

POLICY PAPER

I. Contextual Background

Data collection and, in particular, disaggregated data collection (also called race-based statistics) provides a critical tool to effectively measure and comprehensively address institutional and systemic barriers to African Canadians from the full enjoyment and exercise of human rights. There are both political and legal reasons to support the collection of disaggregated data as a way to confront and eliminate racism.

Both international and domestic organizations have underscored the critical role of collecting disaggregated data. The United Nations in the Durban Declaration and Program of Action calls on states “to collect, compile, analyse, disseminate and publish disaggregated statistical data.”¹ At the domestic level, the Ontario Human Rights Commission not only sanctions the collection and analyzing of identity based data for Criminal Code legitimate purposes, but finds that “appropriate data collection is necessary for effectively monitoring discrimination, identifying and removing systemic barriers, ameliorating historical disadvantage and promoting substantive equality.”²

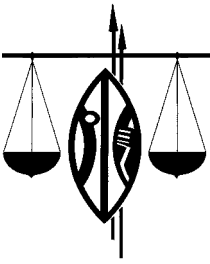
Nevertheless, even with a growing trend among some academics, institutions and community groups, there is still significant resistance and objection to the collection of disaggregated data, particularly by race (including, ethnicity, skin colour and nationality). Dei and Kempf³ assert that race-based statistics serve to pinpoint and measure the material manifestations of racism in Canada. Such statistics are an important element of any project which aims to combat racism.

II. The Case for the Collection of Disaggregated Data

Leadership by Government: The extent to which the Canadian government’s strategies (including its most recent measure, the implementation of Canada’s Action Plan Against Racism in 2005) have effectively tackled institutional and systemic racism has yet to be seen. There are no indications of how the federal government intends to assess its policies and/or adopt strategies to combat racism and discrimination, and their impact on political, legislative judicial, administrative, security, social, economic, cultural and educational systems.

It is crucial for the Government to demonstrate its leadership by mandating, as a priority, the measurement of the impact of all policies and strategies that are aimed at eliminating racism. In the area of criminal justice, Wortley⁴ argues for the need to explore the potential advantages of collecting data that go beyond simple arrest figures and actually capture racial differences in criminal justice decision-making and other important social outcomes.

Visible Minority: The use of the term “visible minority” came into effect with the introduction of employment equity legislation. Its use as a classification for all “persons, other than Aboriginals, who are non-Caucasian in race or non-white in colour” was helpful in giving identity to the “visible” Other within the Canadian population. Unfortunately, it also served to camouflage and even dilute the difference and distinct experiences of respective racial groups. This catch-all term has, in fact, made it very difficult to gain an accurate reflection of the varying degrees of disparity in treatment, outcomes and access to equality experienced by these groups. A common critique of the term is that it discounts the racial hierarchy that is embedded in how race is constructed and how racism is manifested for respective racial minority groups and their members.



The recent and steady trend among some social scientists to collect race-based data, including disaggregation along gender, language, ethnicity, etc. – avoiding the all-encompassing ‘visible minority’ categorization – is significant progress for government and civil society (in particular, the affected communities).

Race-Based Statistics and African Canadians: The responsibility of communities in research, including race-based data collection, cannot be over-stated. Beyond the role of subjects, communities can use research as a powerful tool to effectively forge structural changes and advance equality struggles. The African Canadian community must engage in the advancement of work that employs race-based data collection. The outcomes of such research stand to bolster and strengthen the community’s case against the patterns of denial and resistance by Canadian institutions; and can help build capacity within the community.

III. Recommendations

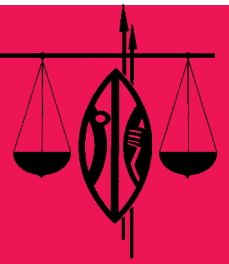
1. That the Canadian government comply with its commitment to the Durban Declaration and Program of Action and mandate the collection of disaggregated (including race) data to monitor the situation of marginalized groups and the development and evaluation of strategies and measures to eliminate racism in all sectors.
2. That the Canadian government acknowledges the pernicious effects of anti-Black racism and take proactive and practical measures, in consultation with the African Canadian Community to eliminate anti-Black racism.

¹ United Nations, Durban. *Declaration and Program of Action*, Article 92. p. 79.

² Ontario Human Rights Commission. *Policy and Guidelines on Racism and Racial Discrimination*. Toronto: OHRC, 2005. p. 44. Available at: <http://www.ohrc.on.ca/en/resources/Policies/RacismPolicy/pdf>

³ Dei, G. & Kempf, A. “The Application and Impact of Race-Based Statistics to Effect Systemic Change and Eliminate Institutional Racism,” *CRRF Directions*, vol. 3: no. 2, 2006. Toronto: Canadian Race Relations Foundation.

⁴ Wortley, Scot. “The collection of race-based statistics within the criminal justice and educational systems: A Report for the Ontario Human Rights Commission,” *CRRF Directions*, vol. 3: no. 2, 2006. Toronto: Canadian Race Relations Foundation.



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I. Contextual Background

African Canadians are primary targets of systemic racism in the areas of policing, the courts, and correctional institutions. Racial stereotypes concerning African Canadians' criminality, including a belief in their propensity for crime, violence and association with the drug trade, are particularly prevalent in Canadian society and devalue African Canadians. Systemic anti-Black racism underlies the over-policing and over-representation of African Canadians in the criminal justice system, as indicated by arrest rates, incarceration rates and sentencing, among other areas.¹

This paper highlights three priority thematic areas for policy direction.

II. Key Issue Areas in Criminal Justice

1. Racial Profiling

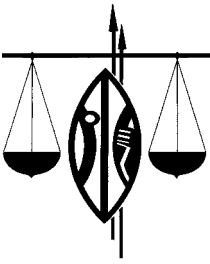
Racial profiling is one of the most common and pernicious forms of racism faced by African Canadians in their interaction with the criminal justice system. The African Canadian community is subjected to much greater police surveillance; and racial profiling may explain the over-representation of minorities in arrests statistics.²

The pervasiveness of racial profiling by police and private security produces communities that feel they are under siege and living in constant fear. In essence, it robs African Canadians of their sense of citizenship and belonging within their country and communities. While racial profiling and its disparate impact on African Canadians has been recognized by community advocacy, social research and reviews, and court rulings, legislative and policy measures still fail to address it adequately.

2. Over-representation of African Canadians in the Criminal Justice System

The over-representation of African Canadians in the criminal justice system when compared to Whites and other racialized groups (except Aboriginal peoples), is indicated in such areas as: pre-trial incarceration, sentencing, charging for misconduct and application of institutional discipline, and participation in discretionary release programs.³ For example, from 1994 to 2004, African Canadian inmates held in federal prisons comprised approximately 6% of the inmate population compared to African Canadians comprising only 2% of the overall Canadian population.⁴ The Commission on Systemic Racism in the Ontario Criminal Justice System, based on current statistics at that time, found that African Canadians "account for 15% of prison admissions while they constitute only about 3% of the province's population".⁵

Gendered Reality: The incarceration rate of African Canadian women is also an area of critical concern. In 1995, the Commission's Report⁶ drew attention to the increasing incarceration rate of African Canadian women. Many of the women were being held on drug-related charges. The research and collection of disaggregated data reveals significant gaps in programming and helps us to more fully identify and address this escalating issue and its long-term impact on the community.



3. Injustice in the Court Process and Mandatory Minimum Sentencing

The thrust by the governments to entrench *mandatory minimum* sentencing for certain crimes and offenders is a continuation of the punitive law and order regime that has characterized criminal justice policies since the mid-1990s. Politicians and criminal justice authorities have used issues of ‘gun violence and youth crime’, ‘the war on drugs’, and ‘immigrants as threats to society’ to stoke fear-mongering and win public favour for harsher penalties, rather than focus on more rehabilitative policies.

Research in the United States has repeatedly shown that mandatory minimum legislation has not resulted in the reduction of crime or reducing recidivism rate. If anything, it creates a steady supply of offenders for the growing prison industry in Canada.

III. Recommendations

1. That the federal government acknowledges systemic anti-Black racism in the criminal justice system and develops a national strategy to eliminate it.
2. That the federal government must mandate the collection of disaggregated data (to include race and gender as mandatory) throughout the criminal justice system, including stops and search and arrests by police.
3. That all levels of government must enact legislation to make racial profiling a criminal act; and implement a public education strategy towards its elimination.

¹ African Canadian Legal Clinic, “Condition Critical: Anti-Black Racism and the Imperative for Action”, *Report to CERD, 70th Session on the Review of Canada’s 17th & 18th Report*. Toronto: ACLC, February 2007.

² Wortley, S. & Tanner, J. “Data Denials and Confusion: The Racial Profiling Debate in Canada.” *Canadian Review of Policing Research*, vol. 1, 2004.

³ Gittens, M., & Cole, D. *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*, Toronto: Queen’s Printer, 1995.

⁴ Trevelyan, S. and Rastin, C.J. *A Profile of Visible Minority Offenders in the Federal Canadian Correctional System*. Ottawa: Correctional Service Canada, 2004. Available at: <http://www.csc-scc.gc.ca/text/rsrch/reports/r144/r144-eng.shtml#il>

⁵ Gittens, M., & Cole, D. *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. Toronto: Queen’s Printer, 1995. p. 71.

⁶ *Ibid.*



POLICY PAPER

I. Contextual Background

Education remains a major area of concern and priority for African Canadian students, parents, and the community as a whole. Unquestionably, it must also be an area of concern and priority on the agenda of governments, educational institutions (including, school boards, schools, teachers' associations, etc.) and Canadian society, as a whole.

Today, systemic anti-Black racism is manifested in the ideologies, structures, policies, and practices within the education system, from elementary through to secondary and tertiary levels of education, and across the country. The adverse experiences of African Canadian children in the education system, including the quality of education received and the outcome of their educational experiences, affect the life chances and future of African Canadian youth and adults, including their employment and income potential.

II. Key Issue Areas in Criminal Justice

1. Streaming of African Canadian Students

The streaming of African Canadian students into general and basic level academic programs, as opposed to advanced level programs, has been a long-standing issue for parents and the community. The practice creates a two-tiered system, which streams African Canadian students into lower levels, and thereby diminishes their chances of pursuing higher education and career choices. The enrolment of African Canadian students into vocational, commercial and technical schools is also viewed as a streaming practice.¹ To a large extent, this practice is indicative of the low expectations that schools and many teachers have of these students.

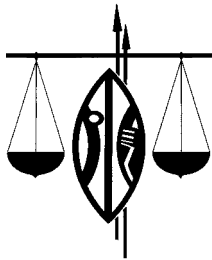
2. Safe School/Zero Tolerance Legislation and Policies

Safe School legislation and Zero Tolerance policies implemented in the education system represent the regime of law-and-order policy direction by the government, which lays blame on the individual student, but ignores structural and social issues as root causes. This legislation has had a devastating impact on African Canadian students in three major ways.

First, it promotes racial profiling of African Canadian students in the education system. In its submission to the UN Human Rights Committee, the ACLC noted that the most appalling manifestation of racial profiling could be found within the disciplinary processes of some Canadian public school systems.²

Second, there is ample empirical evidence to demonstrate that these policies invariably result in the increased suspension and expulsion of African Canadian students. Statistics gathered in the Toronto District School Board's *2006 Student Survey* indicated an astounding drop-out rate among racialized students as follows: English-speaking Caribbean - 40%; Central and South America - 37%; East African - 32%; Southeast Asian - 29%; West Asian - 28%; West African - 26%; and Canadian Black - 23%.³

Finally, there is a perception that the legislation facilitates conditions that promote the criminalization of African Canadian youth. In fact, it is viewed as a direct pipeline into the prison system for young African Canadians males.



3. Invisibility of African-Centred History, Culture and Identity in Curricula and the School Culture

The exclusively Eurocentric curriculum within the education system discounts the historical presence and contribution of African Canadians and maintains the dominant view of Canadians of African descent as “outsiders,” “not-belonging” and “recent arrivals”. This is demonstrated in the absence of culturally enriched pedagogy, curricula and educational materials that reflect the presence and contributions of African Canadians and people of African descent, at all levels of the education system. In addition, the under-representation of African Canadian teachers and Administrators throughout the school system, and at all levels, adds to the invisibility of African Canadian identity and maintains the Eurocentric school culture intact.

4. Post-Secondary Education

The structural and systemic inequities that manifest at the secondary school level for African Canadian students continue to have implications for their post-secondary education experience. The culture of low expectations of African Canadian students, and doubts about the merit of their presence in college and university settings maintain race-based stereotypes about their qualifications, educability and sense of belonging. Similarly, the thrust towards inclusivity by colleges and universities, while well-intentioned, reproduces the inequities, marginalization and exclusion of African Canadian students. In particular, when these policies are based on modeling African Canadian students as deficient compared to the “normalized” Eurocentric educational culture, it discounts the value that African Canadian students bring in their own right. The under-representation and/or absence of African Canadian faculty members maintain the invisibility and marginalization of African Canadians. In recent years, the proliferation of racism incidents on the campuses of several major Ontario universities appears to discredit the effectiveness of “diversity-focus” initiatives at the exclusion of anti-racism strategies and measures.

III. Recommendations

1. That provincial Ministries of Education must implement legislation and policies that mandate the collection of disaggregated data, throughout all school boards.
2. That Boards of Education, particularly in urban centers, provide African-centered educational programs and curricula (including the provision of Africentric schools) to support the effective education of African Canadian children specifically, and all students, generally.
3. Ministries of Education are to ensure that adequate remedies are available to African Canadian students adversely impacted by the discriminatory effect of Safe Schools’ (or Zero Tolerance) disciplinary policies, including racial profiling

¹ Dei, et al., *Reconstructing “Dropout”: A Critical Ethnography of the Dynamics of Black Students’ Disengagement from School*. Toronto: University of Toronto Press, 1997.

² African Canadian Legal Clinic, Reference Material, 2005.

³ Toronto District School Board (2008). *Research Report: 2006 Student Census Survey – Grades 7-12 System Overview*. Toronto: TDSB, 2008.

⁴ Dei, et al., *Reconstructing “Dropout”: A Critical Ethnography of the Dynamics of Black Students’ Disengagement from School*. Toronto: University of Toronto Press, 1997.

⁵ James, C.E. “Contradictory Tensions in the Experiences of African Canadian in a Faculty of Education with an Access Program,” *Canadian Journal of Education*, vol. 22 no. 2, Spring 1997, pp. 158-74.



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I. Contextual Background

Employment represents one of the most important platforms on which the battle for dignity, fairness and access is fought on a daily basis by African Canadians. "Anti-Black racism and systemic discrimination as evident in disproportionately high unemployment rates, remain the norm for African Canadians."¹

Racial discrimination, compounded by the increasingly changing economy, has intensified the vulnerability and marginalization of African Canadians from sharing in the benefits and wealth of this country. The current economic crisis in Canada will launch a new level of unprecedented marginalization for African Canadians as regions (such as Ontario) with higher concentrations of this population are hit by the financial crisis and increased job losses.

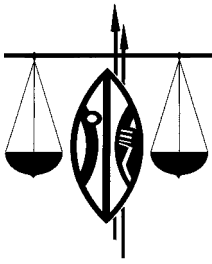
In examining the Canadian labour market statistics between 1996 and 2001, Galabuzi² found a double-digit income gap between racialized and non-racialized populations in the Canadian labour market, higher unemployment and lower employment participation rates, and occupational concentrations in low-income jobs. He contends that these patterns are evident even when educational attainment is taken into account, whereby higher education has not translated into comparable labour market access or workplace mobility.

Milan and Tran's article, entitled "Blacks in Canada: A Long History," provides a demographic snapshot of the African Canadian population.³ Based on statistics from the 2001 census, the authors found that Blacks had a lower employment rate, lower incomes and higher unemployment rates when compared to all Canadians. Studied groups were sub-divided into "Canadian-born" and "Foreign-born" Blacks to consider immigration as a variant. The following selected information is excerpted from the study:

- *Employment rates for 1991 and 2001 indicated:* Rates for Canadian-born Blacks increased from 72% to 76% and Foreign-born Blacks remained unchanged at 77% for both years; compared to the general Canadian-born population that increased from 78% to 81% and the general Foreign-born population that increased from 76% to 77% for the same period.
- *Unemployment rates for 1991 and 2001 decreased for the period:* rates decreased for Canadian-born Blacks from 12.5% to 7.5% and for Foreign-born Blacks from 12.5% to 9.6%. In comparison, the decrease in rate for the general Canadian-born population was from 9.0% to 6.0%, and rates for the Foreign-born population from 9.6% to 7.0%. While unemployment rates dropped for all groups, African Canadians (Canadian-born and Foreign-born) still experienced higher rates of impact compared to the general population.
- *Employment Income – (Average Earnings) for 1991 and 2001:* Canadian-born Blacks' average employment income showed only a slight change @ \$29,700 for 1991 and 2001, while Foreign-born Blacks indicated a significant drop from \$30,100 to \$28,700. Comparatively, the average income for the Canadian-born population increased from \$34,100 to \$37,200 for the same period; and the income of "all Foreign-born persons" dropped slightly from \$34,900 to \$34,800.

A recent Globe and Mail article reported Statistics Canada findings that "Children of Chinese and South Asian immigrants to Canada do dramatically better over time than the offspring of blacks, Filipinos and Latin Americans."⁴

Gendered Reality: African Canadian women are especially vulnerable to racism in employment.⁵ The average income of African Canadian women in 2000 was \$20,029 compared to the average income of Canadians of \$29,769.⁶ This



translates to earnings equal to 88% that of non-racialized Canadian women, 79% that of African Canadian men and 57% that of non-racialized Canadian men.⁷ Their unemployment rate is 13.2% compared to 6.3 % for non-racialized Canadian women. In addition to lower salary and wage levels, differences in sources of income (e.g., from government transfers vs. employment income), disparity in their access to secure, permanent, well-paying jobs, and their overrepresentation in precarious jobs – temporary, contract, self-employed – contribute to marginalization and exclusion of African Canadian women in employment. Even when achieving education similar to or more advanced than non-racialized Canadians, they still face discrimination.

II. Strategies to Address Discriminatory Barriers

While traditional remedial strategies that focus on positive measures, such as employment equity, have made some inroads, they have not gone far enough to reform the employment marginalization and exclusion that African Canadians have faced.⁸

Traditionally, the presence of labour unions has meant better working conditions for employees; however, unions have not succeeded in protecting African Canadian workers from anti-Black racism and gendered anti-Black racism in the workplace. Mechanisms, policies and legislation established to address complaints of racism and discrimination, have not, for the most part, been very effective, particularly in dealing with employer reprisal actions against individuals or groups who file complaints.

III. Recommendations

1. That, given the pervasiveness of anti-Black racism, governments must enhance or enact employment equity legislation with mandated targets that will address the pronounced marginalization of African Canadians in employment.
2. That labour unions acknowledge the impact of anti-Black racism in the workplace and the pronounced vulnerability of African Canadian employees, and work collaboratively with the community to address the issue, including within labour organizations.
3. That the African Canadian community must engage governments, public institutions, academe, labour unions and private sector to undertake research and develop knowledge on labour market issues which impact African Canadians, including women, youth, people with disabilities, etc.

¹ African Canadian Legal Clinic. *The Hidden Side of Paradise – Violations of the Economic and Social Rights of African Canadians [Submission to the UN CESCR on Canada's 4th & 5th Reporting Cycle]*.<http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/ACLC.pdf>

² Galabuzi, G. *Canada's Creeping Economic Apartheid: The Economic Segregation and Social Marginalization of Racialized Groups*. Toronto: CSJ Foundation for Research and Education, May 2001.

³ Milan, A. & Tran, K. "Blacks in Canada: A Long History." *Canadian Social Trends*, Spring, 2004.

⁴ Jimenez, M. "Immigrants Facing Growing Mobility Gap," *The Globe & Mail*, October 6, 2008.

⁵ Canadian Association of Social Workers. *Income of Black Women in Canada 2005*. CASW.

⁶ *Ibid.* p. 2.

⁷ African Canadian Legal Clinic. *Report to CEDAW Committee in Consideration of Canada's 7th Periodic Report*, Geneva, October 27th, 2008.

⁸ The federal Employment Equity program is the only legislated program that is currently in effect. Relatively speaking, while women – in particular White women – have benefited substantially from the program, African Canadians continue to face barriers – occupational ghettos, glass-ceiling effect, Bilingualism, etc.



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I. Contextual Background

Health and health care rank high on the list of priorities for Canadians. The provision of and access to universal health care is considered a cornerstone of Canadian democratic values, a uniquely Canadian feature that elevates Canada's image among the Organisation for Economic Co-operation and Development (OECD) countries. Our health care system is anchored on core values of equity, fairness and common interest; however, the race and racism present a counter-reality for many Canadians, a reality that is characterized by disparities within the system.

For persons living in rural areas and those who are marginalized because of race, gender, language, culture, poverty or other social identities, the inequities associated with their identities have real implications, not only in terms of access to health care but, also in terms of health outcome, as in the situation of African Canadians.

II. Intersection of Systemic Anti-Black Racism on Health Outcomes and Access

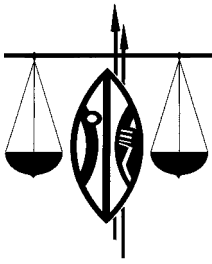
The intersection of systemic anti-Black racism and health care for African Canadians can be considered from two perspectives. First, its direct impact on specific illnesses and health conditions (e.g., prevalence) among African Canadians. Second, the manifestation of anti-Black racism within the Canadian health care system through its policies, structure and practices and the consequent implications for African Canadians' access to the system and the quality of care delivered and received.

1. Impact of Anti-Black Racism on African Canadians' Health

Research findings have indicated links between race and physical, emotional and mental illnesses and the health conditions of African Canadians. Although the body of health research that focuses on African Canadians is sparse, similarities have been established between the findings in Canada and the US with those in Britain. These findings indicate a disproportionate incidence of illnesses, such as diabetes, cancer, cardiovascular and cerebrovascular disease, HIV/Aids, lupus and hypertension among African descendant women.¹

A study conducted within a community of African Nova Scotians on the morbidity rate of chronic diseases (circulatory diseases, diabetes mellitus) and psychiatric disorders found higher morbidity rates for African Nova Scotians compared to the provincial population.² This finding was consistent with the findings of similar studies on people of African descent living in Britain.

Gendered Reality: The cumulative impact of racism, discrimination, poverty and other structural and systemic inequities profoundly impact the physical, emotional and mental health of African Canadian women.³ The disparity is manifested in many ways, including the degree of undetected disease and rates of illnesses, such as hypertension, mental illness, HIV/AIDS, etc. Among African Canadian women in the Atlantic provinces who suffered from addiction and mental illness, stigma and lack of personal support were identified as significant issues in dealing with these illnesses.⁴ Racism was identified as a key factor in their experiences of depression and undermined their ability to take care of themselves.⁵ The increasing vulnerability of the number of African Canadians living with HIV/AIDS is of growing concern.⁶ 2002 statistics indicate that African Canadians made up 2.2% of the population, but 7-10 % of HIV/AIDS is attributed to this population. Between 1998 and 2004, women of African heritage



represented 52% of HIV and 42% of AIDS cases. It is estimated that 80% of HIV cases among African Canadians occur among age groups below 40 years.⁷ Health care for African Canadian women must be made a top priority.

2. Anti-Black Racism within the Health Care System: Access and Quality of Care

Anti-Black racism within the health care system is demonstrated in ways that deny, marginalize and exclude the racial and cultural realities of African Canadians. Consequently, African Canadians' full access to health care and the quality of health care delivered is undermined. Some of the areas of concern include:

- a legislative and policy framework that maintains a Western, white-centred and middle-class approach in the healthcare system
- the need to integrate race analysis throughout the health care system
- the lack of attention and priority given to the health status and health care needs of African Canadians, including an integrated analysis (race, gender, age, etc.) in the areas of research, policy, and treatment technologies (a major issue and concern)
- the absence of the systematic collection of disaggregated data in areas such as mortality rates, incidence of critical and chronic illnesses and mental health illness
- the continuing homicide rates among African Canadian youth and the link to health issues
- absence of African Canadians at senior management and executive levels in health care organizations, including at board levels
- lack of partnerships between health care institutions and the African Canadian community (organizations) to build capacity on both sides.

III. Recommendations

1. That the Federal Government take steps to reframe the social determinants of health to include "racism" as a social determinant of health.
2. That Health Canada and health care institutions must partner with the African Canadian community and academe to invest in quantitative and qualitative health research (including the collection of disaggregated data), specific to African Canadians, to support appropriate outreach, health education, promotion programs and treatment models to support the development of adequate medical and treatment technologies.
3. That Health Canada and health organizations engage the African Canadian community in the development of health care policies.

¹ Etowa, J., et al. "An Approach for Improving Black Women's Health in Rural and Remote Communities." *The Journal of Transcultural Nursing*, October 2007.

² Kisely, S., Mikiko, T., & Langille, D. "A Population-Based Analysis of the Health Experience of African Nova Scotians." *Canadian Medical Association Journal*, September 23, 2008. <http://www.cmaj.ca/cgi/reprint/179/7/653>

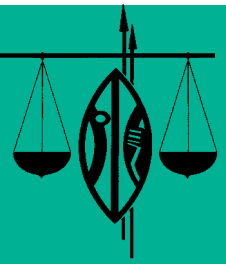
³ African Canadian Legal Clinic (AFLC). *Report to CEDAW Committee in Consideration of Canada's 7th Periodic Report*, 2008.

⁴ Public Health Agency, Canada (Atlantic Region). *An Environmental Scan of Mental Health and Mental Illness in Atlantic Canada*, 2007.

⁵ *Ibid.*

⁶ *Interagency Coalition of Aids and Development, HIV/AIDS & Diaspora African Communities Living in Canada*, June 2006.

⁷ *Ibid.*



POLICY PAPER

I. Contextual Background: Interconnectedness of the International and National Agendas

The international community, and in particular, the United Nations (UN) human rights organization provides African Canadians with a platform from which they can launch a comprehensive strategy to attain equality for the Community.

While the issues impacting the community may be domestic in scope, they can reach international proportions given Canada's obligations as a member state and signatory to the UN Human Rights conventions and agreements, and its responsibility for follow-up actions at home. These international bodies and instruments provide a way for non-governmental organizations (NGOs) to participate in international advocacy and global governance. They provide an opportunity for NGOs to influence international priorities and standards that have implications for policy and decision-making at the domestic level (both nationally and locally).

Additionally, NGOs' engagement in the international process provides a valuable resource and support for the UN to expand its work and influence with citizens. Through NGO interventions, the UN can obtain a more complete picture of the human rights issues in respective countries and communities. NGOs also act as conduits to promote and disseminate decisions made by the UN organizations, especially when the decisions favour the NGOs.

This paper briefly highlights some areas for discussion about the importance of Canada's role in the international community as it relates to anti-racism work, and the implications for the work of African Canadian NGOs.

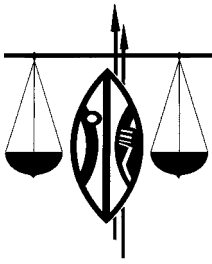
II. Relevant UN Mechanisms that can Impact Anti-Racism Work

As a member agency of the UN, Canada is signatory to a number of human rights conventions and agreements. The short list below highlights some of the conventions that have particular relevance and significance to the work of the African Canadian community. All member states, including Canada, are required to submit reports regularly to the respective Treaty Monitoring Committees.

Treaty-Monitoring Committees

- Committee on the Elimination Racial Discrimination (CERD)
- Committee on the Elimination of Discrimination Against Women (CEDAW)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Civil and Political Rights (CCPR)
- Human Rights Committee
- Committee on the Rights of the Child (CRC).

There are other relevant mechanisms within the UN that should also be used to support the work, including the UN World Conferences, intergovernmental bodies (e.g., the General Assembly, the Human Rights Council and its working groups), and various independent experts mechanisms (e.g., Special Rapporteur on Racism, Working Group of Experts on People of African Descent, etc.). In addition, there are regional mechanisms, such as the Organization of American States (OAS).



Relatively speaking, Canada's work and voice within the UN setting is well respected. Historically, Canada has participated at the forefront, supporting multi-lateral processes and NGOs' participation, and advancing relatively progressive language and analyses on the women's agenda, sexual rights, hate crimes, multiculturalism and diversity, to name a few. Canada has also played a leading and critical role in various UN World Conferences, including the World Conference Against Racism (WCAR) in Durban, South Africa, in 2001.¹ At the Conference, the Canadian delegation stood its ground under fierce political pressure and remained for the full duration of the Conference when the US and Israel withdrew.

In the past, the federal government has implemented various engagement frameworks to consult with communities on the development of its international agenda and priorities. More recently, however, Canada has re-oriented its involvement in the Durban follow-up work, and is noticeably absent from the activities of the Working Group of Experts on People of African Descent (WGPAD). This development is perceived as a withdrawal of support for the Working Group and a failure to acknowledge the importance of this body and its agenda to African Canadians.

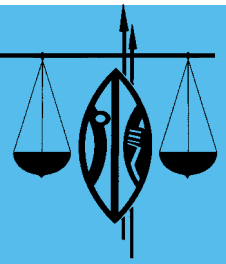
In 2007, the Canadian Government announced that it would not participate in the Durban Review Conference in Geneva in April 2009. This Conference will be an important opportunity for states to report on the progress they have made to implement measures in the Program of Action to combat racism and racial discrimination. Canadians, however, will not have the benefit of hearing the Government report on the progress of its action(s), including progress on the Canadian Action Plan Against Racism (CAPAR), as well as any progress Canada has made on the recommendations outlined in the report of the UN Special Rapporteur on Racism, based on his mission to Canada in 2003. There has been a vacuum created with the absence of mechanisms for NGOs, in particular, grassroots community organizations and social justice organizations to engage with the Canadian Government.

The OAS is developing a Draft Inter-American Convention Against Racism and all Forms of Discrimination and Intolerance in the Americas. This instrument will be an important addition, given the history of racism and discrimination against people of African descent in the Americas. Canada has indicated its support for the framework, as a non-binding framework.

III. Recommendations

1. That the Canadian Government reports on the progress made in the implementation of the Canada Action Plan Against Racism, in particular, measures taken to address anti-Black racism.
2. That the Canadian Government supports the work of the UN Working Group on People of African Descent (WGPAD) by attending the meetings and supporting the WGPAD.
3. That the Canadian Government report on the progress that has been made to implement the recommendations of the UN Special Rapporteur Against Racism (2003), in particular, Recommendations 81(h) and 81(n) directed at African Canadians.
4. That the Canadian Government declares its support for the OAS Draft Inter-American Convention Against Racism and all Forms of Discrimination and Intolerance, in particular, as a binding agreement.

¹ United Nations. *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, August – September 2001*. <http://www.un.org/WCAR/coverage.htm>



POLICY PAPER

I. Contextual Background

Contemporary anti-Black hate in Canada must be understood in the context of anti-Black racism in Canadian history. Slavery was not abolished in Canada until 1834. The history of African Canadians is one of *de facto* segregation in housing, schooling, employment and exclusion from public places, such as theatres and restaurants. Anti-Black racism is rooted in the maintenance and perpetuation of stereotypes of African Canadians as inferior, overly aggressive and prone to criminality.

II. Nature and Impact of Hate Crimes

Anti-Black hate crimes can take place at any time and anywhere, such as the workplace, schools, public spaces, or at home. These types of crimes have serious and long-lasting effects on not only the attacked individual but also on the whole community. Hate crime victims are more likely than non-hate crime victims to experience intense feelings of vulnerability, anger and depression, long recovery times, physical ailments, learning problems, interpersonal conflict and post-traumatic stress disorder. Hate-motivated activity poisons society, breeds suspicion, mistrust, alienation and fear, and promotes exclusion of racialized groups.

III. Hate Crime Definitions

There are two categories of hate crimes in the *Criminal Code of Canada*:

1. *sentence-based hate crimes* – all criminal offences motivated by hatred against a person's race, colour, sexual orientation, language, mental or physical disability, national or ethnic origin, religion, and any other similar personal characteristic. Offences may include vandalism, arson, assault, sexual assault and murder. If there is evidence that a crime was partly or wholly motivated by hate, a judge can consider it as an aggravating circumstance and impose a harsher punishment at sentencing.¹
2. *hate propaganda crimes* – concern any spoken, written, drawn or gestured public statements that aim to convey hate, specifically, advocating genocide and public incitement of hatred and willful promotion of hatred.²

IV. Anti-Black Hate Crimes Statistics

Surveys have found that race/ethnicity was the most common motivating factor for hate crimes in Canada. In 2006, 61% of hate crimes reported by the police were motivated by race/ethnicity³ with 48% of the victims of all racially motivated hate crimes being Black. The 2006 data for Black victims show a disturbing increase from 30% in 2002.⁴ Of all police-reported violent crimes motivated by racial/ethnic hate, 47% were committed against African Canadians.⁵

1 *Criminal Code of Canada*, R.S., 1985, c. C-46. s. 718.2(a)(i) [Criminal Code].

2 *Criminal Code*, s. 318 and s. 319.

3 Dauvergne, M., Scrim, K. & Brennan, S. *Hate Crime in Canada, 2006*. (Ottawa: Statistics Canada, 2008), p. 11. Available online: <http://www.statcan.gc.ca/pub/85f0033m/85f0033m2008017-eng.pdf>.

4 Silver, W., Mihorean K. & Taylor-Butts, A. *Hate Crime in Canada, 2002*. (Ottawa: Statistics Canada, Canadian Centre for Justice Statistics, 2004). Available online: <http://www.statcan.gc.ca/pub/85-002-x/85-002-x2004004-eng.pdf>.

5 *Ibid*, p. 9.

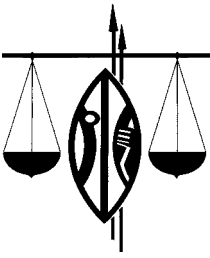


Chart 2
Police-reported hate crime by type of race/ethnicity, Canada, 2006

percentage of race/ethnicity motivated hate crimes

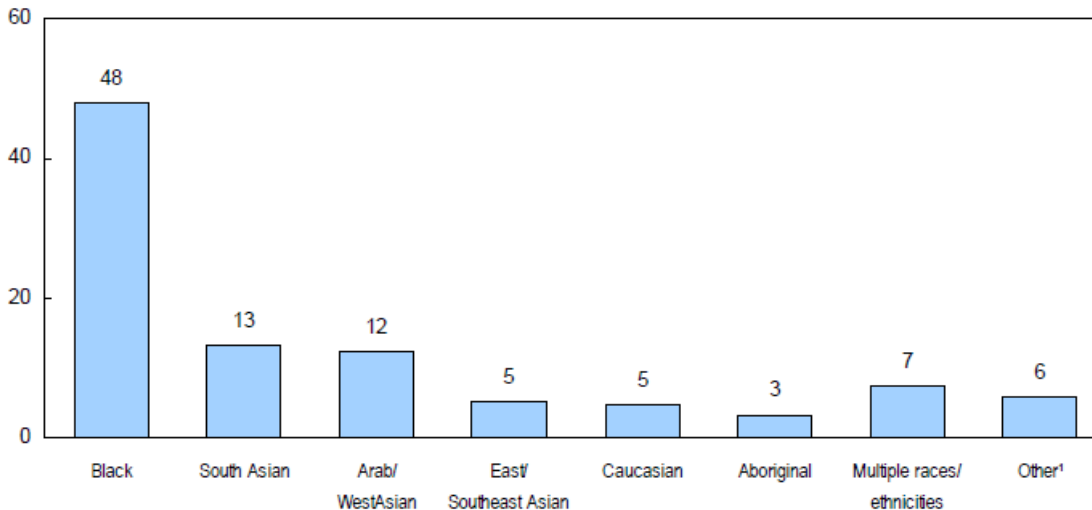


Chart 1. (source: *Hate Crime in Canada, 2006* (Ottawa: Statistics Canada, 2008), p. 12)

V. Legal Remedies

Federal, provincial, and international legal remedies available to victims and community members include investigations and prosecutions under the *Criminal Code*, and the filing of human rights complaints under the *Canadian Human Rights Act*⁶ and Provincial human rights codes.

VI. Strategies to Combat Hate

Stopping hate is a community and government responsibility. Strategies that can be used by community agencies to assist victims include: protecting the safety and well-being of the victim, documenting the incident through witness statements, and preserving and collecting evidence (e.g., medical records, and photographs), and reporting the hate crime to the police. Public institutions such as schools, universities, and municipalities should develop policies and programs to deal with hate crimes and ensure access to services for victims. Long-term and pro-active strategies include: media advocacy, raising community awareness about anti-Black hate, and lobbying law enforcement to recognize and pay greater attention to incidents of anti-Black hate.

VII. Recommendations

1. That public institutions, such as the police, school boards, universities, correctional facilities take reports of anti-Black hate crimes seriously and investigate them in a timely and thorough manner.
2. That public institutions develop protocols and training specifically on the phenomenon of anti-Black hate.
3. That government, police services and school boards work in partnership with the community to raise awareness and sensitivity on anti-Black hate.

⁶ *Canadian Human Rights Act*, R.S., 1985, c. H-6, see Section 12, "Publication of discriminatory notices, etc.," and Section 13, "Hate messages."



POLICY PAPER

I. Contextual Background

African Canadians are significant stakeholders in immigration and refugee policy. African Canadians have a long history of immigration to Canada and are the third largest racialized group in Canada, making up approximately 18% of Canada's "visible minority" population.¹ Historically and currently, African Canadians are impacted by Canada's immigration laws and policies. This paper focuses on three principal issues identified in African Canadian community consultations across Canada.

II. Key Issues

1. Family Reunification

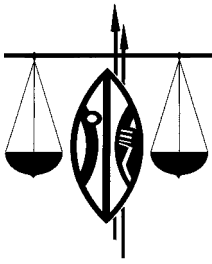
African Canadian immigrants face many barriers to family reunification, and as a result often experience long periods of separation from their spouses and children. The lengthy division of families has deep psychological and social impacts. African refugees are especially affected by delays in reunification, and their families left behind may face considerable risk. Statistics show that 80% of applications filed by refugees in visa posts in Africa take up to 28 months to process from the time of submission.² In addition to overburdened visa offices, delays can be caused by requests for medical or DNA testing or additional documentation and security checks.³

Some family members may be omitted from the process, with serious consequences. If a family member is not included at the time a sponsor is examined by a visa officer, that family member is excluded forever from being sponsored.⁴ In other instances, because of the narrow and Eurocentric definition of family in Canada's immigration laws, extended family members, who may nevertheless be integral members of the family, cannot be included on an application for permanent residence.

2. Settlement and Integration

African Canadian immigrants face systemic barriers in their settlement and integration into Canadian society, and are barred from equal access and full participation in economic, social and political spheres. Due to additional disadvantages, refugees, women and Francophones face multiple obstacles in accessing services. Poverty, in which African Canadians are disproportionately represented, also severely affects the ability for immigrants to access opportunities. Family separation, mentioned above, also impedes the settlement process: immigrants who are separated from their families experience much stress, have little or no family network to rely on and expend already scarce resources trying to reunite with their families.

The availability of linguistically and culturally appropriate settlement services is critical to facilitate the inclusion and integration of African Canadians. A long-term and integrated approach to settlement and integration must be taken to facilitate access to the labour market, housing, health services and job-related training (including language training). Appropriate and core levels of government funding should be provided to the agencies providing such services.



3. Right of Appeal in Deportation

Under the current *Immigration and Refugee Protection Act*, permanent residents who have been sentenced to imprisonment of two years or more (“serious criminality”) have no right to appeal their deportation orders to the Immigration and Refugee Board.⁵ The removal of this right in 2001 was preceded by anti-immigrant and anti-Black sentiments in public discourse, involving stereotypes about the criminality of African Canadians and immigrants.⁶ An over-representation of African Canadians in the criminal justice system (discussed in the ACLC Policy Paper on Administration of Criminal Justice) means that the denial of the right of appeal disproportionately affects African Canadian permanent residents. Canada’s deportation laws may appear neutral, but their operation, in the context of the criminal justice system, has an adverse and discriminatory impact on African Canadians.⁷

The loss of deportation appeal rights also affects the internationally protected right to family life. Permanent residents who have been in Canada for many years – often since infancy or childhood – face automatic expulsion without consideration of length of time in Canada or family and community ties, or for the particular circumstances of the offence or rehabilitation considerations. It is tantamount to “double punishment” for the crime and it is based solely on citizenship status.

III. Recommendations

1. That the Canadian Government prioritize family reunification, eliminate procedural barriers to family reunification, repeal laws that exclude family members, and redefine the family class to recognize significant extended family members.
2. That the Canadian Government adopt a long-term strategy of integration for the provision of culturally and linguistically appropriate immigrant settlement services, provide and sustain appropriate levels of investment in settlement services, and work with their provincial counterparts to ensure that federal funds are directed and spent in settlement services.
3. That the Canadian Government repeal Section 64 of the Immigration and Refugee Protection Act to allow permanent residents, particularly long-term residents, the right to appeal their deportation orders.

¹ Milan, A. & Tran, K. “Blacks in Canada: A long history.” *Canadian Social Trends*, cat. no. 11-008 (Spring 2004).

² This does not include delays experienced before the submission of the application. See Canadian Council for Refugees, *Refugee families wait years to be reunited – Background Paper, statistics for Canadian visa posts covering East, West and Central Africa from October 2005 to September 2006*.

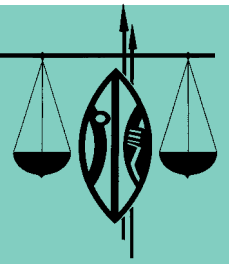
³ Canadian Council for Refugees, *More than a Nightmare – Delays in Refugee Family Reunification*, November 2004.

⁴ Subsection 117(9)(d), *Immigration and Refugee Protection Regulations*, Government of Canada.

⁵ Section 64, *Immigration and Refugee Protection Act*, Government of Canada.

⁶ See subsection 70(5), *Immigration Act*, “danger to the public” provision enacted after the “Just Desserts” killing in Toronto in 1994; Henry, F. & Tator, C. *Racist Discourse in Canada’s English Print Media* (Toronto: The Canadian Race Relations Foundation, 2000).

⁷ The UN Committee on the Elimination of Racial Discrimination was concerned with the disproportionate deportations of people of African descent, and recommended greater attention be given to the possible discriminatory effect of Canadian immigration policies, see *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada*. 01/11/2002, A/57/18 (para. 336).



POLICY PAPER

I. Contextual Background

In recent decades, several reports published by social scientists, institutions, organizations and media have indicated a pattern of steady decline in the economic situation and increasing poverty of African Canadians. Michael Ornstein's report, *Poverty among African Canadians*,¹ relates that the poverty rate among African Canadians is more than three times the average for Whites. In 2000, 1 in 2 African Canadian children fell below the Low Income Cut Off (LICO) rate before taxes, compared to 1 in 10 for the global European groups.² Further, poverty among single parent, mother-led families stood at 26% for European families and 65% for African Canadian families. African Canadians in Montreal, Quebec, have the highest poverty rates among all "visible minorities" in the city. Approximately one-half the population of African Canadians is categorized as low income, with that number jumping to 65% for new immigrant African Canadians.³

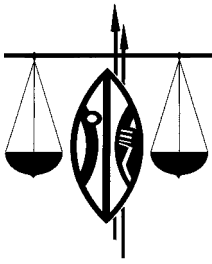
II. Anti-Black Racism and Poverty

The extent to which African Canadians are able to realize their social and economic rights and to fully and effectively participate in Canadian society correlates to the rate of poverty within this population. A major obstacle to the realization of these rights is the manifestation of systemic anti-Black racism, as can be interpreted from the aforementioned findings. The interface of anti-Black racism with the broader structural conditions, such as the restructuring of the economy, the increasing gap between high-paying jobs and low-paying jobs, the growing number of low-paying, and precarious jobs (e.g., temporary, casual, part-time and/or contractual jobs), government cuts in social spending (welfare, employment insurance, healthcare, affordable housing, education, etc.) and the privatization of various public services, have created fertile and thriving conditions to seamlessly and increasingly shift more Canadians into entrenched poverty, in particular, African Canadians. The current global and national economic crisis will only exacerbate these conditions and catapult even more African Canadians into poverty.

The increasing poverty among African Canadians is aggravated further by factors such as age, gender and immigrant status, and is reflected in the increased poverty among single mothers, children, seniors, youth, new immigrants and the disabled, and rural and urban dwellers. The effects are felt in areas of food security, housing and living in socially desirable neighbourhoods, health, education, economic status, safety and security, etc.

The African Canadian Legal Clinic (ALCLC) reported to the UN Committee on Economic, Social and Cultural Rights (CESCR) that "Food insecurity remains a serious and growing problem for African Canadians."⁴ According to Food Bank Canada's Hunger Count 2008 statistics, 50.8% of people receiving social assistance use food banks; the number of working poor using food banks has more than doubled, from 6% in 1989 to 14.5 % in 2008; and, each month more than 703,000 people receive assistance from food banks.⁵

In the context of housing and residential location, it is suggested that living in neighbourhoods with a high rate of unemployed residents and families receiving welfare will definitely affect their (children's) aspirations and expectations.⁶ Fong and Guilia's study of *Differences in Neighbourhood Qualities Among Ethnic and Racial Groups*⁷ points to the experiences of African Canadians and argues that "(r)ace and ethnicity strongly affect the social well-being of groups in Canadian society through the unequal distribution of residential locations."



Gendered Reality: For African Canadian women, race and gender intersect to compound disadvantages that may not similarly affect African Canadian men, or non-racialized women.⁸ African Canadian women are among the poorest in Canada.⁹ In 2000, 34.5% African Canadian women in families (compared to 13.7% of all women in families) fell below the LICO rate, and over 52% of unattached African Canadian women (compared to 41.9% of all unattached women) were living in poverty. The largest number of poor African Canadian women in families, in 2000, lived in Ontario and Quebec and the second largest in Alberta and Nova Scotia. As primary caregivers, living in poverty has far-reaching implications for African Canadian women and their children in education¹⁰, health, housing, exposure to crime, and the likelihood of maintaining a cycle of poverty through successive generations.

III. Eradication of Poverty

The proposals to eradicate poverty are aimed at the redistribution of wealth and the expansion and enhancement of social investments; however, many of the proposed measures do not incorporate an anti-racism analysis. Both the Ontario and Nova Scotia governments have committed to implementing a poverty elimination strategy, but they have fallen short of acknowledging the racialized impact of poverty.¹¹

IV. Recommendations

1. To develop or revise poverty eradication strategies to incorporate an integrated and intersectional analytical approach, which acknowledges, among other dimensions, the salient racialized impact of poverty.
2. All levels of governments must mandate the collection of disaggregated data throughout all agencies, departments and accountability mechanisms as a monitoring and evaluation tool.
3. That provincial governments enact employment equity legislation mandating compliance by employers (with employees of 100 or more); and with specific targets and indicators identified to systemically address employment disparity for African Canadians.

¹ Ornstein, M. *Ethno-Racial Groups in Toronto 1971 – 2001: A Demographic and Social Profile*. Toronto: Institute of Social Research, 2006.

² The Colour of Poverty Campaign, Fact Sheet #6: *Understanding the Racialization of Poverty in Ontario, in income levels and social assistance in 2007*. <http://www.colourofpoverty.ca/>

³ Caldas, S., & Sylvian, B. "Explanatory Factors of the Black Achievement Gap in Montreal's Public and Private Schools: A Multivariate Analysis." *Education & Urban Society*, vol. 41, no. 2, pp. 197-215.

⁴ African Canadian Legal Clinic, *Report to the UN CESCR on the Review of Canada's 4th and 5th Periodic Report, 2006*.

⁵ Food Bank Canada, Facts and Statistics. <http://foodbankscanada.ca/main2.cfm?id=10718648-B6A7-8AA0-6A3C6F3CAC0124E1>

⁶ Fong, E., & Guilia, M. "Difference in Neighbourhood Qualities Among Ethnic and Racial Groups in Canada," *Sociological Inquiry*, vol. 69, Issue 4, pp. 575-598.

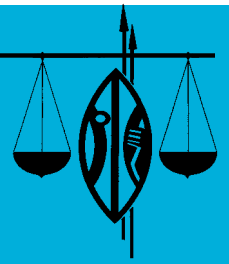
⁷ *Ibid.* p. 576.

⁸ African Canadian Legal Clinic. *Report of the ACLC to CEDAW on the Review of Canada's 7th Report, 42nd Session, October 20, 2008*.

⁹ Canadian Association of Social Workers (CASW). *Income of Black Women in Canada 2005*. http://www.casw-acts.ca/advocacy/blackwomen_e.pdf

¹⁰ Rushowy, K. "Race, Poverty Matter as Early as Grade 3," *Toronto Star*, February 28, 2009, p. 1.

¹¹ The Colour of Poverty Campaign, Media Release: *Poverty is not Colour Blind*, December 2001.



POLICY PAPER

I. Contextual Background

The subject of reparations to African descendants within the Canadian context has been a focus of community advocacy for decades. The call for reparations is a response to the egregious acts that were carried out against African peoples, including colonialism, racism and the Transatlantic Slave Trade (in African peoples) that provided the steady supply of a captive labour force to furnish Western European colonialism and expansionism. The racist ideologies that were constructed to justify the enslavement of African peoples, and the legacy of the Transatlantic Slave Trade continue to oppress African Canadians today; and are at the root of anti-Black racism.¹

Reparations (or redress, in the Canadian context) are generally understood to be a means of compensation or redress for past wrongs. It can take the form of financial compensation, social and economic programs, the return of property² (including land) or other non-monetary forms, such as acknowledgement and apology, establishment of monuments and museums to pay respect to the victims of past abuses and public education measures that are aimed at promoting awareness, increasing public knowledge and building public consciousness.³

II. Basis for Reparations in the Canadian Context

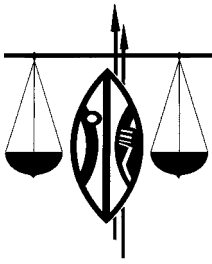
Slavery and Canada's role in the Transatlantic Slave Trade has not been incorporated as part of the national memory of this country. Nevertheless, the enslavement of Africans was institutionalized in Canada.⁴ Canada's involvement in the Transatlantic Slave Trade is indicated by the practice of slavery when Canada was a colony of France and then Britain. As part of the network of economies that the slave trade furnished, Canada was involved in trading goods and slaves between slaveholders in Canada and in the Caribbean, and in supplying ships for the British slave trade.⁵

The calls for reparations range from claims that are based on slavery, to claims based on government discrimination against African peoples, such as, the Africville situation in Halifax, the Black Loyalists in Nova Scotia, and discriminatory immigration practices, among others. Over the years, there have been a number of actions undertaken by African Canadians to advance this work, including government interventions at the domestic and international levels, public educational campaigns, community education and mobilization, networking, and engaging in international forums.

III. The Challenges in the Road Ahead

While the work continues in various forms in different arenas, a national reparations strategy does not exist, in particular, a comprehensive strategy to engage the federal government. The very notion of a national reparations strategy for African Canadians brings with it a number of challenges and tensions distinct to the Canadian reality. Some of these challenges are:

- the implications of mounting a national strategy, particularly in view of the history of fierce contestation to reparations for African Canadians (within the community and broader society)
- the position of the Canadian Government on the slave trade and reparations⁶
- the process to develop a national strategy, or not



- tensions associated with framing the claim in ways that will gain public buy-in the debate on the form(s) reparations should take within the African Canadian context
- tensions associated with determining the most effective course to pursue reparations claim(s) for African Canadians (legal or political or both)
- the challenges to build momentum among African Canadians and as a community. This does not mean obtaining endorsement or agreement from every person in the community.
- building strategic support.

While the struggle for reparations has been a prolonged battle, the work has not been futile. Incremental progress has been made to force the issue into the public arena and influence policy decisions. The United Nations' adoption of language to recognize, for the first time, the tragedy of the Transatlantic Slave Trade and to declare it a crime against humanity resulted from the leadership and collective work of states and NGOs working together. In that space, African Canadian organizations and individuals were pivotal.

In the past decade, there has been a growing number of state apologies being made by governments,⁷ including Canada, either acknowledging a previous wrong against a particular domestic group, or even transnational acknowledgements for doing wrong to another state. This may very well be an opportune time to seek a new level of engagement and revisit the reparations agenda with the federal government.

IV. Recommendations

1. That the Canadian Government make a formal apology in the House of Commons to African Canadians for the almost 200 years of slavery practiced against people of African descent in Canada. Such an apology is in keeping with the various formal apologies that the Government has made to different ethno-racial and ethno-cultural groups (e.g., Japanese Canadians, Ukrainian Canadians, Chinese-Canadians and Aboriginal Peoples for the Residential Schools) for historical wrongs.
2. Recognizing the unique and distinct situation of African Canadians; and the manifestation of anti-Black racism as a fundamental aspect of Canadian society and which locates African Canadians at the lowest level of acceptability in Canadian society, the African Canadian Community urges:

That the Canadian Government identify, develop and implement specific strategies and measures to address the manifestation of systemic anti-Black racism in all sectors of Canadian society, including social, political, economic and cultural sectors.

¹ ACLC, *National Canadian Policy Forum Reference Material*, 2007.

² Excerpted from Canadian Race Relations Foundation, *Policy on Reparations and Redress*. www.crrf-fcrr.ca

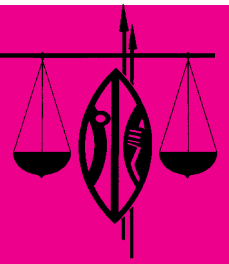
³ Canadian Race Relations Foundation, *Background Paper on Reparations and Redress*.

⁴ Cooper, Afua, "Editorial Commentary: The Bicentenary of the Abolition of the British Slave Trade: A Canadian Perspective." *CRRF Directions*, vol. 4, no. 1, 2007.

⁵ *Ibid.* p. 7.

⁶ The Canadian Government has taken a position that the Transatlantic Slave Trade, at the time of its occurrence, was not a "crime against humanity".

⁷ Gibney, M., & Roxstrom, E. "The Status of State Apologies." *Human Rights Quarterly* – vol. 23, no. 4, November 2001, pp. 911-939.



I. Contextual Background

African Canadian children and youth remain our most vulnerable sector and a major area of concern. Because many African Canadian children and youth do not have a voice in our society, their rights and interests are far too often overlooked. The importance of ensuring that sufficient steps are taken to nurture young people and to promote positive and healthy development for our children and youth cannot be overstated. Therefore, issues such as poverty, literacy, health, education and criminal justice must be a fundamental area of concern and priority on the agenda of governments, educational institutions, and Canadian Society as a whole.

II. Key Issues for African Canadian Children and Youth

1. CHILD WELFARE

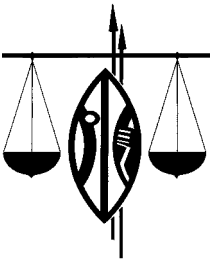
Issues of disproportionality and disparate outcomes for African Canadian youth, the number of African Canadian youth in care, the proportion of cross-cultural placements, the state of youth placements, the current bureaucratic process towards kinship care and the lack of inclusion of the Black community with respect to programming and policy all contribute to the inadequate servicing of our Black youth¹.

African Canadian children and youth are grossly overrepresented in the child welfare system and account for approximately 1/3 of the cases of children involved with the Children's Aid Society². Research shows that African Canadian families are reported to the system at a greater rate than Caucasian families but do not abuse or neglect their children at a greater rate. As a result, African Canadian children are at a higher risk of entering the system. Concurrent with these troubling statistics is the alarming acceleration in the placement of African American children in juvenile justice facilities. A recent study showed that over a half a million children in the child welfare system ultimately end up in the juvenile justice system. Seventy percent of children in custody have had at least one foster care placement—with foster care being their first experience of rejection and isolation. As a result, many of these children are destined to become non-productive citizens and often continue the cycle of abuse and neglect, as these ill-equipped children become parents themselves.³

2. CHILD POVERTY

Racialized communities experience a disproportionate level of poverty, and are three times more likely to be poor because of the barriers and challenges they face. Approximately 2/3 of African Canadian children live in poverty which affect their physical and emotional development, their health, and their education. African Canadian children who live in poverty or live below the poverty line suffer the worst outcomes.⁴

The collection of disaggregated data in related to Black children and poverty in Canada is an ongoing challenge. The Roots of Violence study conducted by the government of Ontario, speaks to child poverty and how levels, concentration and circumstances surrounding child poverty contribute to youth violence, lack of accessible services, health issues and educational achievement⁵. In Ontario child poverty is in definable geographic areas, mainly populated by recent immigrants, many of them of African descent. Black children therefore are deprived of adequate housing and are further stigmatized by society because of their living conditions⁶.



3. EDUCATION

Education remains a significant area of concern among African Canadian children and youth. African Canadian children experience disproportionately high dropout rates which can be attributed to “safe schools” discipline and the lack of inclusive curriculum. Systemic anti-Black racism is manifested in the ideologies, structures, policies and practices within the education system, from elementary through to secondary and tertiary levels of education. The adverse experiences of African Canadian youth in the education system, including the education received and the outcome of their educational experiences, affect their life chances and futures. This is a critical issue that necessitates strategies that address causality and intended and unintended consequences. Inclusive learning environments may enable students to reach the ‘turning point’ where they can see possibility and find their pathways to success.

IV. Recommendations

1. Create structures within existing systems and agencies to analyze and address repeated re-entry problems experienced by African Canadian children in child welfare.
2. Develop long-term anti-poverty strategies that target and address specific needs of African Canadian children and assure adequate levels of resources and services to African Canadian youth.
3. School Boards, particularly in urban centres, develop and provide inclusive learning environments and African-centered educational programs and curricula (including the provision of Afrocentric schools).

¹ Swift, Karen. 1996. “Child Welfare Across Cultures: The Development of Practice Skills”. In Proceedings of the Second Symposium on Child Protection, St. John’s Newfoundland.

² Written Statement Submitted By The Canadian Race Relations Foundation to the Commission on Human Rights, “Specific Groups And Individuals: Minorities”, E/CN.4/2004/NGO/251, 11 March 2004

³ Black Administrators in Child Welfare, Inc. “Emphasis on Prevention”, BACW News, Winter 2002 (Vol. 7, #1)

⁴ Grace-Edward Galabuzi, The Colour of Poverty Campaign, <http://cop.openconcept.ca> (Sept.2007)

⁵ Curling, Alvin and Roy McMurtry. The Review of the Roots of Violence, Toronto, Ontario: Queen’s Printer for Ontario, 2008

⁶ Curling, Alvin and Roy McMurtry. The Review of the Roots of Violence, Toronto, Ontario: Queen’s Printer for Ontario, 2008