto](http://www.tssg.gov.bc.ca/rto)  
*Information on landlord and tenant's rights. Please visit website for additional information.*

### **BC Human Rights Coalition**

#1202 – 510 West Hastings St.  
Vancouver, BC V6B 1L8  
Tel: 604.689.8474  
[www.bchrcoalition.org](http://www.bchrcoalition.org)  
*A charitable non-profit, community-based organization dedicated to promoting strengthened Human Rights throughout B.C. and Canada. Please visit their website for additional information.*

## UNIVERSAL DECLARATION OF HUMAN RIGHTS

*Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948*

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

## PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,  
Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the

Kaslo, BC  
Sept. 21<sup>st</sup>, 1944.

Office of the Custodian  
Department of the Secretary of State,  
Royal Bank Building,  
Vancouver, B.C.

Dear Sirs:-

I have recently been advised that you sold my farmland which is known And described as S  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Sec. 32, T.P. 2, District of New Westminster and located in the Municipality of Surrey, to the Director of the Veteran's Land Act.

I should like to point out to you that the alleged transfer of this property was made without any consultation to as and without my consent. I do object to your action and I hereby protest this forced sale of my property.

I am an ex-service man having served in the Canadian Expeditionary Forces in the last Great War, and this farmland was acquired by me through the Soldier Settlement Board for the price of \$3200 in 1919. Since I bought this wild land, 32 acres were cleared by me out of which 20 acres are undercultivation and productive, and also since then two dwellings, two roots houses, a barn and a woodshed were built, thus the value of the property was estimated to be approximately \$14000.00.

I cannot but think that you are wrongfully exercising your capacity in selling property of an ex-service man for the purposes of reselling the same to an ex-service man of the present war.

Hoping this will draw your special attention, I am,

Yours truly,

Z. Inouye

*Reproduction of a letter in the Archives. Mr. Inouye was the only Japanese Canadian to have his confiscated property returned to him.*

peoples of Member States themselves and among the peoples of territories under their jurisdiction.

**Article 1.**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2.**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3.**

Everyone has the right to life, liberty and security of person.

**Article 4.**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5.**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6.**

Everyone has the right to recognition everywhere as a person before the law.

**Article 7.**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9.**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10.**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11.**

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.  
(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.**

(1) Everyone has the right to freedom of movement and residence within the borders of each state.  
(2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14.**

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.  
(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15.**

(1) Everyone has the right to a nationality.  
(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16.**

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.  
(2) Marriage shall be entered into only with the free and full consent of the intending spouses.  
(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17.**

(1) Everyone has the right to own property alone as well as in association with others.  
(2) No one shall be arbitrarily deprived of his property.

**Article 18.**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19.**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without

interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20.**

(1) Everyone has the right to freedom of peaceful assembly and association.  
(2) No one may be compelled to belong to an association.

**Article 21.**

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.  
(2) Everyone has the right of equal access to public service in his country.  
(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22.**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23.**

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.  
(2) Everyone, without any discrimination, has the right to equal pay for equal work.  
(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.  
(4) Everyone has the right to form and to join trade unions for the protection of his interests.

**“Injustice anywhere is a threat****to justice everywhere “****Dr. Martin Luther King****Article 24.**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25.**

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26.**

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27.**

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28.**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29.**

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30.**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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