



## AFRICAN CANADIAN LEGAL CLINIC

*Promoting Justice, Defending Equality, Building Community*

*Human Rights Forum: The Experience of African Descendants in Canada*

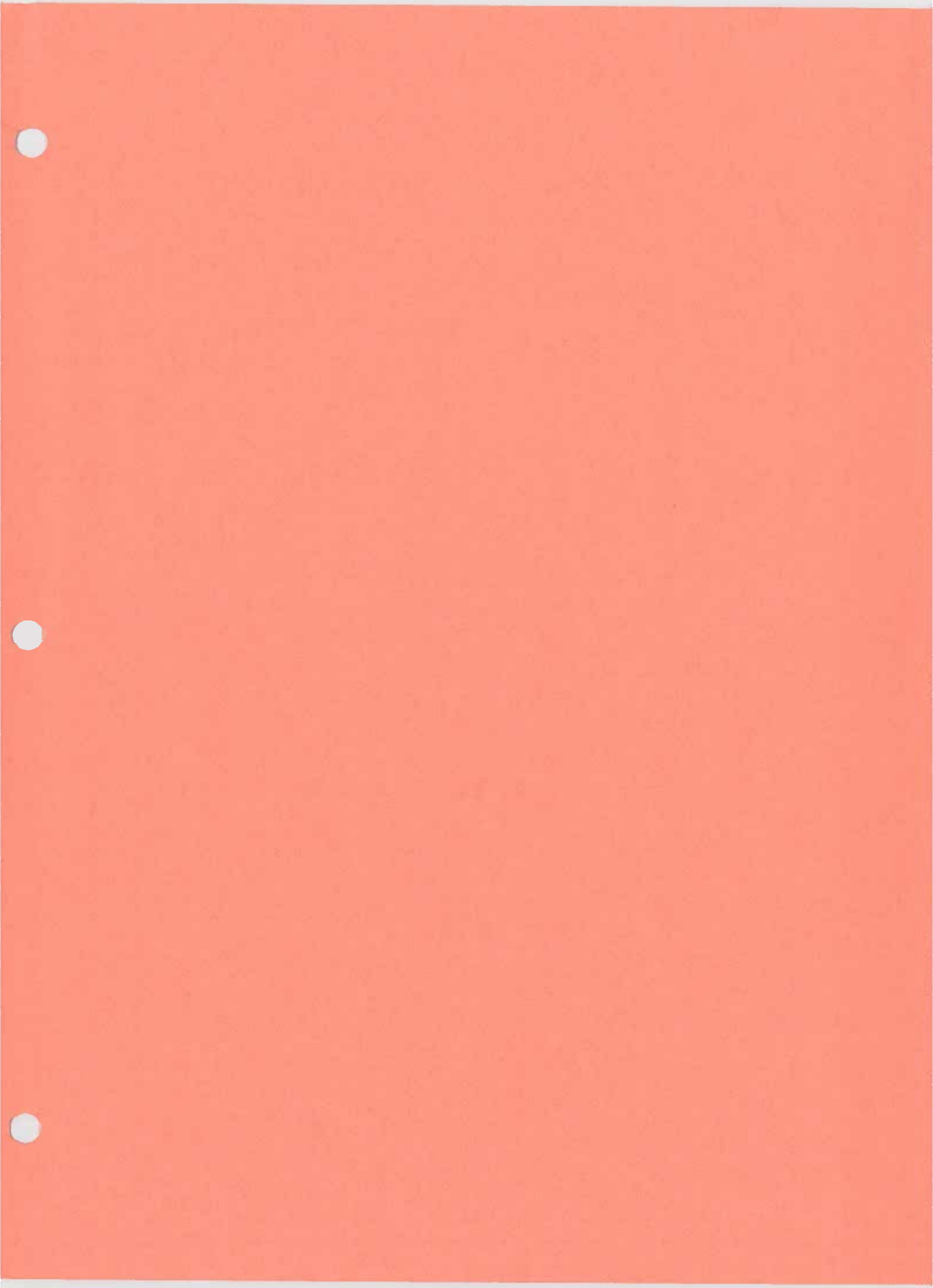
Saturday September 6, 2014

### AGENDA

- 8:00 to 9:00 a.m.** – Registration and Welcome Breakfast
- 9:00 to 9:10 a.m.** – Welcome & Opening Remarks: Margaret Parsons, ACLC
- 9:10 to 9:30 a.m.** – Opening Address: Commissioner Dr. Rose-Marie Belle Antoine
- 9:30 to 9:45 a.m.** – Brief Historical Context: Ontario Black History Society President, Rosemary Sadlier
- 9:45 to 10:00 a.m.** – **Health Break**
- 10:00 to 12:20 p.m.** – **Thematic Deputations (Moderator: David Mitchell)**
- 10:10 to 10:30 a.m.** – Deputations on Poverty, Unemployment and Housing  
**Speakers:** Janice Gairey; Dr. Grace-Edward Galabuzi
- 10:30 to 10:50 a.m.** – Deputations on Migrant Workers  
**Speakers:** Marie Clarke Walker; Chris Ramsaroop
- 10:50 to 11:10 a.m.** – Deputations on Education  
**Speakers:** Dr. Carl James; Louis March
- 11:10 to 11:20 a.m.** – **Health Break**
- 11:20 to 11:40 a.m.** – Deputations on Child Welfare  
**Speakers:** Kike Ojo; Rawle Elliott
- 11:40 to 12:00 p.m.** – Deputations on the Experiences of the Somali Community  
**Speakers:** Mahad Yusuf; Fowzia Duale
- 12:00 p.m. to 12:20 p.m.** – Deputations on Health  
**Speakers:** Angela Robertson; Leyland Gudge
- 12:20 to 1:30 p.m.** – **Lunch - Dialogue on the Decade for People of African Decent**  
(Moderator: Sandra Carnegie-Douglas)  
**Speakers:** Margaret Parsons, Rosemary Sadlier; Michelle Williams

- 1:30 to 3:00 p.m.** – Policing and Criminal Justice (Moderator: Anthony Morgan, ACLC)  
Film Screening & Discussion: *Crisis of Distrust: Police and Community in Toronto*  
**Speakers:** Zakaria Abdulle, Dr. Akua Benjamin
- 3:00 to 4:30 p.m.** – Towards a National Agenda: African Descendent Experiences Across Canada (Moderator: Roger Love & Presentation: Virginia Nelder, ACLC)
- 3:00 to 3:30 p.m.** – African Nova Scotians: Rooted Claims for Generational Justice (**Speaker:** Michelle Williams)
- 3:30 to 4:00 p.m.** – Les Afro-Canadiens: Navigating Belonging  
(**Speakers:** Léonie Tchatat; Peter Flegel)
- 4:00 to 4:30 p.m.** – Alberta Somali Young Men: ‘Is this a “Lost Generation”?’  
(**Speaker:** Mohamed Jama)
- 4:30 to 4:40 p.m.** – Closing Reflections: Commissioner Antoine
- 4:40 to 4:45 p.m.** – Closing Remarks: Dr. Bryant Greenbaum, ACLC





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**JANICE GAIREY**

OFL/CBTU Deputation on Labour,  
Employment and Poverty Issues affecting  
African Canadians

September 2014

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## **BACKGROUND**

**I am Janice Gairey, Human Rights Director at the Ontario Federation of Labour and former Coalition of Black Trade Unionists Ontario Chapter President and former International CBTU Executive Board member. I am 5th generation African Canadian. My descendants, William Henson and Thomas John Holland fled from Montgomery County Maryland to Ontario, Canada through the Underground Railroad.**

**The Underground Railroad was a network of secret routes and safe houses used by 19th-century slaves of African descent in the United States to escape to free states and Canada with the aid of abolitionists and allies who were sympathetic to their cause. The Underground Railroad was formed in the early 19th century and reached its height between 1850 and 1860.<sup>[5]</sup> One estimate suggests that by 1850, approximately 100,000 slaves had escaped via the "Railroad". British North America (present-day Canada), where slavery was prohibited, was a popular destination as its long border gave many points of access. Most former slaves settled in Ontario where more than 30,000 people were said to have**

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Janice Gairey,  
OFL/CBTU Deputation on Labour, Employment and Poverty Issues affecting African Canadians.

**escaped there via the Network during its 20-year peak period<sup>[6]</sup> although U.S. Census figures account for only 6,000. My family knows and has experienced first-hand the unforgettable discrimination, prejudice and racism in Ontario. I am here to deliver a deputation on labour, employment and poverty issues.**

### **THE ONTARIO FEDERATION OF LABOUR**

**The Ontario Federation of Labour (OFL) is the province's "house of labour" and serves as an umbrella group for working people and their unions.**

**From its inception in 1957, the OFL has grown to represent over one million Ontario workers belonging to more than 1,500 locals from 54 affiliated unions making it Canada's largest provincial labour federation. The OFL's strong membership and militancy makes it a formidable political voice. [www.ofl.ca](http://www.ofl.ca)**

### **THE COALITION OF BLACK TRADE UNIONISTS**

**The Coalition of Black Trade Unionists (Ontario), Canada is an affiliated Chapter of the Coalition of Black Trade Unionists**

**(International) (“Ontario Chapter”). The Ontario Chapter consists of members from International and National unions residing predominately in Ontario but also in Quebec and across the country.**

**CBTU (Ontario), Canada seeks to fulfill the dream of black trade unionists both living and deceased who, throughout our labour history in Canada, have courageously and unremittingly struggled to build a national movement that brings our collective strength and varied talents to bear in an unending effort to achieve economic, political and social justice for all.  
cbtu.ca**

**Equal opportunity is a basic Canadian value and protecting it benefits everyone in this country. The right to fair and equitable full citizenship with dignity should be a basic right that all Canadians share. We should all be in this together. The dream of a racism-free Canadian society is still elusive.**

**CBTU and the OFL have recognized that the barriers to full inclusion exist within the labour movement itself and the**

**labour movement must lead by example to break down racial and systemic barriers to leadership and membership engagement in the movement.**

**Fairness, dignity and equal opportunity with reference to Canada's founding principles connect to human rights issues. These values draw particularly on Canadian experience and history but also focus primarily on the continuing struggle to make those founding principles (like economic and social rights), an unconditional reality particularly for the black community in Canada. It is the responsibility of all governments in Canada to not only seek a judicial remedy immediately to overcome any poverty that its citizens are unjustly subjected to but particularly make a constitutional effort to fast track racialized poverty.**

## **EMPLOYMENT AND LABOUR MARKET**

**Opportunity and fairness are not equally distributed across different racial and ethnic groups and in 2014 the black community still faces steep and unequal obstacles to**



**accessing good sustainable jobs - particularly our youth who face twice the unemployment rate of all young workers.**

**In 1984, the Abella Commission concluded that the difference in unemployment rates and incomes between racialized groups and non-racialized should be understood as “social indicators” of systemic job discrimination.**

**Racialized economic exclusion takes the form of labour market segregation, unequal access to employment, employment discrimination, disproportionate vulnerability to employment and underemployment, income inequality and precarious employment. From the 1990's, precarious work has become the fastest growing form of work in Canada.**

**In 2011, the document “Canada’s Colour Coded Labour Market” by Sheila Block and Grace-Edward Galabuzi, stated the demographic composition of Canada in 2006 indicates that racialized groups made up 16.2% of the population and the black or African Canadian group was the 3<sup>rd</sup> largest racialized**

**group in Canada (783,800/15.5%). Statistics Canada predicts that racialized groups will make up a third of Canada's population (1 in 3 Canadians) by 2013. While our numbers rise in population, some significant facts to note are that the black Canadians' participation in the labour market was 70.7%. The employment rate was 63.2%. The unemployment rate was 10.7% for those who identified as black. That rate was 76% higher than non-racialized Canadians.**

**The employment income in equality is also significant because racialized women and men face many barriers to accessing good paying jobs with benefits. Under representation of the black community in the labour force by occupation and by industry where salaries and benefits are substantial is an outstanding issue. For example, those who identify as black earn 75.6 cents for every dollar that a non-racialized person earns with an outcome of an annual earning gap of \$9,101. Racialized women are highly over-represented in the lower paying health, manufacturing and service sectors but are recognizably under-represented in management, the trades and other vocations where higher incomes are indicated.**

**These specific occupations tend to have limited job security and low unionization rates. They are casual, part-time or contract positions with little or no employment benefits, very low wages and on many occasions, poor working conditions that lead to negligent health and safety issues on the job. It is among unionized, racialized workers' incomes that the wage differential is rising considerably.**

**To note, in 2000, the annual income for black workers' was 28,542 - it dropped to 28,012 in 2005 (-0.7%).**

### **POVERTY**

**In 2006, there were 1.1 million racialized people living in poverty in Canada. Statistics Canada 2006**

***The definition of poverty is defined as the condition of a human being who is deprived of the resources, means, choices and power necessary to acquire and maintain economic self-sufficiency and participation in society (Quebec Bill 112(2002)).***

***Racialized poverty is a phenomenon where poverty becomes disproportionately concentrated and reproduced among racialized group members.***

**Some of the barriers to prosperity include primarily white privilege and systemic racism along with the stereotypical faith or race-based discrimination mainly because of skin colour, accents or religious choices. These stereotypes by mainstream Canadians result in the acceleration of systemic discrimination in employment and set up barriers to fair social opportunities like affordable housing, access to social services and education.**

**While the poverty rate for the non-racialized population dropped by 28%, poverty among racialized families rose drastically by 361% between 1980 and 2000. Racialized women living in poverty outnumbered men by a factor of 52% to 48%. The population of racialized persons living in poverty is young where almost half (46%) are less than 25 years old. African Canadians represent about 18% of persons living in poverty.**

**On many occasions, the Canadian government's lack of foreign credential recognition makes our community more susceptible to ending up in poverty. Irrespective of the black population's status of a high level of education, 44% of racialized persons**

**aged 25 to 64 hold a university degree, diploma or certificate in comparison to 25% of non-racialized persons.**

**In 2006, 64% of racialized adults aged 25 to 54 living in poverty participated in the labour market either by working or seeking employment. About one in four racialized workers living in poverty were working full-time.**

**Sid Ryan, President of the Ontario Federation of Labour, reiterates the fact that Ontarians are struggling with job loss and austerity cuts to services in their communities, particularly the racialized and equity-seeking communities. They want a fair and just economy that focuses on good full-time jobs, sustainable public services and economy that alleviates poverty and gives Ontarians a fairer society for all.**

## **RECOMMENDATIONS**

**All levels of Governments in Canada must ensure:**

- That the human rights of all Canadians are protected fully and consistently through federal, provincial and municipal legislation and public policies.**

- **That affordable housing, good jobs, full time employment, childcare and food are accessible to all Canadians across the country.**
- **That healthcare remains universal, portable and accessible to all Canadians.**
- **That employment equity legislation be reinstated provincially across Canada with the federal E.E legislation strengthened. Both levels of EE acts should be in consultation with labour and community to ensure that the objectives of the Acts are being met.**
- **That minimum wage be addressed on an annual basis both provincially and federally.**
- **That education at all levels remain publicly funded and fully accessible with the immediate intent to remove systemic prejudicial barriers for black students to quality education including skills building and apprenticeships.**

## **CONCLUSION**

**The two real examples described above, along with the structural changes in the Canadian economy, have led to the**

**deepening condition of social and economic inequality for the black community.**

**It is important to emphasize that the role of all levels of government is to consistently and proactively “protect” our human rights instead of taking on the role of only “providing” rights as it suits them. The Canadian international and domestic rights obligations include its commitment to respect, protect and promote the human rights of all Canadian society that includes social, economic, cultural, political and civil rights in particular to communities that are most vulnerable and disadvantaged.**

**“The Canadian Labour Congress, the Ontario Federation of Labour and its affiliates and the Coalition of Black Trade Unionists Ontario Chapter are committed to continue to lobby and advocate collectively beside our community partners to ensure that the pressing issues and concerns of the black community are addressed by all levels of governments in Canada,” says Yolanda McClean, CBTU Ontario President.**

## **RESOURCES**

- 1. Ethno-Cultural Communities and Poverty November 2011 Canada Without Poverty**
- 2. Systemic issues of Racialized Youth in Toronto**
- 3. Canada's Colour Coded Labour market Sheila Block and grace Edward Galabuzi 2011**
- 4. The Racialization of Poverty in Canada: Implications for Section 15 Charter Protection Grace Galabuzi 2005**
- 5. The Persistence of Racial Inequality in Canada G Galabuzi, Amy Casipullai and Avvy Go Mar 2012**
- 6. OFL Policy Paper "Building On Strong Foundations" 2009**
- 7. Challenging Racism Going Beyond Recommendations - Report of the CLC National Anti-Racism Task Force**

**Janice Gairey**  
**OFL Human Rights Director**  
**15 Gervais Drive Ste 202**  
**Toronto Ontario**  
**M3C 1Y8**  
**416 443 7655 (w)**  
**416 347 9732©**  
**416 441 0722 (f)**  
**igairey@ofl.ca**

sf/cope343







**Presentation to Dr. Rose-Marie Belle Antoine  
Commissioner & Rapporteur on the Rights of Afro-Descendants &  
Against Racial Discrimination  
Inter-American Commission on Human Rights**

**Human Rights Forum on the State of African Descendants in Canada**

**Toronto, ontario  
September 06, 2014**

**Grace-Edward Galabuzi, PhD  
Colour of Poverty/Ryerson University**

## Commissioner Dr. Rose-Marie Belle Antione

I am here representing the Colour of Poverty Campaign. The Colour of Poverty Campaign – Colour of Change Network (COP-COC) is a community based province-wide network of organizations and individuals which formally came together in 2007 with a view to raising public awareness around issues concerning and affecting racialized communities – in order to best bring about racial equality in Canadian society. The focus of my remarks is the condition of African Descendant populations in Ontario in relation to poverty, unemployment and housing. The Canadian government and through it other levels of government have an obligation to promote and protect all human rights, civil, political, economic, social and cultural rights of its citizens. This obligation arises from Canada's status as a signatory to the UN Covenant for Social, Economic and Cultural Rights. Canada has also ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

*African Canadians are part of a group identified as among the most marginalized in Canadian society – racialized Canadians. Various studies have pointed to the intensity and extensity of social exclusion experienced by African Canadians in the labour market, in housing, and by extension in poverty, as measured by a variety of social indicators. These deep exclusions become key social determinants of the health of African Canadians, dictating the physical, mental, psychological, emotional well-being of the members of the group*

*Race and gender status mediate the experiences social marginalization through racial and gender discrimination, and manifest in higher levels of poverty, income inequality, unemployment, poor neighbourhood selection and health service utilization, leading to differential life chances for African Canadians.*

In the early 1990s, in the aftermath of the Yonge Street disturbances after the shooting death of an unarmed African Canadian youth by the police, the Stephen Lewis Taskforce released a report in which it concluded that.

*Quote: “What we are dealing with , at root, and fundamentally is anti-black racism. While it is true that every visible minority community experiences the indignities and wounds of systemic discrimination, through Southern Ontario, it is the Black community that is the focus”*

Stephen Lewis, Report to the Premier on Race relations in Ontario, 1992.

## **Socio-economic exclusion**

The elements of marginalization and victimization that prevailed at the time and led to the conclusion by the Lewis taskforce are still very much in evidence today, twenty years later. As I say that, I don't know whether to laugh or cry. Over-laid over the historical conditions of 'otherness' in a dominantly Euro-centric, patriarchal society is the disproportionate impact of the restructuring of the Canadian economy on African Canadian and racialized communities – and in particular on African Canadian women and youth. These impacts intensify the historical vulnerability arising from processes of racial discrimination.

The African Canadian community is made up of the diversity of the African diaspora and many cultures and experiences. It draws from descendants of some of the earliest settlers in Canada, from immigrants from the Caribbean, from African, Latin America and some from the United States and Europe. Its ethnically mixed, dual parent family, single parent family, mixed race, single, has more women than men and is generally younger than the Canadian average. Three out of five are foreign born or immigrants while more than 50% reside in the Toronto CMA and over 90% live in Urban Canada. They share a range of socio-economic status from high income professionals, middle class working class to low income working poor and those on social assistance. However, in 2011, they lagged behind other income earners, were three times as likely to live in poverty, had higher unemployment rates, and three times the rates of single parent. Over half of the children in the African Canadian community lived below the poverty line in Toronto, where about half the Canadian African Canadian population lives.

The African Canadian community has doubled in the last 30 years due to increased immigration in the 1970s, 1980s and 1990s. However, that growth stalled somewhat in the new century due to stringent immigrant selection measures by Immigration Canada and administrative action aimed at lowering Canada's refugee acceptance rates. The immigration structure, historically affected by the domestic worker program that targeted the Caribbean, means that there are more African Canadian women than men (52% to 48%). An increasing proportion of the African Canadian population are immigrants from Africa. Many come seeking asylum from upheaval on the continent – from places like East Africa, West Africa and Southern Africa. However, many families remain separated for extended periods of time, leaving youth with an integration challenge while there are limited social supports to make the process work.

African Canadians are on average younger than the Canadian population and have a higher percentage of children, of which, six of every ten live in a single parent home live in poverty. African Canadians experience significant inequality in the labour market with twice the levels of unemployment, underrepresented in high paying jobs and occupations and over represented in low income occupations and sectors with high levels of

precariousness. A lower than average number of African Canadians are self-employed and even fewer own homes.

According to the National Household Survey, in 2011, there were 573,900 African Canadians, representing 2% of Canada's population. That number rose by 155 to 662,200 in 2001 to represent 2.2% of Canada's population and 17% of Canada's racialized group population. However this number likely represents a significant undercounting because of the nature of the definitional categories used as well as a sizeable number who are non-documented (non-status) residents.<sup>1</sup>

#### Racialized Canadian population 2006-2011

Group	2006	2011	%change
Total Canadian	31,241,030	32,852,320	5%
Total racialized	5,068,090	6,264,750	23.60%
South Asian	1,262,865	1,567,400	24.10%
Chinese	1,216,570	1,324,745	8.90%
African Canadians	783,795	945,665	20.70%
Filipino	410,695	619,310	50.80%
Latin American	304,245	381,280	25.80%
Arab Origin	339,120	380,620	12.20%

Source: National Household Survey

According to the survey, the five largest racialized groups in Ontario in 2011 were those who identified as:

1. South Asian (965,990 or 29.5% of racialized groups)
2. Chinese (629,140; 19.2%)
3. Black or African Canadian (539,205; 16.4%)
4. Filipino (275,380; 8.4%)
5. Latin American (172,560; 5.3%)<sup>2</sup>

African Canadian have the second largest proportion of Canadian-born population among racialized group at 43.2% (as compared to Japanese, 63.15; Chinese, 26.7%; and South Asians 30.7%). As many as 9% are third generation. Over 53.1% were immigrants

<sup>1</sup> The term "racialized group" is used to denote the social construction of racial categories imposed on certain groups on the basis of superficial attributes such skin colour. These categories form the basis of inequalities experienced by the identified groups. African-Canadian denotes all those of African descent and who appear in the statistics Canada under the category of African, Caribbean and Black. Again there is a likely significant undercounting as Torczyner (1997) found when he cross referenced employment equity data with Census data for 1991.

<sup>2</sup> Statistics Canada. (2013). *National Household Survey: Immigration and Ethnocultural Diversity - Visible Minority and Population Group Reference Guide, National Household Survey, 2011*, P.8.

and of these, 23.5% arrived between 2006-2011, with the top three countries of origin being Jamaica, Haiti and Nigeria.

African Canadians in Toronto are subject to a segregated housing market, relegated to substandard, marginal and often over priced housing. These are neighbourhood with various inequalities - limited access to social services, increased contact with the criminal justice system, social disintegration and violence engendering higher health risks. Living in neighbourhoods of 'hyperconcentrated' poverty has adverse impacts on the different dimensions of life experiences. Often as new immigrants navigating the integration process, it leads to family conflicts, loss of self-esteem, and a sense of despair about future prospects in the new country of settlement.

The experience of isolation and alienation that black youth face are also linked to perceptions of essentialized cultural differences and experiences of discrimination and racism. These are often complicated by other intergenerational breakdown in communication. But these youth also benefit from the support from friends, family and institutions in those communities that help ameliorate some of the challenges they face – in essence these communities also present them with a recreated community in response to the exclusion they face in mainstream institutions such as the school system.

Young African Canadians who grow up in these conditions are often caught up in a culture of alienation both from their parents and community of origin, and from the broader society. Young people living in these low income areas often struggle with alienation from their parents and community of origin, and from the broader society. Often the social services they need to cope with dislocation are lacking, the housing on offer is often sub-standard or if it is public housing it is largely poorly maintained because of cutbacks and they face the crises of unemployment, despair and violence.

There is inevitability to the rage that grows out of living in a society in which you are surrounded by images of prosperity and wealth while your condition of immiseration and alienation is intensifying and your options to share in that wealth diminishing. In Toronto, often the rage is turned inward towards community members as violence among Black youth. They are more likely to drop out of school and continue the cycle of poverty and because their alienation often translates into anti-social behaviour, they are disproportionate targets of criminalization and contact with the criminal justice system. According to the Commission on Systemic racism in the Criminal justice System in Ontario (1995), incarceration rates for young blacks rose by 203% between 1986 and 1994. As well, young blacks in Toronto are four times as likely to be the victims of homicide than other Torontonians.<sup>3</sup>

## **Employment**

For African Descendants, access to employment is fraught with barriers, the work on

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<sup>3</sup> Gittens, M. & Cole, D. Report of the Ontario Commission on Systemic Racism in the Criminal Justice System (Toronto: Queens Printer, 1995); Gittens, M. & Cole, D., Racism Behind Bars: The Treatment of Black and Racial Minority Prisoners in Ontario Prisons, 1994

offer is largely precarious - temporary, part-time, casual, contract, work which is low paying, low skill, dead end, with poor working conditions and no job security. Much of it is in the service sector, hospitality industry, light manufacturing, textile and clothing, among others. This is where a disproportionate number of Blacks and other racialized group members, with varying levels of education, experience high degrees of precarity, translating into racialized poverty. In the Greater Toronto Area, a million workers live below the poverty line. Data from the National Household Survey (2011) reveals that, African Canadians in Ontario experienced unemployment rates of 13 per cent, compared to non-racialized unemployment rate of 7.5 per cent. That level of unemployment is the highest among racialized populations (as high as the Arab rate).<sup>13</sup> Barriers to labour markets are experienced both by African Canadian immigrants, and Canadian-born African Canadians. These relate to unequal access to employment opportunities due to systemic exclusion from key social networks, as well as unequal access to education, training and other forms of discrimination in employment such as credential recognition challenges that lead the devaluation of African labour.

**Table 1**  
**Employment, Unemployment and Participation Rates by Racialized Groups, Ontario 2011 (percent)**

	Participation Rate	Employment Rate	Unemployment Rate
Total Racialized Population	65.9	58.9	10.5
South Asian	66	58.8	11
Chinese	62.3	56.7	9
Black	67	58.3	13
Filipino	75	70.2	6.5
Latin American	71.3	63.9	10.4
Arab	59.4	51.6	13.1
Southeast Asian	67.9	60.3	11.1
West Asian	61.3	53.4	12.8
Korean	57.8	52	10
Japanese	59.9	56.1	6.4
Visible minority, n.i.e.	67.3	59.7	11.3
Multiple visible minorities	66.7	59.5	10.8
Non-racialized	65.4	60.5	7.5

Source: Statistics Canada, 2011 National Household Survey. Catalogue Number 99-010-X2011038<sup>4</sup>

<sup>4</sup> Statistics Canada. (2013). *National Household Survey: Immigration and Ethnocultural Diversity - Visible Minority and Population Group Reference Guide, National Household Survey, 2011*, P.8.



As table 1 shows, while the African Canadian unemployment stood at 13% in 2011 compared to 7.5% for the rest of the population, the rate for African Canadian youth was much worse, at 21% only approximated by the unemployment rates of Aboriginal youth at 22%. Nevertheless, the participation rate was comparable to that of other Canadians, meaning they were available to work or were frequently out of work because they obtained contract, temporary or part time work.<sup>5</sup> The patterns of precarious employment among racialized populations has now been widely documented.<sup>6</sup>

African Canadian youth often encounter failure in job search because of their home address, while others are poorly prepared for job search because of lack of employable skills, or poor life skills. According to the a McGill study of the Black community in Canada by the Canadian Black Communities Demographics project , in Toronto, where 50% of the documented black population in Canada lives, in 1996, Black university graduates had the same rate of unemployment as white high school graduates.<sup>7</sup>

A study by the Canadian Labour Congress released in 2006 revealed large and consistent gaps in economic security for workers of colour compared to other comparably educated and skilled workers. According to the study, discrimination is an important contributing factor to their poor labour market outcomes. About 33 per cent of racialized workers overall and 51 per cent of Black workers (a sub-set of all racialized workers) experienced racial discrimination. Racialized workers are most likely to be in low-status, low-skill, or precarious jobs, accounting for 45 per cent of workers in sewing and textile industries, over 43 per cent of taxi drivers and 45 per cent of electronics assemblers.

### **Income attainment among African Canadians**

African-Canadians lag behind most Canadians and many other racialized groups in income attainment and exposure to low income. They experience a significant earnings gap in comparison to other Canadians. According to Census data from 2006, the average full year, employment income for African Canadian workers was \$40,179 which was

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<sup>5</sup> Sheila Block & Grace-Edward Galabuzi. *Canada's Colour Coded Labour Market: the gap for racialized workers* at [www.wellesleyinstitute.ca](http://www.wellesleyinstitute.ca)

<sup>6</sup> Law Commission of Ontario. (2012). *Vulnerable Workers and Precarious Work*. Toronto. <http://www.lco-cdo.org/vulnerable-workers-final-report.pdf>; Poverty and Employment Precarity in Southern Ontario. (2013). *It's More than Poverty: Employment Precarity and Household Well-being*. Poverty and Employment Precarity in Southern Ontario. McMaster University and United Way.

<sup>7</sup> Torczyner, J. *The Shaping of Toronto's Black Identity: A Demographic Analysis of the Black Community in Toronto and Regions*. (Montreal: McGill Consortium for Ethnicity and Strategic Social Planning, 2003)

\$11,000 lower than that of other Canadians at \$51,221. Between 2002 to 2005, average real earnings for African Canadian workers rose 2.1% compared to 5.5% for all workers. Part of this is explained by the fact that many African Canadian workers were in low skill lower paid occupations and were underrepresented in high skilled well paying occupation. African Canadians represented 7.7% of those in management compared to 13.3% of all workers. A study by Pendakur & Pendakur (2007) found that African Canadian females faced the largest earning gap of all racialized group members, followed closely by African Canadian males.<sup>8</sup> Analysis of earnings data does not support the contention that the gap is explained away by individual characteristics.<sup>9</sup> A study by Howland & Sakellariou (1993) indicated that up to 19% of the gap in earnings can be attributed to occupational segregation.<sup>10</sup>

In 2006, employment earnings for racialized workers were lower than non-racialized workers across all racialized groups – except for the small number of Canadians who identify as Japanese.

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#### **Inequality in Employment: employment Incomes, 2005**

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- A number of groups fare particularly poorly, including:
  - **Korean:** They earn 69 cents for every dollar a non-racialized worker earns, with an annual earnings gap of \$11,403
  - **Latin Americans:** They earn 70 cents for every dollar a non-racialized worker earns, with an earnings gap of \$11,091
  - **West Asian:** They earn 70 cents for every dollar a non-racialized worker earns, with an earnings gap of \$11,053
  - **Black:** They earn 75.6 cents for every dollar a non-racialized worker earns, with an earnings gap of \$9,101
  - **South East Asians:** They earn 77.5 cents for every dollar a non-racialized worker earns, with an earnings gap of \$8,395

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Source: Canadian Census, 2006

In 2000, the average income from all sources for Canadians of Haitian origin aged 15 and over was just under \$20,000, almost one third less than the figure for the overall population. The average income for women of Haitian origin aged 15 and over was just \$18,300, while the average for men of Haitian origin was \$21,600. In 2001, the unemployment rate for those of Haitian origin was 16.4% compared with 7.4% of all Canadian labour force participants. Young people of Haitian origin, especially young men, experience particularly high unemployment rates, at 24% for male of Haitian origin

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<sup>8</sup> Pendakur, K. and R. Pendakur. 2002. "Colour My World: Have Earnings Gaps for Canadian-Born Ethnic Minorities Changed Over Time?" *Canadian Public Policy*, 28 (4), 489-512.; Pendakur, K. and R. Pendakur. 2007. "Minority Earnings across the Distribution." *Canadian Public Policy*, 33 (1), 41-62;

<sup>9</sup> Hou, F. and S. Coulombe. 2010. "Earnings Gaps for Canadian-Born Visible Minorities in the Public and Private Sectors." *Canadian Public Policy*, 36 (1), 30-43.

<sup>10</sup> Howland, J. and C. Sakellariou. 1993. "Wage Discrimination, Occupational Segregation and Visible Minorities in Canada." *Applied Economics*, 25, 1413-1422.

between the ages of 15 and 24, compared with 14% of all Canadians males in this age group. At the same time, 20% of female labour force participants of Haitian origin between the ages 15 and 24 were unemployed.

In 2000, people of Caribbean origin had incomes from all sources of \$26,000, almost \$4,000 less than the national figure. The average income for adult women of Caribbean origin was just under \$23,000, while the average for men of Caribbean origin was almost \$30,000. In 2001, 19% of young male labour force participants of Caribbean origin were unemployed, compared with 14% of all young Canadians in the same category. At the same time, 17% of young female labour force participants of Caribbean origin were unemployed, compared with 13% of their counterparts in the general population. In 2000, people aged 15 and over who identified themselves as having Continental African origins had an average income from all sources of just under \$24,000, about \$6,000, less than the national figure. African women had an average income of \$20,000 or \$10,000 less than the Canadian average. In 2001, 13.1% of African labour force participants were unemployed, compared with national average of 7.4% for all labour force participants.<sup>11</sup>

### **Racialization of poverty among African Canadians**

The African Canadian community has been a major victim of what we refer to as the Racialization of poverty - the disproportionate and persistent experience of low income among racialized groups. This phenomenon, which increasingly determines neighbourhood selection and so the ghettoization of racialized groups in Canada's urban centres is linked to the process of the deepening social exclusion of racialized and immigrant communities. Racial discrimination, racism in the criminal justice system and educational and economic inequality are key causal factors in the disproportionate poverty experienced by African Canadians. For instance, African Canadians in Ottawa are five times more likely to be poor than the non-racialized population. About 60 per cent of all employed Black Canadians earn less than \$20,000 per year, compared to 55 per cent of all visible minorities and only 37 per cent of non-visible minorities.<sup>12</sup>

### **Low income among African Canadians**

African-Canadians are highly vulnerable to low income, experiencing up to as high as three times the rates of other Canadians. In 2011, 25% of the African Canadian population in Canada lived below the poverty line compared to 11% of the non-racialized population. In Toronto 41% of African Canadian children under the age of 15 lived in low income families compared with 29% of all Toronto children and 18% of all children in Canada. African Canadians were two to three times more likely to live in poverty. Data from the Toronto District School Board shows that 48% of the African Canadians in grade six from poor families.

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<sup>11</sup> See Lindsay, C. Profiles of Ethnic Communities in Canada. Statistics Canada – Catalogue no. 89-621-XIE. Data is drawn from the 2001 Census and the 2002 Ethnic Diversity Survey

<sup>12</sup> Social Planning Council of Ottawa, "Communities within: diversity and exclusion in Ottawa. Mixed blessings and missed opportunities" (2008), p. 8, available from [www.spcottawa.on.ca/Documents/Reports/Research/ExecSum\\_Intercase\\_Study\\_Report.doc](http://www.spcottawa.on.ca/Documents/Reports/Research/ExecSum_Intercase_Study_Report.doc).

Table 2

**After-tax low income by racialized group, Ontario, 2010 (percent)**

	<b>Men</b>	<b>Women</b>	<b>Total</b>
South Asian	17.6	17.5	17.5
Chinese	18.7	19.2	18.9
Black	23.5	26.5	25.1
Filipino	9.5	10.2	9.9
Latin American	19.6	22.1	20.9
Arab	31.4	33.4	32.3
Southeast Asian	17	18.9	18
West Asian	32.3	33.9	33.1
Korean	32	32	32
Japanese	9	12.4	10.8
Visible minority, n.i.e.	16.6	19.5	18.1
Multiple visible minorities	16	17	16.5
Racialized	19.7	20.5	20.1
Non-racialized	10.9	12.4	11.6

Source: Statistics Canada, 2011 National Household Survey. Catalogue Number 99-010-X2011038<sup>13</sup>

Income levels among African Canadians are significantly lower consistent with higher unemployment and underemployment rates. African Canadians find themselves disproportionately living in the poorest neighbourhoods and in social housing with relatively poor access to services. A cycle of poverty across generations has taken root and it is difficult to escape.

National and Urban population data now consistently show that racialized groups experience deepening levels of poverty three times higher than the corresponding averages. Racialized groups were two to three times likely to live in poverty and in low income areas than non-racialized. Racialized poverty is urbanized and gendered. Its effects are increasingly cross-generational and its impacts are manifest in educational achievement gaps for some groups, exposure to precarious employment, health disparities and neighbourhood selection.

<sup>13</sup> Statistics Canada. *Table 282-0087 - Labour force survey estimates, by sex and age group, seasonally adjusted and unadjusted, monthly (persons), CANSIM (database)*. 2014; Available from: <http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=2820087>.

A recent neighbourhood analysis of low income in Ontario done for the Colour of Poverty shows that in 2006, racialized groups made up 45.8% of the population living in major urban centres where the poverty rate is 25% or greater, an increase from 39.4% from 2001 when the racialized population constituted 22.8% of the province's urban population.

The proportion of racialized groups living in low income areas in the Toronto CMA was 35% compared to 19% for non-racialized groups. Rates vary in terms of intensity, running as high as 50% for Africans, 41% for West Asians, 40% for all Blacks, 39% for Latin Americans, 37% for Chinese and South East Asians, 31% for South Asians.

In fact, according to 2008 Toronto Public Health report titled: *The Unequal City: Income and Health Inequalities in Toronto – 2008*, 76% of the Toronto Children living in low-income households are racialized. According to the United Way of Toronto, while racialized populations represented 43% of Toronto's population in 2001, they accounted for 59% of families in poverty.

Similar experiences are manifest in other parts of the province, with racialized groups up to four times more likely to live in low income areas in Ottawa (29% compared to 7.8%) – with 66.7% of Black living in low income areas; Latin American (62%); South East Asians (62%); Arabs (61.5%); Chinese (56%), South Asians (42%) compared to 32.8% for non-racialized populations.

In Hamilton, the rates of low income among Aboriginal and racialized populations are at least two times higher – 37% for racialized populations and 44% for Aboriginal people compared to 18% for the city.

Poverty creates a social distance between the rest of society and its victims. This point was made quite articulately by the provincial government's own commissioned *Roots to Violence Report*, released recently by former Chief Justice Roy McMurtry and former house speaker the Honorable Alvin Curling. In the inner city suburbs, the racialized poverty related experiences of marginalization, social exclusion, voicelessness, hopelessness are creating frustration and rage among young people – many of them Canadian born.

### **Housing and Homelessness**

Racialized people accounted for approximately 12% of Canadian households in 2006. Fifty-three percent of them live in Ontario. Statistics Canada data shows that in 2006, racialized people households paid 29% more for shelter, on average, in 2006 (at \$1,126 per month) than did non-racialized households (at \$875). Just over 50% of racialized households in Canada live in homes which are not affordable (leading to homelessness) and/or inadequate (require repair or maintenance) and/or unsuitable (overcrowded, among other issues). This compares to 28% of non-racialized households. In 2006, 23% of racialized households were in core housing need—living in homes below adequacy,

suitability or affordability standards and unable to afford an acceptable alternative house. By contrast, only 11% of non-racialized households in Canada were in the same position in 2006.

A study done in Calgary looking at African immigrants found that most experience various forms of difficulties, including affordability, access and acceptance. Racial discrimination, along with ethnicity, financial constraints and recent immigration combine to disadvantage African immigrants and deny them access to safe housing, damning them to sub-standard housing in low income neighbourhoods. According to Danso and Grant (2000), these housing problems cause further deprivations, making discrimination in housing market a formidable barrier to proper integration in Canadian society.<sup>14</sup>

Groups like the Right to Housing (R2H) Coalition of Ontario and the Advocacy Centre for Tenants Ontario (ACTO) are working to address these challenges. However, the efforts of housing rights groups alone are not enough to effect real, lasting change. Action by government is the key to reducing inequity and ensuring everyone has a safe, well-maintained home which they can afford. Unfortunately, the Government of Ontario has only taken modest steps forward in addressing the housing crisis. A recent commitment in the Ontario government's recently released poverty reduction strategy to end homelessness represents some hope if it is implemented well and with a targeted approach to address the most affected in mind.

## **Recommendations**

### **Employment Equity**

The income disparities in Ontario arise from structural factors in the Canadian labour market. African Canadians and other Racialized groups are subject to higher levels of unemployment, a differential employment rate, more likely to work for minimum wages and are disproportionately represented in sectors of the economy where wages are lower and precarious forms of work are more prevalent. In the face of this challenge, we have consistently called for reinstatement of mandatory *Employment Equity legislation* to level the playing field for African Canadians and racialized communities, and other disadvantaged groups in getting equal access to employment opportunities.

### **Poverty reduction**

Over the last several years, we have tried to convince the different levels of governments that poverty is a problem disproportionately faced by African Canadians and other people of colour, and that poverty reduction programs must be targeted towards racialized communities. The call is for action to address the growing racialization of poverty in Canada from a targeted universality standpoint. That means that programs and policies should focus on the most vulnerable and deal with the sources of vulnerability to poverty

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<sup>14</sup>

such as racial and gender discrimination. Responses should be holistic in nature and must recognize the complex causes of poverty that include racial discrimination and the resulting social and economic exclusion

We believe equitable access to employment is crucial to dealing with poverty because strong attachment to the labour market is not just a source of income but also identity and a sense of belonging and dignity. Employment equity is a critical element as the labour market goes through the upheavals of the current crisis and new types of jobs emerge.

We believe that a targeted universality approach is essential to addressing the differential experiences of poverty whether that is in addressing child care needs to free up racialized women to get permanent employment, or addressing housing shortages but also the concentrations of racialized people in low income neighbourhoods, or dealing with health disparities and mainstreaming health equity.

### **Evidence based policy making: Disaggregated data collection**

Data disaggregated along ethnic and religious lines, as well as gender, is essential to reveal hidden inequalities and to provide a key resource for informed policy responses. All data should be further disaggregated by sex to reveal how the situation of women in each racial/ethnic category differs from the experiences of men in those categories. That would enable the relevant provincial and municipal as well as institutional authorities to identify the key sources of social economic disparity and ensure that communities affected play a more effective role in policymaking, program design and implementation.

Policy responses and specific anti-poverty measures should be holistic and must recognize the complex causes of poverty that include discrimination targeted towards the most affected African Canadian populations because of the colour of their skin and the resulting social and economic exclusion. Consequently, poverty alleviation programmes must be targeted towards African Canadians and racialized communities.

### ***Housing: A Comprehensive and Targeted Approach***

#### ***Principles of Equity and Inclusion***

We believe that any affordable housing strategy must be based upon the principles of equity and inclusion supported by anti-racist, anti-oppression measures in all aspects of the strategy.

#### ***Housing as a Human Right***

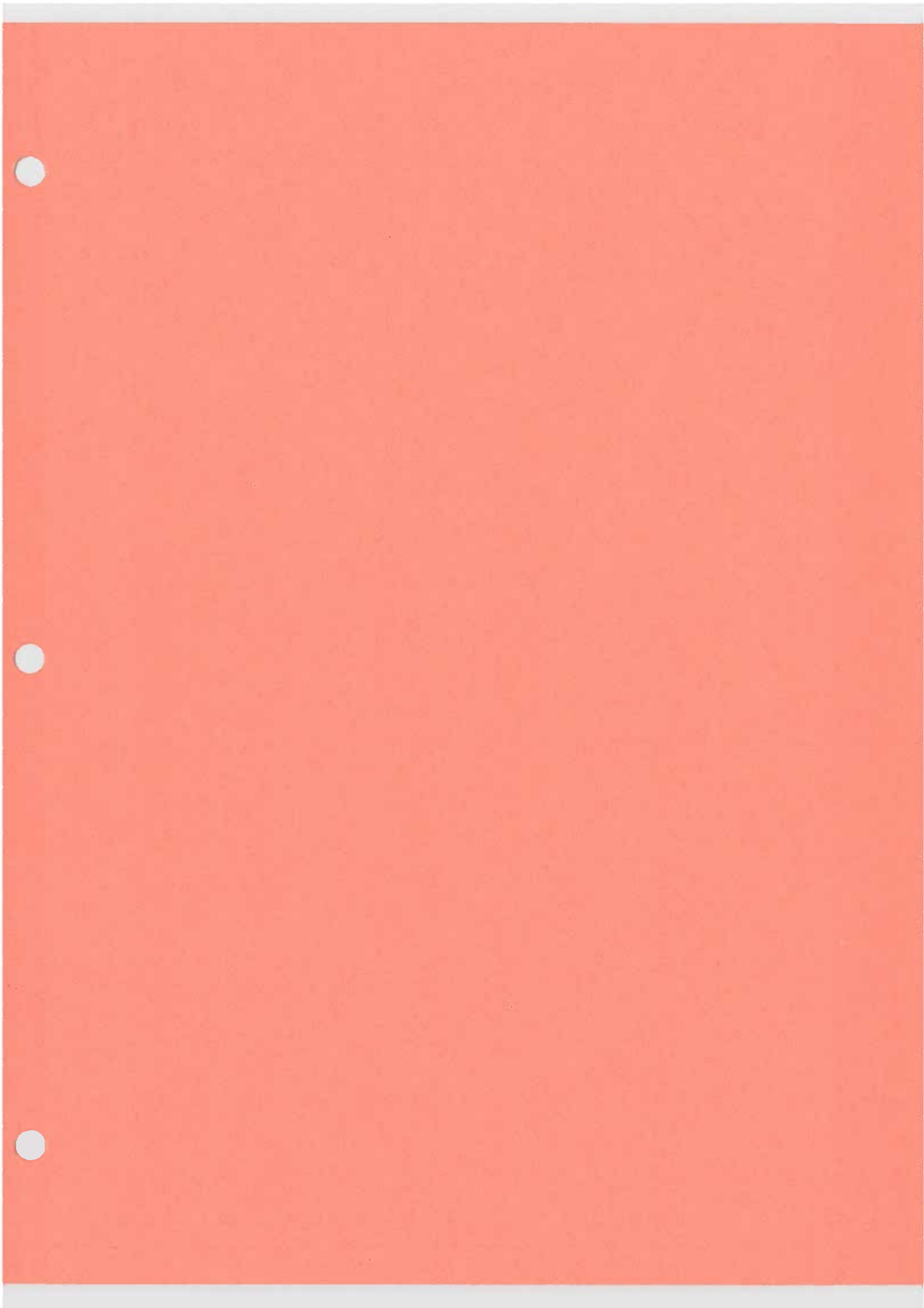
The right to housing must be enshrined in our law as a fundamental human right. We can learn from the experiences of other jurisdictions around the world which have made housing a right, not a privilege. As one of the richest countries in the world, there is no

reason Canada and our governments should not do more to resolve the housing crisis in this country.

We need a comprehensive housing strategy that has specific targeted measures to address racialized disparities and other inequities in housing as experienced by various marginalized groups. Specifically, a comprehensive and targeted strategy will contain:

- An equity framework to address racialized and other forms of disparities and barriers in access to housing
- Targeted funding for housing for African Canadian and racialized communities, and
- Priorities for social housing for racialized communities in areas where they are disproportionately over-represented among the low income groups
- Measures to ensure that all forms of housing - permanent affordable as well as shelter, transitional and seniors, etc - reflect and appropriately respond to the needs and realities of the diverse population in our communities.
- Establishment of governance structure that ensure representation of the diverse communities at stake
- Targeted investment for capital repairs in public housing





**SPEAKING NOTES**

**for**

**MARIE CLARKE WALKER  
EXECUTIVE VICE-PRESIDENT**

**of the  
CANADIAN LABOUR CONGRESS**

**TO THE**

**HUMAN RIGHTS FORUM ON THE STATE OF AFRICAN  
DESCENDANTS IN CANADA**

**OSGOODE PROFESSIONAL DEVELOPMENT OFFICES  
1 DUNDAS STREET WEST, SUITE 2602, TORONTO**

**SATURDAY, SEPTEMBER , 2014**

**10:10AM**

- Dr. Antoine, I bring you greetings from the 3.3 million members of the Canadian Labour Congress. The CLC is the umbrella organization for national and international unions, provincial federations of labour, and labour councils in Canada.
- I want to speak to you about the issue of Canada's temporary migrant worker program and racism in Canada. I then want to address how the labour movement is responding.

### **Temporary Foreign Worker Program**

- Canada used to focus on permanent economic immigration. It used to be that most workers came to Canada with the same rights and freedoms as workers that were already here.
- In the last decade, Canada has moved away from this approach. We've moved toward an employer-driven system, built on exploitable and disposable temporary migrant workers.
- Between 2003 and 2013, the number of annual entries of migrant workers doubled, and the number of migrant workers living in Canada increased 250%.
- By 2013, there were 50% more temporary migrant workers entering Canada than permanent economic immigrants.
- A growing number of migrant workers are toiling in lower-paid service-sector jobs. A third of migrants come to work in service industries like fast-food restaurants, bars, hotels, car washes, and dry cleaners.

### **The Temporary Foreign Worker Program (TFWP) and racialized workers**

- The Temporary Foreign Worker Program is an inherently racist program.
- The low-wage stream of the TFWP creates a class of unfree, vulnerable, exploitable and predominantly racialized workers. By law, these temporary migrant workers lack the basic rights and freedoms enjoyed by white Canadians and permanent residents.
- These workers have little or no access to permanent residency, are vulnerable to exploitation and abuse, are frequently indebted to labour brokers and recruiters, and are often isolated, with little monitoring or enforcement of wages and working conditions.
- Lower-skilled migrant workers come to Canada on tied work permits. They can only work for the employer listed on the work permit, doing the listed job, at the listed location, for the period listed on the permit.

- This means that migrant workers are incredibly vulnerable to exploitation and abuse.
- These workers have little in the way of effective workplace protections.
- For the most part, temporary migrant workers do not have access to education and settlement services.
- Certain migrant workers, such as Seasonal Agricultural Workers, and Live-in Caregivers that live in their employers' home, are particularly isolated and therefore more vulnerable to employment standards violations.

### **The Live-in Caregiver Program**

- Prior to World War II, Britain provided the main supply of Canada's domestic workers. British domestic workers enjoyed full landed immigrant status in Canada.
- Beginning in 1955, the Canadian government entered an agreement with Jamaica and Barbados to admit Caribbean domestic workers as landed immigrants.
- To be eligible, women had to be unmarried, between the ages of 21 and 35, and willing to perform domestic work for at least one year with the arranged employer. Many women were subject to pregnancy tests after arrival in Canada.
- Soon after the inception of the program, immigration officials raised concerns with the mobility rate of domestic workers out of the occupation, and with Caribbean domestic workers applying to sponsor relatives to immigrate to Canada. Ironically, concerns around Live-in Caregivers applying for family sponsorship are once again leading the government to explore restrictions on the program.
- In the 1970s, domestic workers were admitted as temporary workers. They were initially prevented from applying for permanent residency. In 1981, the Foreign Domestic Scheme permitted domestics to apply for permanent residency status after two years of service.
- In 1992, the Live-in Caregiver Program replaced the Foreign Domestic Scheme. The LCP requires caregivers to live and work in their employers' home, and allows workers to apply for permanent residency after 2 years of employment.
- Today, Live-in Caregivers come overwhelmingly from East Asia, and the Philippines in particular.
- Live-in Caregivers are particularly vulnerable due to the requirement of living in the employer's home. Workers have reported:
  - not being fully compensated for their work;

- feeling obliged to work unpaid over time;
  - being compelled to perform additional tasks beyond those described in their job contracts, such as housekeeping or taking care of additional family members or even pets; and
  - being denied sick leave and days off.
- In addition, the requirement to live in the employer's home adds other sources of stress, including:
    - lack of privacy;
    - prohibitions on visitors, personal movement and freedom of association;
    - isolation; and
    - in some cases, verbal, physical or sexual abuse.

### **Seasonal Agricultural Worker Program**

- The Seasonal Agricultural Worker Program (SAWP) is the oldest stream of the TFWP. Dating back to 1966, the SAWP uses bilateral agreements between Canada and sending countries to supply migrant workers to Canadian farms for up to 8 months a year.
- Over 25,000 workers come to Canada each year under the Seasonal Agricultural Worker Program (SAWP). In 2012, all Canadian provinces received SAWP workers with the exception of Newfoundland and Labrador.
- Workers arriving in Canada under the SAWP are racialized workers; only migrant workers from Mexico, Jamaica and other Caribbean countries are eligible for the program.
- Jamaica was the original signing country with Canada – 264 men came in 1966. The program was then expanded the following year to other countries in the English speaking Caribbean and then to Mexico in 1974. In 2012, 7,700 temporary migrant workers came to Canada from Jamaica.
- 1989 saw the first women farm workers. In 2006 there were 393 women Seasonal Agricultural Workers in Canada. Today, there are probably less than 600 women in the SAWP, with roughly 20-25% being Black from the Caribbean.
- From the beginning, there were restrictions imposed on SAWP workers – the closed work permits, workers' temporary status, the inability of workers to bring their families with them, the lack of access to permanent residence – differed from those imposed on previous generations of white, European workers. The Employers were also able to specify, gender, nationality and in some cases the names of the workers they wanted to hire.
- These limits were the consequence of racist concerns that Caribbean workers would not be able to adapt to Canadian life, as well as racist fears that a large influx of black

workers from the Caribbean would change the demographic complexion of the country.

### **Inherent vulnerability of SAWP workers**

- Workers under the SAWP are especially vulnerable to abuse. These workers have their wages and conditions determined by the employer and the government. Abuse and exploitation of migrant farm workers is well-documented.
- Workers' pay, their housing and their working conditions are set by the agriculture lobby, the federal government, and the sending country of the worker. Workers themselves have no say – they can face immediate repatriation at their own expense, and “blacklisting” if they do raise concerns.
- For most of the Canadian public, the SAWP is a virtually invisible program. Workers arrive in Canada and travel to isolated, rural areas, and their families are not allowed to accompany them during their stay.
- Agricultural jobs are also extremely difficult, underpaid, and dangerous.
- The system allows for systematic abuse and exploitation. For decades, researchers have denounced the obstacles faced by SAWP workers to exert their rights. These obstacles are related to their lack of labour mobility, the impossibility of integrating into Canadian society, and the difficulty in accessing the Canadian institutions responsible for protecting workers.
- The immediate consequence is the creation of cultural, linguistic, and administrative barriers that turn migrants into second-class citizens, while the legality of the program legitimizes its exploitative nature.
- These barriers reinforcing SAWP workers' second-class status are evident in Leamington, Ontario, where 5,000-6,000 migrant workers arrive each year to work in local farming operations. Roughly 20% of migrant workers toiling around Leamington arrive from Jamaica and the eastern Caribbean.
- In 2013, media outlets reported the fears of the Mayor and other residents regarding racialized migrant workers' alleged sexual harassment of white women. These fears were expressed in terms that employed blatantly racist stereotypes about migrant workers generally and Jamaican men in particular.
- These views are totally unacceptable, and we reject them for the racist attitudes they are. But these stereotypes are not peculiar to Leamington or any other single farming community in Canada. Rather, they result from the inherent racism involved in creating a second-class, exploited, unfree and oppressed stratum of racialized workers.

## **Employers and the Temporary Foreign Worker Program**

- Employers like the Temporary Foreign Worker Program, not just because it offers an especially vulnerable and exploitable group of workers. Employers can also use migrant workers' vulnerability to discipline all workers while holding down wages.
- Earlier this year, the President of Canadian Federation of Independent Business talked about how permanent residents and Canadian citizens lack the 'work ethic' of migrant workers. What he meant by this was that migrant workers are particularly vulnerable to exploitation due to their unfree status.
- This legal, institutionalized discrimination against racialized migrant workers is incredibly dangerous. The TFWP is dangerous because it allows employers to pit workers against one another. And when the backlash against employers' use of the TFWP comes – as it did in 2014 – xenophobic, hateful and racist reactions can result.

## **The Temporary Foreign Worker Program and legal and equality rights under the *Canadian Charter of Rights and Freedoms***

- In our view, the restrictions on movement and the institutionalized discrimination of the Temporary Foreign Worker Program infringe the fundamental human right to liberty and equality as provided in sec. 7 and 15(1) of the *Canadian Charter of Rights and Freedoms*:
  - Sec. 7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
  - Sec 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

## **Recommendations**

- The Canadian Labour Congress recommends that the Government of Canada immediately impose a moratorium on deportations, extend access to permanent residency to all temporary migrant workers working in Canada, and commence phasing out the lower-skilled streams of the Temporary Foreign Worker Program. Henceforth, newcomers arriving to work in Canada should be admitted as permanent residents.
- The Canadian Labour Congress recommends to the Inter-American Commission on Human Rights that it investigate and document the human rights abuses occurring

under Canada's Temporary Foreign Worker Program, and present its findings to the Government of Canada with recommendations for reform.

### **Demographic Change and the Labour Movement**

- The labour movement is making the rights and struggles of migrant and racialized workers a priority. It's a matter of justice and fairness. But it's also the case that the labour movement itself is changing, as the Canadian population itself changes.
- Canada's population is increasingly diverse. The share of persons belonging to a racialized group increased four-fold between 1981 and 2011, from 4.7% to 19.1%. According to the most recent projections, this proportion could reach nearly 31% in 2031.
- According to projections, approximately three persons in five in Toronto and Vancouver would belong to a racialized group by 2031.
- Immigrants and their children will likely represent nearly half the working-age population (46 percent) in Canada by 2031.
- The demographic shift occurring means that the labour movement must become more representative if it is going to remain relevant and survive. And the movement must speak for all racialized workers – whether they have union representation or not.
- To stay relevant, unions must place themselves at the centre of issues and struggles that concern workers – that means on issues like discrimination in employment, housing and access to social services; racial profiling and double standards in policing; and legalized discrimination under Canada's Temporary Foreign Worker Program. These issues go beyond collective bargaining issues, but they are vital issues for workers and their communities.
- Social justice and fairness are and must remain the fundamental concerns of the labour movement. That means prioritizing and combating all dimensions of oppression.
- Not only is it a question of basic human rights and the interests of our members – turning a blind eye to oppression ignores a cancer at the heart of the labour movement and accepts a fatal weakness eating away unions' capacity to build solidarity and mutual support.

### **Migrant workers' rights and the labour movement**

- The Canadian Labour Congress calls for a return to an immigration system in which workers coming to Canada have every right and freedom enjoyed by permanent residents. The CLC is working actively toward this goal.



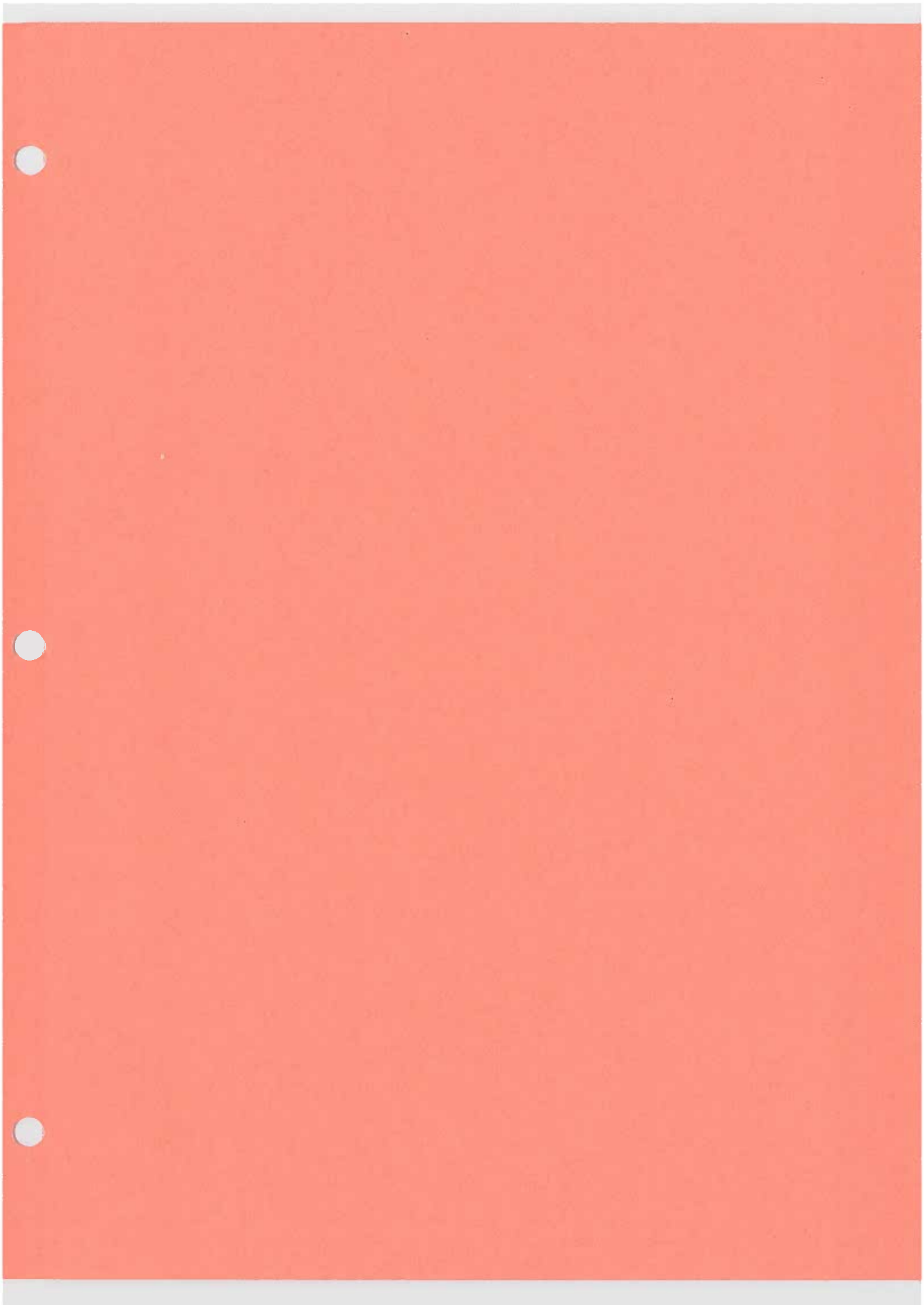
- The CLC is part of the movement demanding access to permanent residency for migrant workers doing lower-skill jobs.
- Our affiliate unions are organizing migrant workers and negotiating pathways to permanent residency.
- We're pressing for provincial and sectoral work permits that don't tie migrant workers to specific employers.
- And by advocating alongside migrant workers, unions are making it possible to draw more workers into the labour movement.
- We're working with provincial governments to strengthen regulation and oversight of labour recruiters and immigration consultants.
- The CLC is pressing for provincial legislation that protects migrant workers from being charged recruitment fees, and holds employers accountable.
- In all provinces, we need a robust system of employer registration and recruiter licensing. We need effective, proactive government inspections.
- The CLC and the provincial Federations of Labour are working alongside migrant workers to demand better access to health care, education, and settlement services.
- We need changes to make Employment Insurance benefits accessible to migrant workers, especially SAWP workers, whose access to EI special benefits was severely restricted in 2012.
- It's unfair that migrant workers lose their right to health care when their work permits expire. This means that migrant workers who are injured in the course of working in Canada, such as the farm workers injured in a horrific accident near Waterloo in 2012, have no claim to health care once their work permits expire.
- We're working in solidarity with migrant workers to defend their rights.
- We're working with international partners to provide greater education and support for workers' rights, before and after newcomers arrive in Canada.
- Having said this, it must be acknowledged that there has not always been a smooth and seamless relationship between the labour movement on the one hand, and migrant worker and community organizations on the other. In fact, there continues to be occasional conflict and mistrust between the labour movement and our civil society allies, despite the fact that we seek common goals.
- Over the years, the labour movement has worked hard to improve the care and sophistication of its positions and messaging with respect to Canada's temporary

migrant worker policy. Despite this, union materials and communications periodically fail to clearly and forcefully express the fact that temporary migrant workers are the victims, and not the perpetrators, of the injustices of the Temporary Foreign Worker Program. At those moments, the labour movement's efforts to speak on behalf of migrant and racialized workers, and to position itself as a vocal advocate of their interests, suffers painful and damaging setbacks.

### **Concluding thoughts**

- Dr. Antoine, I believe that unions can reach out to immigrant and migrant workers best when speaking to their concerns, not just in the workplace and at the bargaining table, but also to their interests as newcomers in need of affordable housing, settlement services, and solidarity.
- In this regard, unions have a great deal to learn from civil society organizations like the African Canadian Legal Clinic (ACLC) and the remarkable work that ACLC has done for 20 years in combating racism, educating for social justice, and advancing human rights in the courts.
- For unions, responding to racialized workers and new Canadians by organizing in immigrant worker communities reinforces labour's image as the leading advocate for all working people.
- By taking on workers' day-to-day concerns and issues – with health care, public transit, childcare, decent housing, legal status and racism – the labour movement entrenches the message that unions are a public good.
- When we do so, we're not just making an investment in expanding our membership and renewing union strength for the future, we are investing in every worker in all communities working to build this country and investing in their future.
- Thank you.





**Deputation to:**  
Dr. Rose-Marie Belle Antoine  
Commissioner/Rapporteur on  
Rights of Persons of African Descent and against Racial Discrimination  
with  
*The Organization of American States.*

by  
Carl E. James  
Centre for Education & Community  
Faculty of Education,  
York University  
4700 Keele Street,  
Toronto, Ontario  
M3J 1P3

at  
The Human Rights Forum on:  
*The Experience of African Descendants in Canada*  
held by  
**The African Canadian Legal Clinic (ACLC)**

Saturday, September, 6, 2014

## **African-Canadian students in Canadian Education system**

Canada prides itself to be a democratic “colour-blind” nation with cultural freedom – framed by a multicultural ethos supported by the necessary rights and freedom enshrined in law.

The understanding or perception is that it is possible for citizens to gain access to educational, social, economic, and political opportunities as they need or see fit.

And insofar as inequities structure and mediate opportunities, education, particularly public education, is thought of as a means by which citizens, on the basis of merit – that is, though ‘individual’ efforts, abilities, skills, talent and commitment – should be able to attain the goals to which they aspire regardless of race, ethnicity, gender, social class, etc.

Individuals or communities – in our case members of the Black community – submitting themselves to the principles of democracy, merit, and equality of opportunities within the context of Canadian Human Rights – figure that structural inequality notwithstanding (sustained by racism, classism, poverty, stereotyping, racial profiling and discrimination which community members experience or likely experience), come to believe that education will enable them to effectively navigate and negotiate societal structures and barriers and attain the goals to which they aspire.

But research evidence from the Toronto District School Board (TDSB) indicates that the school system is not serving Black Students well.

In fact, Toronto School Board data from as far back as the 1970s has consistently shown that Black students have been underachieving.

Today (2003-2006) Black students are more likely to be found in or streamed into: Applied (23%) and Essential (29%) Educational Programs rather than Academic (9%) Programs which would open up greater educational (postsecondary) and occupational opportunities for them.

Related to the placement of Black students in the schooling system is their high suspension rates – 44% compared to 21% for all students; and 19% for white students.

And the fact that Black students have the lowest graduation rate – 65%, and the highest dropout rate – 23%, is concerning.

This data tells us about Black students in the Toronto District School Board (TDSB). However, there is still need to implement effective educational programs that address the situation of Black students in that Board.

But are Black Students doing better in other School Boards?

Anecdotal evidence indicates so. And we have no data evidence to go by other than that from TDSB, since all other Boards, except Ottawa, have refused to collect data. In fact, School Boards administrators take pride in saying that they “do not collect data, because they do not wish to stereotype.” Or that collecting “such data would lead to stereotyping” which is something they do not wish to do. These administrators or other school personnel claim that they “have other means of identifying and addressing the needs and concerns of students.” Yet community members have consistently made deputations to these School Boards asking that data be collected.

But it has long been the case in Canada that data based on race is not routinely collected. It seems not to be a culturally-accepted practice. It is indeed the case that data of racialized members of the society is collected or reported under the “Visible Minority” category – (a categorization that the UN has asked to be discontinued). This grouping of racialized group members hides as much as it reveals; and in fact, given the diverse histories and experiences of the different groups, this grouping is insufficient in helping us to make relevant, responsible and informed decisions about the education of Black children and youth.

We can only surmise that there is a lack of commitment on the part of these Boards and governments to attend to the particular needs of Black students, and in the absence of data the response of the Boards and government will be, as it has always been – ‘We have no evidence.’





# Deputation on Child Welfare Human Rights Forum on State of African Descendants in Canada

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## Introduction

The overall premise for this deputation on Child Welfare is “What cannot be identified, cannot be resolved”.

Much like other social systems, Child Welfare in Canada has yet to proclaim or identify African descendant children and youth as a group requiring special attention (due to both the community’s historical significance, and anti-black racism). Additionally, Child Welfare has yet to identify anti-black racism as a problem in spite of the alarming rates of disproportionate engagement with the African descent community.

Ultimately we need to address what has prevented the system’s naming of the significance of African Canadians.

I will begin with an overview of the current picture of Child Welfare in Canada and the prevailing outcomes for African Canadians. I want to acknowledge that there will be some variation in terms of the practices (and therefore outcomes) within various regions across Canada. I will then provide some analysis in terms of the impact of the system and why some of the outcomes are occurring. I will then give a sense of the resilience of the community, and how Child Welfare institutions themselves have been responding. Finally, I will close with recommendations to the Inter-American Commission on Human Rights.

## Overview

To provide an overall picture of Child Welfare in Canada, I will provide a set of examples primarily based on Child Welfare in Ontario. I would strongly suggest that that which occurs in Ontario is reflective of what occurs across Canada.

- Ontario’s funding formula was previously based on what is defined as an agency’s “historical” costs and /or activity levels – “activity levels” referring to case openings for example. Recently (2013), the funding formula was changed. Historical costs and activity levels now represent half of the funding formula. The other 50% of the formula reflects socio demographics or what is called the “Local Needs-Based Funding Model”, however this does not include race.
- Clinical service provision has become less “clinical” and more crisis-driven. Additionally there is absolutely no focus on systemic prevention across the social systems which intersect such as Child Welfare, Education and Policing. Education and Policing as systems provide the majority of referrals to Child Welfare, yet do not subscribe to an anti-racist lens.

- Despite the fact that data collection rates continue to be dismally low, we know overall and anecdotally that African descent youth and their families are over represented in care and other points of the Child Welfare system. We also know that Black families experience over-intrusion, harsh use of discretion, low use of kinship care/ service, higher group care rates vs. foster care, and higher rates of crown-wardship.
- Additionally significant is the cycle of poverty that many youth in care experience and get 'released' into. In Ontario's system, children in care must go 'on independence' at 18 and at 21 age out of the system completely. The stipend that they receive from 18-21 immediately puts them below the poverty line.

Given the rate of African descent children and families in the system, Child Welfare workers' overall inability to competently serve the African community is alarming. Anecdotally, the most common and/or significant issues faced by African Canadians in the Child Welfare system are as follows:

- Navigation of systems that target the community – ie. Criminal Justice, Education
- Inappropriate physical discipline
- Immigration and Unaccompanied Minors
- Parent-teen conflict
- The phenomenon of "barrel children" – those who were separated from one or both parents, receiving support and goods via 'barrels' shipped to them, and who then have to work through the process of reunification
- Attachment, Abandonment, Resentment, and Reunification issues
- Adjustment to a new country and system

Not only are Child Welfare workers not equipped with the skills, knowledge and tools to manage such issues, but the system is not set up to allow for the required systemic advocacy or the time it takes to do so. This issue goes directly against the provisions laid out in several articles of the Convention of the Rights of the Child (ie. Articles 2, 3, 5, 8).

For staff who take risks to attempt systemic change for clients, their work is not promoted or supported, and is at times met with negative consequences.

While Child Welfare workers have specific challenges, members of the African descent community also have specific concerns about the system. Below are some of the most common concerns:

- Worker's often inaccurate assumptions about community values and cultural norms
- Divergent parenting norms and ideas about what is abusive, healthy, safe (all based in Whiteness)
- System lack of sensitivity about the personal impacts of a Child Welfare opening
- Lack of systemic mechanisms or skills to address systemic targeting by Education and Police
- Youth in care experience cultural dissonance in group and foster care settings
- Over-surveillance
- Pipeline between being 'in care' and the criminal justice system

In articulating the context, one must name the overwhelming whiteness of Child Welfare leadership across Canada. For example, in Ontario, except for leadership of Ontario's Indigenous agencies, there is only one racialized Executive Director.

One of the consequences of the prevalence of Whiteness in leadership is the lack of empathy regarding the devastating long term impacts of serving African Canadians, as African Canadian Child Welfare workers. As a result of witnessing alarming rates of African Canadian families within the system and a lack of ability to name the issues, there is a lack of self care, evidence of lateral violence between workers, and a high rate of burnout. Additionally, these workers' professionalism is often questioned in relation to their service to African Canadians as compared to the work of their non African descent colleagues.

## Analysis

The lack of willingness to identify African descendants as a particular target in Canadian society is occurring as a result of a number of factors.

Firstly, African descendants have yet to be identified as one of the founding peoples of Canada. To date, the Indigenous population and the French have been appointed 'special' status, resulting in special considerations under the law. Today, as a result of their status, there are several Child Welfare agencies serving Indigenous peoples, and requirements for French language accommodations across Canada.

Secondly, Canada has yet to acknowledge the presence of African Canadians in Canada before slavery, that there was slavery in Canada, and that there were discriminatory laws and practices thereafter which served to devastate the African community's economic power and resilience.

Thirdly, the prevalence of neo-liberalism and the individualization of systemic issues in Canadian society, set up taken for granted norms, such as popular discourse about Canada as a 'good' and righteous country where oppression and discrimination do not occur. As a result of these ideas, criminalization is internalized and normalized leading to community shame and silence about their experiences with the Child Welfare system. Harsh treatment is rationalized by service providers and accepted by service users, and complaints processes are only utilized in extreme cases.

Fourthly, inside Child Welfare institutions there is a denial of the legitimacy of disproportionality and anti-black racism. We hear claims of "hierarchy of oppression" and "segregation", which serve to silence any discussion about black children and families despite the overwhelming number and complexity of the issues.

Finally, the social systems that impact the lives of African Canadians do not have appropriate protocols or mechanisms for holding each other accountable. The Child Welfare system, Education system, and Criminal Justice system lack a shared vision, shared language and a shared definition of the problem in relation to service to the African Canadian community.

## Resilience

In spite of everything there is hope... First and foremost, there are individual acts of resistance throughout the community. Some families have challenged the Child Welfare system through the complaints mechanisms. Others have sought the support of community organizations. Others have gone to the media with their stories. All have resisted in some way.

Additionally, various Child Welfare agencies have made their own attempts to mitigate the effects of a system that is oppressive. For example, a number of agencies in Ontario have policies to address discrimination or oppression. Some agencies also have designated positions among staff to address oppression and marginalized populations and there is a buzz about anti-oppression across the province of Ontario and beyond.

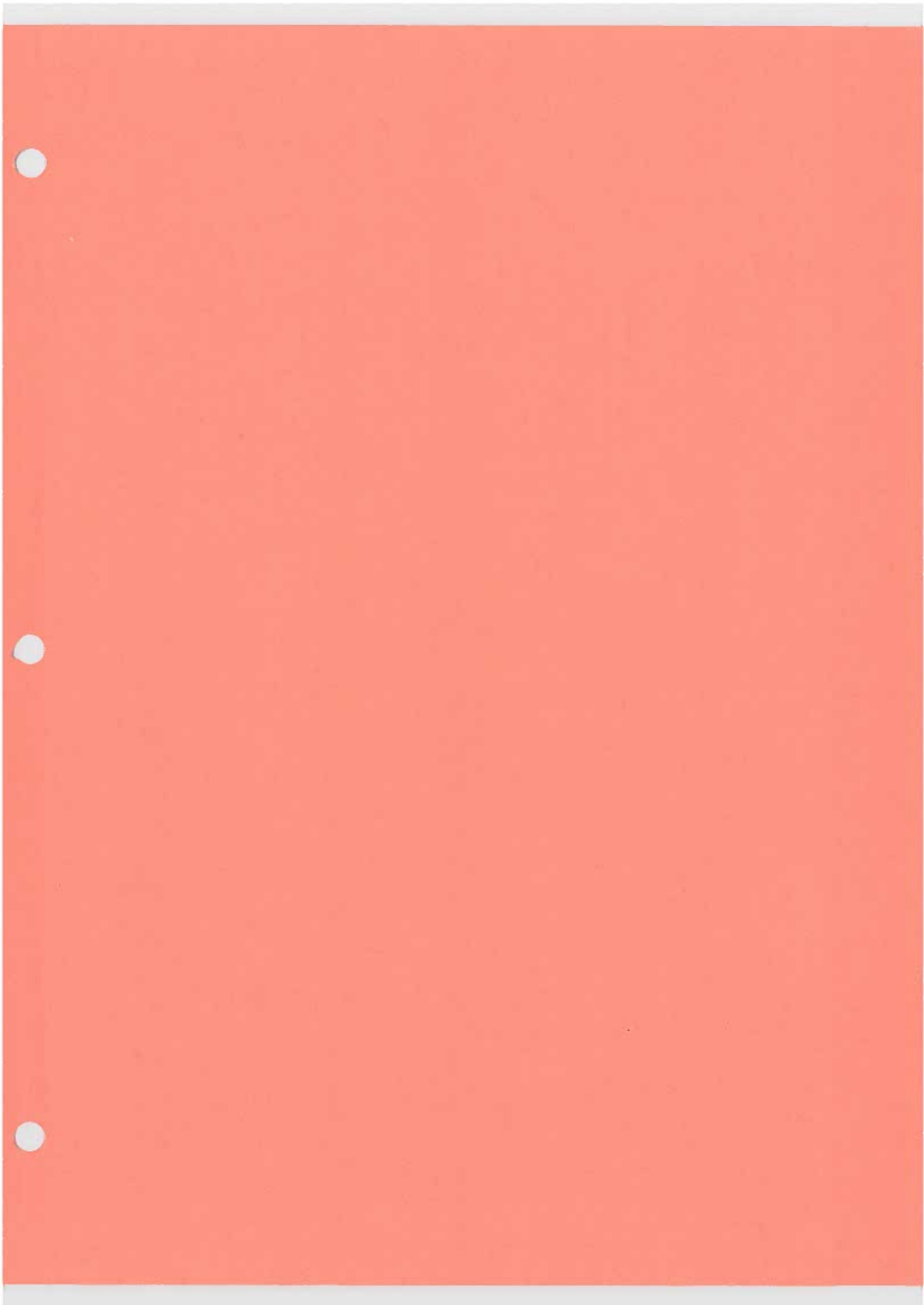
In Child Welfare agencies where the population served includes a significant African descent population, a few have implemented programming specific to Black children. For example, Peel Children's Aid has a youth program called The Village, and Toronto Children's Aid Society has a program called "Soul Journey". Both programs seek to support cultural identity development and the negotiation of social systems and both programs are run by African descent staff who, in addition to youth programming, organize for their own self care.

In the community, organizations have advocated for change within Child Welfare. For example, the African Canadian Legal Clinic has been a tireless ally to families and has recently spearheaded a project with Children's Aid Societies across Ontario to examine service to African Canadian families.

## Recommendations

There are two key recommendations:

1. That the Canadian government make the collection of disaggregated data on race, mandatory in Child Welfare in order to provide evidence that systemic racism and anti-black racism are occurring within the system. This evidence will provide the imperative for systemic change.
2. An hemispheric conference or forum on the well being of African descent children and youth.



**Presentation to Dr. Rose-Marie Belle Antoine: The Commission's Rapporteur on the Rights of Afro-Descendants and Against Racial Discrimination.**

**By:** Rawle Elliott

**Date:** September

**REALITIES TO OBSERVE AND CONSIDER**

- Overrepresentation of African Canadian youth in the care of certain Child welfare agencies in Ontario. The Ontario Commission on Sustainable Child Welfare 2012 report acknowledged and heard concern in the Greater Toronto Area that African Canadians are 6.9% of the population and represent 65% in child welfare care. (See attachment)
- Overrepresentation illustrates a certain corporate reality of a child welfare agency in Ontario and some other provinces in Canada. Children's Aids in Ontario are transfer payment agencies that receive government funding (no matter the formulae) based on the number of children in its care. Motives for care of children by the state are not in all cases noble and/or objective. They are at times not entirely focussed on the child and protection.  
[http://www.thestar.com/news/gta/2013/03/14/in\\_leaked\\_memo\\_peel\\_cas\\_staff\\_asked\\_to\\_keep\\_cases\\_open\\_to\\_retain\\_funding.html](http://www.thestar.com/news/gta/2013/03/14/in_leaked_memo_peel_cas_staff_asked_to_keep_cases_open_to_retain_funding.html)
- In Ontario we have Aboriginal, Jewish, Catholic child welfare agencies existing as corporate entities along with generic agencies fully funded by the Ontario Government. There are no such ethno-specific child welfare agencies for African Canadians in Ontario. It is very arguable that such a thing would not be profitable for generic agencies. The best we can do thus far are the occasional pilot projects within generic agencies; this keeps the status quo and fiscal stability for ordinary child welfare agencies. This specialized response (ethno-specific agencies) is a reaction to those communities' historical concerns about inequitable unresponsive handling in child welfare. We need to urge that this happen for African Canadians.
- I would suggest for the sake of a useful dialogue that the overrepresentation is an indication of an institutional bias perpetuated by:
  - ✓ Negative and frequent media presentations of Africans especially men.
  - ✓ Incorrect classist and racist assumptions that criminality, reckless parenting is the norm in our community.
  - ✓ No recognition whatsoever that our community's history of crossing from Africa caused genocidal horror that to a degree still has lasting effects. Unlike other communities we still have not received our reparations and Black History Month is a good thing but it is not enough.

**LEGISLATION TO CONSIDER**

- Canadian Charter of Rights and Freedoms section 15 application of equal treatment in law is required under this part of the legislation. It is very inequitable to have 65% in care

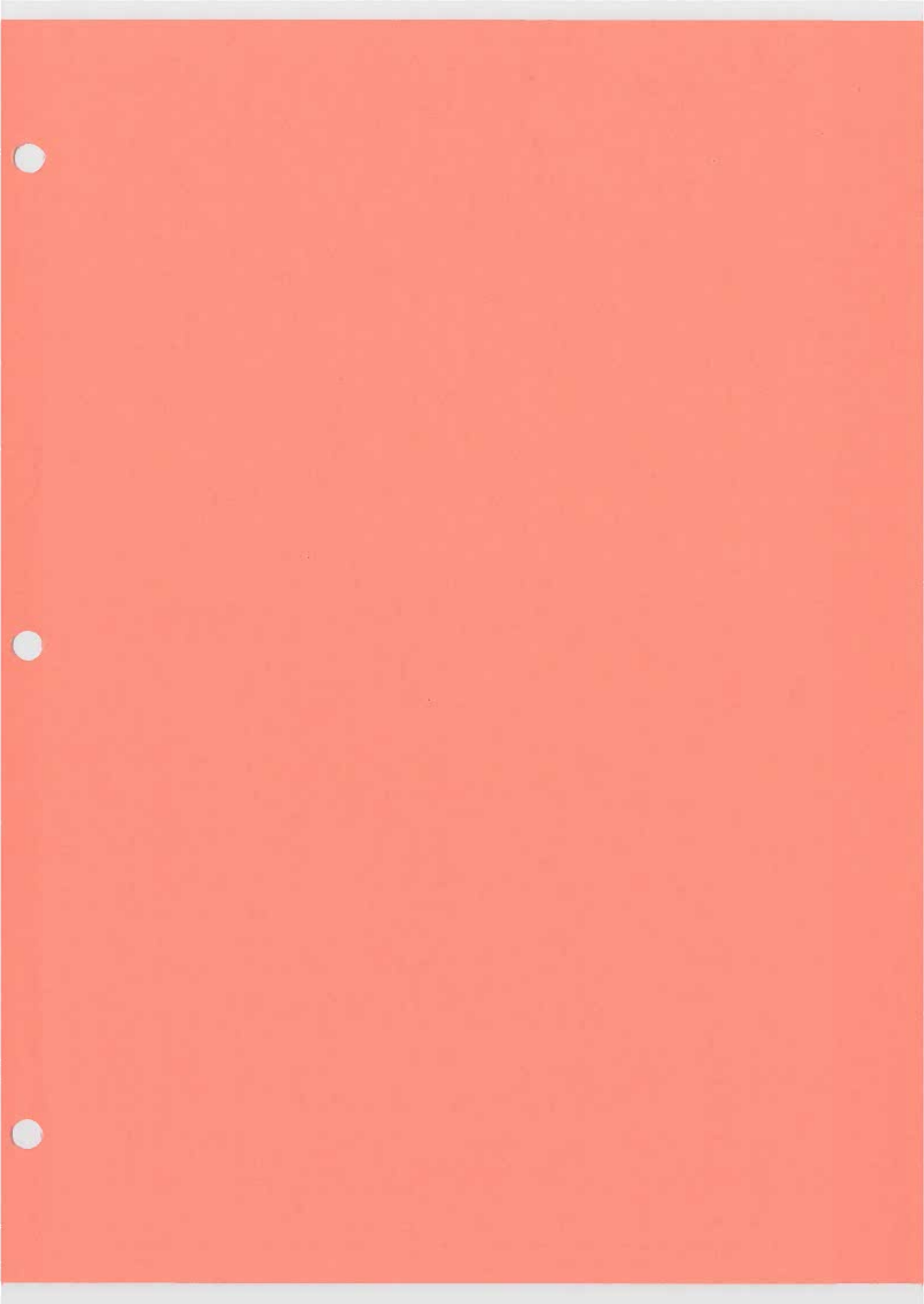
from the African Canadian Community and it is inequitable administratively to not have an ethno-specific child welfare agency - other communities do.

- Ontario Child and Family Services Act Section 1 has equity provisions.
- United Nations Convention on the Rights of the child including but not only Article 5

## RECOMMENDATIONS

- That there be commissioned and resourced in Ontario by the Provincial Government an African Canadian child welfare agency that has as it's prime focus the following matters:
  - ✓ Family preservation and functioning
  - ✓ Best Practices achievement
  - ✓ Extra judicial safe practices for child welfare in order to keep such matters out of the courts and away from the associated legal costs wherever possible.
  - ✓ Solutions that are safe and in the hands of those dedicated to family maintenance and/or enhancement.
- That in all areas of that African Canadian agency's functioning the standards of care/safety and corporate governance ( i.e. accountability, autonomy and transparency) and scrutiny must be the same as generic or existing ethno-specific child welfare agencies.
- The ability to have African Canadian and other youth have United Nations hearings for individual and class action cases heard based on the UN Convention on the rights of the child.
- That a Gladue-like principle be instituted for African Canadians for the family courts, child welfare and associated justice systems. Lawyers, judges will be in the equation but as the avenue of last resort. Restorative processes that are respectful to the African Canadian community would be used generously.





## Midaynta Community Services Deputation



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### Who We Are?

Before I do my deputation, being true to the Somali form I want to begin with a bit of an oral piece, so you can humanize and connect with the Somali Canadian narrative. I wrote this piece of prose after a large police operation called Project Traveler raided the neighbourhood I grew up in. It was an awakening of my social conscientiousness.

I am a young person under the age of 30 and I was born in a desert, to nomads, travelers. Both of my parents spent years being young bold nomadic children who travelled through the desert in search of provision. They went where their hearts took them, there was nothing wrong in being a traveler. I had to flee that desert I was born in, I had to travel, begin a new life here in Canada as a 3 year old. I could have been a victim of war, but instead I became Canadian. I became Torontonion. The center of the universe. I finished my elementary years living in Ottawa, but moved to Toronto in middle school and completed my studies up to the undergraduate level right here in my home, in Toronto. Oh! but the traveler in me kicked into gear, after finishing my BA, I travelled the world; I backpacked through the Middle East, Taught English in Taiwan and learned a bit of Mandarin. I hopped in Scotland and swam in Egypt. I travelled to nearly 15 countries but I came home, to Toronto.

So to Project Traveler I have this to say. If it all you are speaking to the Somali community here in Toronto, and attempting to comment on our nomadic heritage. Please don't! Don't victimize us, don't label us, don't scapegoat us for systemic problems, or even an unimpressive mayor. . Don't blame the whole community for the handful of suspects collected. The 43 people arrested under 'Project Traveler' if convicted of the crimes deserve to be corrected for the harm that drugs and guns bring into any community. However the 43 people are just that, 43 which is not a majority organization considering that the Somali community is nearly if not more 100, 000 strong. Don't think jailing us is the ultimate solution. Give us the opportunity to heal, to rehabilitate to be the vanguards of this community. I am Somali, I am a Traveler, and I am a Torontonion. I will not accept that these three attributes of mine be maligned, and disrespected.

We might be travelers, but we the Somali Canadian community are here to stay. We the Somali – Canadian youth are here to stay. Join us in building exceptional communities, with respected elders, political leaders we can be proud of, not suspicious of and strong guided youth. We the youth don't want you to tell us that we are future. We are not! We are present. Give us the opportunity to make things better... So that Toronto can continue being the string that tugs at my heart, my travelling heart."

I would like to thank the African Canadian Legal Clinic for inviting us at Midaynta Community Services to present this deputation. Thank you Dr. Belle Antoine for honorably receiving it. My name is Fowzia Duale and along with my Executive Director Mr. Mahad Yusuf we present the following on behalf of the Somali Canadian community.

I will begin a time-lined scaffold on the immigration process of the Somali community beginning with the first Somali wave of refugee immigration to Canada from 1991-1993 and will guide the discourse to the present day status of the community as it stands in 2014. At this juncture I will detail the current challenges followed by Mahad Yusuf leading us into the discussion period.

In abiding by the merits of this forum on focusing on the Human Rights context, I will draw from Canada's obligations as a State Party to the 1951 Convention relating to the Status of Refugees.

I will argue that the violation of Article 6 of the Universal Declaration of Human Rights 1948 which states the 'right to recognition as a person before the law' was the single most crippling barrier to the social integration, economic enfranchisement and educational gain in the Somali-Canadian narrative.

Let's begin in 1992.

On December 17, 1992 - Bill C-86 receives royal assent.

According to the Standing Committee on Citizenship and Immigration Canada.

'... most of Bill C-86, which amended a good deal of the *Immigration Act*, came into force (1) The Bill contained a provision that affected the right of individuals determined to be Convention refugees by the Immigration and Refugee Board to be granted permanent residence. Section 46.04(8) of the Act then stated as follows:

An immigration officer shall not grant landing either to an applicant . . . or to any dependent of the applicant until the applicant is in possession of a valid and subsisting passport or travel document or a satisfactory identity document."

This results in almost all of the of the Somali immigration claimants being rejected in 1993.

The figures from Citizenship and Immigration Canada estimates that over 90% of the 7,500 individuals in 1993 who had been recognized as Convention refugees but had not been officially landed solely for lack of documents were Somali.

40% are women, and 40% are children.

These figures represent the people who applied and were rejected. However there are thousands more who don't apply once the community understands there is policy in places barring a successful application.

Also the majority of refugees fleeing Somalia's war are women and children as they were seen as the most vulnerable by the hosting countries and men stay behind to support extended family to safety.

Prior to the amendments made by Bill C -86 convention refugees are exempt from providing identification as a contingent to acquiring status. And so the Canadian government for four years knows and allows a non- status standing of a significantly large group of people (some estimates as high as 40,000) whom they can't deport back to war, nor are they willing to grant legal status, as a fulfillment of Article 6's 'right to recognition as a person before the law.'

1996

A variety of refugee and human rights advocacy groups tackle the legal limbo of the Somali community. It becomes clear to the community as non-status persons, that there is no access to bank loans, post-secondary education or sustainable employment as employers look for Canadian citizens and permanent residents to employ. This creates high poverty rates and low morale as the community is isolated dealing both with lingering traumas from war and a rejection of equal access to services.

1997

Advocacy work results in the Canadian government's introduction of the Undocumented Convention Refugee in Canada Class (UCRC). In its initial drafting, claimants who continue to be without identification or whose identification is unsatisfactory are instructed to wait 5 years to demonstrate good behavior before they can receive status.

Those who arrived in 1992 or 1993, having already waited 4 to 5 years, learn they won't have status in Canada for an additional minimum 5 more years. This inhibits further access to employment and education and other measures in which people could begin their process of social integration and belonging to what it means to be Canadian.

Somali's, being one of Africa's few homogenous populations, recognize the racialization of the community as they join the struggle against overt and covert acts of racism and discrimination.

1999

The five year good behavior requirement is reduced to 3 years and it's in this year and following 2 years that members of the community begin to become landed immigrants and permanent residents.

2000

*The introduction of Bill C-31, the proposed new Immigration and Refugee Protection Act tabled in Parliament in April 2000, affords an opportunity to make the necessary changes in Canadian law to resolve these long-standing problems and to enhance the quality of refugee protection in Canada.*

2005

A considerable group of Somalis begin to gain permanent resident status but seek not to pursue their full Canadian citizenship due to an arising attitude of mistrust in the system.

2013

Bill C 43 Also known as the 'Faster Removal of Foreign Criminals Act.'

This enactment amends the Immigration and Refugee Protection Act to limit the review mechanisms for certain foreign nationals and permanent residents who are inadmissible on such grounds as serious criminality. "

This bill was passed to target permanent residents who are convicted and are sentenced to 6 months or more. It includes punitive measures for minor criminality such as driving with a disqualified license, trespassing at night or breach of the undertaking of court.

For these minor crimes, a person may face permanent removal from Canada.

2013

Also marks the year where a large scale Police Operation called Project Traveler raids the Dixon/Rexdale community, home to the highest density of Canadians of Somali heritage in Canada. Hundreds of officers from across Ontario were employed to lay over 200 charges on 43 people. Not one of those officers is of Somali descent.

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Where Are We Going?

2014

Today the Somali Canadian community is a population of 250,000 making it the largest continental African diaspora in Canada.

According to the Toronto's District School Board, 83% are Canadian by birth which shelters them from bills like C43.

However in education there is:

An elevated dropout rate of 25% in local TDSB,

A Low graduation rate of 66% (TDSB),

High suspension & expulsion rate of 7.6% (TDSB),

Numerous quantitative and qualitative studies suggest that Somali Canadian youth are facing an identity crisis. Many are struggling with what it means to be an African and/or black, Muslim, as well as coping with labels such as immigrant from a failed state, even if they were born here. Or the mention of the compounded phrase 'Somali Gangster' written in the largest read newspaper in the country.

Seeing people who look like them on the news repeatedly, many of our youth cringe, and look to alternative forms of belonging (i.e. street/gang/popular culture) that aren't always protective or pro-social

Most live and struggle with poverty, unemployment, and for the some that go to college & university, under-employment & joblessness

Un-employment rates are estimated to be as high as 20%.

There are growing concerns about the radicalization of young people in joining geo-political armed conflict.

Much of this can be traced back to the 10 year waiting period to be seen by the government as humans who have the right to recognition as a person before the law.

#### Recommendations

1. Halt the deportation orders that are largely affecting young Somali men who came here in childhood and whose parents didn't file or couldn't file for citizenship due to legal limbo. Bill C 43 is pushing for the removals of what they are calling 'foreign criminals' yet they youth are residents not foreign and it remerges of the separation of family.
2. We are asking for all levels of the Canadian government to convene and address the African community in the quiet policy changes that are impacting young people's lives.







**PANEL PRESENTATION/DISCUSSION: DIALOGUE ON THE DECADE FOR  
PEOPLE OF AFRICAN DESCENT**

**Panellists:** Margaret Parsons, Rosemary Sadler; Michelle Williams

**Facilitator:** Sandra Carnegie-Douglas

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**I. Context**

The Decade provides a platform to engage in an increased and intensified focus on the situation of People of African Descent, including African Canadians, and as it relates the realization of their rights. The theme for the International Decade is "People of African Descent: Recognition, Justice and Development"

One of the main objectives of the International Decade is the promotion and protection of the human rights of people of African Descent. Further, It is important that we understand that there are crucial provisions set out by Committee on the Elimination of Racial Discrimination and the Durban Declaration and Program of Action (DDPOA) to ensure the realization of such rights. So this is an opportunity for us as African Canadians to use this platform provided by the International Decade to see to the effective implementation of these provisions within the Canadian context and, as well, within the broader international (at the level of the UN) context for the period of 2015 through to 2025.

The UN Secretary General delineates the following three key objectives for the International Decade:

1. To strengthen national, regional and international action and cooperation in relation to the full enjoyment of the economic, social, cultural, civic and political rights of PADs
2. To promote greater knowledge of and respect for their diverse heritage, culture and contribution to the development of societies.
3. To adopt and strengthen international, regional and national legal frameworks on the rights of PADs, particularly as recommended by CERD (Committee) and WGEPAD through the adoption of a United Nations declaration on the promotion and full respect of the human rights of people of African Descent.

## **Facilitator's Notes: Speaking Points & Recommendations from the Panel Session**

### **II. Approach to the Discussion**

To guide the discussion following the panel presentations and in keeping with the theme of the International Decade, Forum attendees were reminded to focus their comments on issues/matters and recommendations that are aimed at structural and systemic changes, can effect sustainable changes and that can be effectively leveraged utilizing the platform of the International Decade. In addition to responding to the panellists presentations, participants were also asked to consider:

1. Key areas & issues, affecting African Canadians, that we would like to see addressed prioritized during the Decade?
2. What are some key actions /outcomes to pursue/implement at the national level, provincial level/municipal and within the African Canadian Communities (during the Decade and related to the #1 above)?
3. What measures/actions can be undertaken within Canada to support/mobilize the call for the adoption of a United Nations Declaration on the promotion and full respect of the human rights of people of African Descent (as recommended by CERD and the Working Group of Experts on People of African Descent)?

### **III. Summary of Key Recommendations Resulting from the Panel Presentations and Audience Engagement: To inform the ACLC's Development of a Canadian Program of Action**

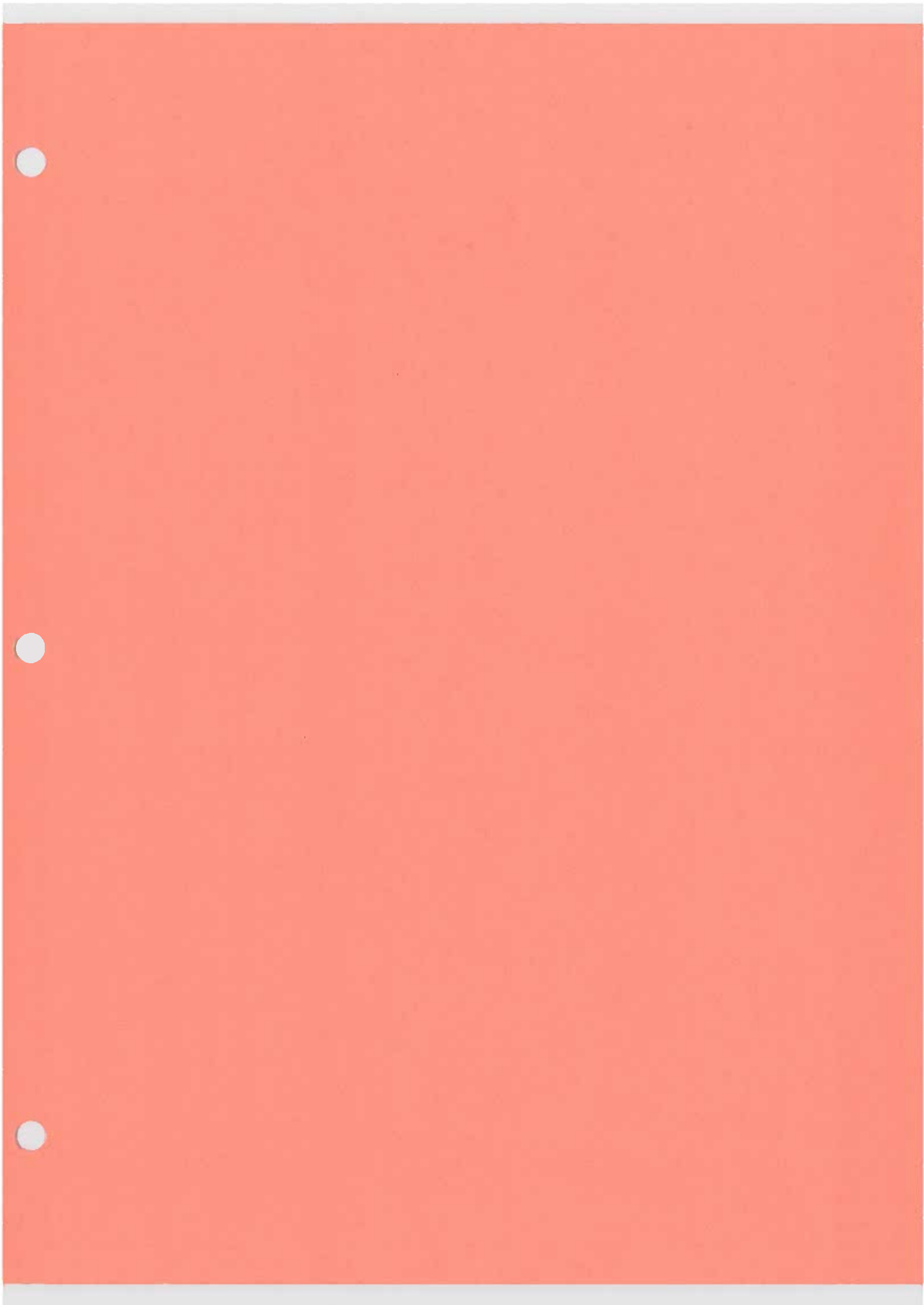
1. Reparations must be on the agenda for a Canadian Program of Action for the International Decade
2. Collection of Disaggregated Data, particularly as it provides quantitative data analysis for the representation and experiences of African Canadians in all sectors of Canadian society – education, employment, government services, criminal justice system, politics, etc.
3. The need for African Canadian to become more engaged in electoral politics and political system.
4. That African Canadians are to engage and demand that the Canadian state recognize people of people of African Descent in Canada - as a distinct peoples,

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## **Facilitator's Notes: Speaking Points & Recommendations from the Panel Session**

given their unique history as one of the founding peoples, along with the French and British, of Canada and given their distinct and experience of anti-Black racism.

[Proposed by - Senior Instructor, Faculty of Law; Director, Indigenous Blacks & Mi'kmaq Initiative, Dalhousie University]



## **Recognition, Justice and Development**

### **African Canadian Historical Overview**

**By Rosemary Sadlier, O. Ont.**

Honoured Dr. Rose Marie Belle Antoine:

- Commissioner and Rapporteur on the Rights of Afro Descendants & Against Racial Discrimination

- Inter-American Committee on Human Rights Organization of American States

#### **Background**

I will briefly provide some of the historical background on the position of Canadians of African origin.

Africans are known to have been in Canada since the 1500's, but it was not until the early 1600's that the first *named* African arrived. Multilingual Mathieu Da Costa was a free African man who acted as a translator for the French explorer Samuel de Champlain with the aboriginal peoples on Canada's east coast by 1604. However, the largest early group of Africans to enter Canada did so as enslaved people – involuntarily forfeiting much of their history, heritage, culture and power. The first known Canadian-born slave was a child of eight years of age, Olivier Le Jeune. He arrived in 1628.

By the mid 1700's, the French ownership of enslaved Africans increased. When the British took control of Canada, they did nothing to end slavery and continued the practice. More Blacks arrived, following the American War of Independence, some as the slaves of Loyalists, others promised land and freedom for their role in defending the British Crown. African people continued to come into Canada primarily through the United States or via the Caribbean from 1793 until the end of the American Civil War in the 1860's.

That Canada was a haven for escaped slaves on the Underground Railroad obscures the agency that African peoples had in making *themselves* free and suggests that there was national support for them. However, their treatment and the stereotypes connected to slavery have instead encouraged discrimination against them, perpetuated negative stereotypes and held them responsible for many of Canada's problems. The record of the Black presence in Canada has been diminished, overlooked and sanitized. It is as if Black people in Canada were visitors,

invisible and/or their contributions unimportant.

Why is it that Black people – peoples of African origin, a group that has contributed to the development of Canada, have not been included in the national script? Were they not founding peoples just like the French and the British? Why is it that African-Canadians are significantly portrayed as newcomers, or as crime mongers? Why is our presence marginalized?

There are approximately 600,000 Canadians of African descent, the third largest racialized group in Canada. African-Canadians are unique due to their colour and its connection to their historical experience of enslavement and the legacy of slavery, as well as the impact of racism, which is distinct from others affecting immigration, education, hiring, employment, the justice system and Canadian mass media and culture.

Similarly, the notion that Canada is a racist country is not widely accepted. Canada does not have a significant incidence of lynchings, race riots, or mass destruction of communities - yet these have occurred. It does have continuous episodes of racial discrimination which have resulted with the deaths of Black people at the hands of other community members or the police. The continuous nature of discrimination, combined with their marginalized experience educationally, economically and culturally, creates the distinct experience of African-Canadians who for generations found themselves frequently serving as domestics and porters.

Most Black people in early Canada were held in bondage. While the numbers were relatively small, perhaps 1000 by 1760, there were still laws created about their treatment and disposition. The 47th Article of Capitulation of Montreal, ensured that African and panis, Indian, slaves remained the legally recognized property of their owners. This legal recognition of Blacks and panis as property was further supported by the Peace Treaty of 1763 and the Quebec Act of 1774.

In Ontario, then called Upper Canada, the last will and testaments of individuals, supported through the courts, allowed slave ownership for the next of kin to be recognized. Without this guarantee, many slave owning Loyalists would have lost their remaining property – their slaves. At least 500 enslaved Africans arrived in Ontario with the Loyalists although headed for the Maritime provinces. Black Loyalists consisted of 10% of the total number; there were about 30,000 Loyalists and 3,500 were African. They got their freedom but the land allotted to them was poor, remote and not sufficient to sustain a family. Many were forced to abandon their land, to squat on property to which they had no legal title only to lose it later with formal land claims (eg. Priceville, ON); or the modern removal of their homes and community such as the most

severe example of anti-Black racism in Canada – Africville, near Halifax, Nova Scotia.

Africville was created out of the long wait by Black Loyalists for surveyed land. White officers were taken care of first, but with the shortage of surveyors, the process took not weeks but years. Taking ownership of land on the water, close to Halifax, the residents forged out a community of mutual aid. The strong community of over 400 boasted a church as well as businesses and many depended on Halifax for work. Instead, Halifax built the town dump, a railroad, factories, sewage drains, a slaughter house, and later a prison very close to where residents lived and played. By 1970 despite paying taxes, Africville was without clean water or electricity.

To fix the intolerable situation, Halifax Town Council proposed to move the residents and tear down the settlement in order to use the lands for other purposes. The residents of Africville wanted to remain, but to have services such as electricity, brought into their community. The city started to buy people's homes at less than the market value for prime waterfront real estate, and then in the middle of the night, the heart of the community, the church, was bulldozed. Many residents then opted to leave, often receiving little or nothing for the homes they had built or maintained, and the city further obliged by providing garbage trucks to haul their possessions. From living in multigenerational households, they were placed in cramped public housing – separating extended families. The land remains vacant except for a cairn dedicated to the spirit of Africville – the resilient residents.

Much earlier, another forced relocation in the Maritimes ended poorly. The Maroons, while in Jamaica, had successfully warded off the invading British through their superior guerilla style raids. When confronted in 1795 with ferocious hunting hounds and tricked into leaving their mountainous home, they were evacuated to the hills of Halifax to serve as a defense force and to help to build a fort, the Citadel. Within a very short time, they demanded to be taken to a more hospitable place, socially and climatically, and were removed to Sierra Leone in 1800. In Sierra Leone, some 1200 Black Loyalists had already made this West African country their home since they too were so disenchanted with their lives in Canada that they left the Maritimes and settled in there by 1792.

In Ontario, the poor treatment of slaves is evidenced by Chloe Cooley. In 1793, abolitionist leaning Lieutenant Governor John Graves Simcoe was informed of a slave woman's forcible capture, and her sale to southern slave owners. She, Chloe Cooley, had been bound and taken across the river in Niagara to be sold by her owner. Simcoe was outraged and sought to create legislation to prevent a future occurrence. Since his slave-owning peers were not as passionate about seeing Canadian slavery end (and the loss of their wealth) only compromise legislation

went through which shortened the period of enslavement by the time a slave was 25 years old and halted the importation of slaves. It ended the length of time of servitude for European indentures, but did not end the enslavement of Africans. In fact, Black people continued to be bought and sold well into the 1800's. Slavery was finally ended in Canada through the British Imperial Act of 1833 which abolished slavery throughout the British Empire effective in Canada on August 1, 1834. This is the major spark that brought about the Underground Railroad.

The Underground Railroad was the first freedom movement of the Americas and fuelled the image of Canada as a benevolent country to be found by following the North Star. However, while between 20,000 to 100,000 African Americans fled to Canada, freedom rang hollow when other rights were not guaranteed. In fact, at the height of the movement, the Common Schools Act of 1850 (Ontario) was passed creating schools separate along religious or racial lines. Already disadvantaged by slavery and by limited opportunity, Black communities were often hard pressed to raise the funds to create the segregated schools that they had not even requested. Areas well supported by abolitionists, such as Toronto, did not see the creation of Black schools. This law did not come off the books until 1964.

Oro, near Barrie, Ontario, was the only government sponsored Black settlement in Canada. It was remote and bordered the southern end of Georgian Bay. It was important for the security of Canada to have a cadre of trained soldiers who were both committed and loyal to the British, living there, in the event that a surprise attack were to be launched by Americans. However, with the American threat waning, and the nature of the land difficult, most left for the work to be offered elsewhere. Their efforts to be free, to be truly self-sufficient were lost. To survive, they had to start again, often in capacities similar to slavery since they could not sell the homes that they had built nor could they sell the land – clear title was not possible until it was all cleared.

In 1849, a Presbyterian minister living in the United States conceived of a way to handle the slaves he had inherited through marriage to a Southern woman, he would bring them to the Chatham area of Ontario and assist them in the formation of a primarily Black settlement. This would prevent their recapture and allow them to bask in freedom and self-sufficiency. However, his efforts to create the Elgin Settlement and Buxton Mission was threatened by a powerful politician, Edwin Larwill who argued that Black people were inferior, not to mention that white women and children would be in danger from the 'threatening' free Blacks. His extreme campaign backfired, and his supporters abandoned him leaving Rev. William King to proceed. To date, Buxton has survived and is a national historic site.

All Americans were attracted to Canada's West by the 1900's since land prices were much more



reasonable than in the United States (\$2/acre compared to \$50/acre). The government encouraged settlers to come in, and many Black people did. However, by 1910, attitudes began to change when it was anticipated that throngs of Blacks would attempt to come to Canada from Oklahoma due to changes in segregation laws there. The media was used to reinforce negative stereotypes about Black people including their sexual aggressiveness. One newspaper story, about a young white girl who claimed to have been assaulted and her ring stolen by a Black man, alarmed people across the country. When it was later determined that she had fabricated the story to avoid punishment for losing the ring, the damage had been done – community groups had already made strong statements about their fear, loathing and contempt for Black people. Further efforts to dissuade the 'exodusters' failed since they had money, property and were in good health. Finally, the government passed a regulation stating that Black people were "deemed unsuitable to the climate and requirements of Canada". While this did not become law, it effectively sent a message that Canada was not interested in Black immigration. In total, perhaps 1500 exodusters entered Canada. It would not be until after the end of WWII, that Black immigration would again increase.

After the end of WWI in 1919, Prime Minister Borden shared the position of his party on the potential union with Newfoundland, then independent, as well as several Caribbean islands. While clear that such a union would benefit Canada through an expansion of administrative opportunities, he was nevertheless concerned that Black West Indians would expect representation in Parliament. He went on to say that the "backward" mixed race West Indian societies were a threat to the values and democracy of Canada. Without anti-Black racist attitudes, Canada would have gained a Caribbean province.

Following the strong tradition of defending Canada, Black men were eager to enlist during WWI, and thousands were denied entry into the military. Since government policy supported Black enlistment, but recruiting officers rejected them, Black people decided to create their own units much as they had done for the War of 1812 with the Colored Corps. The Number Two Construction Battalion, a Black battalion, was formed with enlistees from across Canada.

African Canadians did not necessarily want to have their own regiments, communities, schools or churches, but it was due to the exclusion, rejection or uncomfortable experiences they had with "mainstream" institutions, that facilitated the formation of all Black supports.

The distinct history of African Canadians has resulted in the perpetuation of anti-Black racism in Canada. Just being of a darker hue has been connected to being a slave. Being a slave is connected to being inferior. Being enslaved meant taking orders, not giving them; it meant being

policed, not policing oneself...It meant socializing another's definition and perception of you, and your beauty and your traditions. It meant not knowing one's own history so that one could readily develop a strong sense of heritage and culture as part of a process of empowering oneself and strengthening the community.

We need to be **recognized** as a founding people and need that history to be shared. We need **justice** to address the areas where we have lagged and which continue to be concerns and we need **development** initiatives to address the socioeconomic and political gaps that remain.

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## AFRICAN CANADIAN LEGAL CLINIC

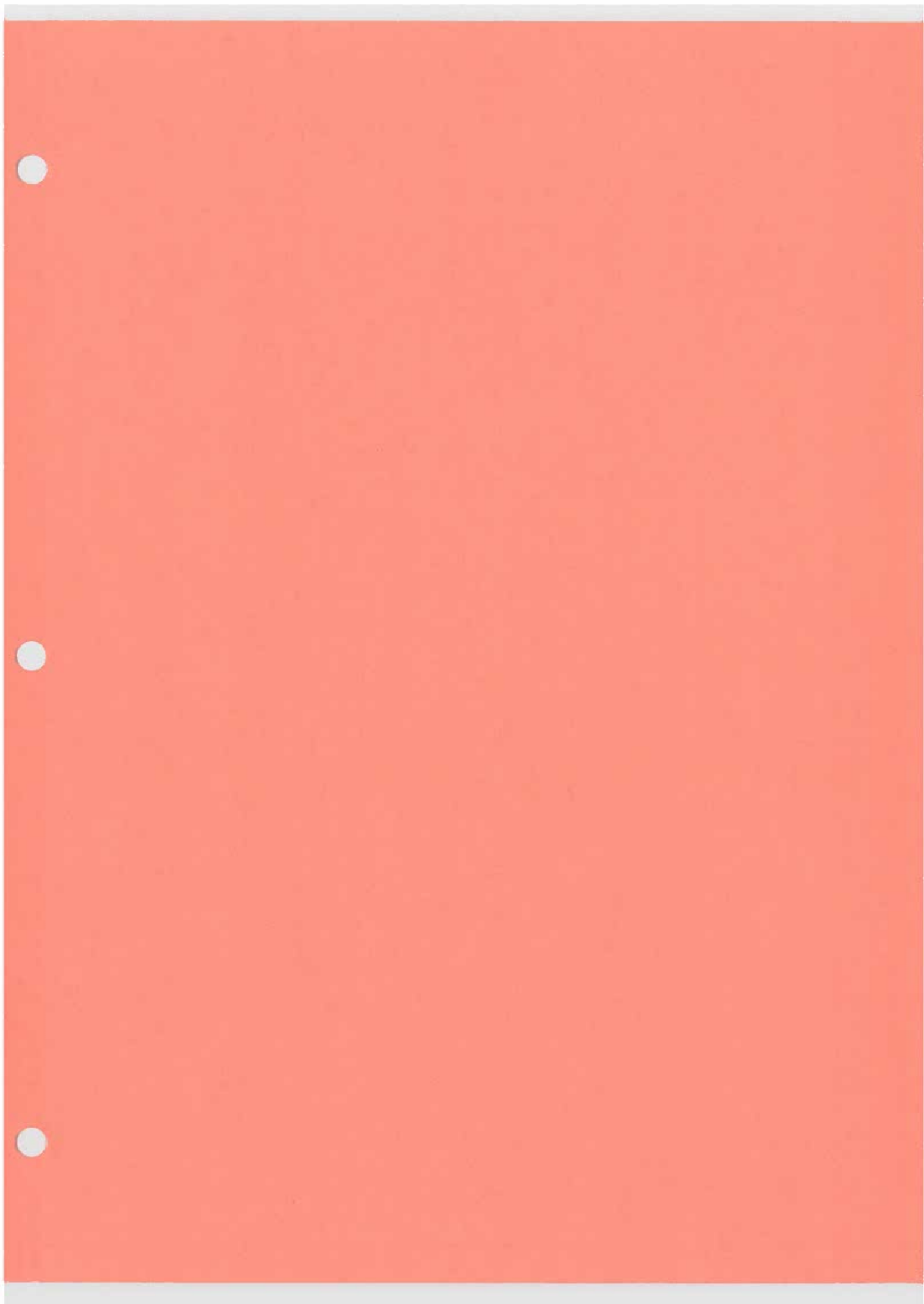


*Promoting Justice, Defending Equality, Building Community*

Good afternoon. My name is Virginia Nelder and I am the Staff Lawyer at the African Canadian Legal Clinic. We note coming out of these discussions that there are many outstanding issues of concern to African Canadians across the country. That African Canadians continue to experience both overt and systemic discrimination in all areas of society arising out of a history of slavery and marginalization is, sadly, abundantly clear. It remains clear that in general Canada has yet to even acknowledge the inequities that exist let alone engage in targeted initiatives or programmes aimed at achieving substantive equality for African Canadians. The ACLC has made submissions to the Canadian and Ontario governments and courts on criminal justice issues including mandatory minimum sentences and discriminatory police practices such as racial profiling, on issues of racism in the immigration processes including discriminatory residence requirements and the best interests of the child in removal situations, on the impact of racist hate speech on Canadian society, and on the disproportionate experience of poverty by African Canadians. That Canada is woefully lacking when it comes to its record on the human rights of African Canadians is a significant part of the ACLC's work in the international sphere. In this respect the ACLC fully supports the Durban Declaration and Programme of Action that arose out of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban South Africa in 2001, which speaks to the pressing issues of concern and what action is needed by governments and the international community to eliminate the scourge of racism. As a non-governmental organization with status both at the United Nations and the Organization of American States, the ACLC regularly engages in advocacy before international human rights mechanisms such as the Universal Periodic Review, the

Committee on the Elimination of All Forms of Racial Discrimination, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination Against Women, and the Working Group on People of African Descent, which came out of the Durban Declaration and Programme of Action. In June I attended the General Assembly of the Organisation of American States in Paraguay and was able to actively participate along with scores of other representatives of civil society in a dialogue with the OAS Secretary General about issues affecting marginalized populations in the Americas, including Indigenous groups, LGBTQ activists, workers groups, women and Afrodescendants. Both the UN and the OAS have Special Rapporteurships with mandates to address a multitude of social and equity issues, such as our esteemed Rapporteur on the Rights of Afrodescendants who has joined us today. International experts and mechanisms such as these have been used to great benefit of equity seeking groups such as Aboriginal peoples, women, and those in the anti-apartheid movement, and are important avenues to bring issues affecting African Canadians to the attention of the international community, and to obtain redress. The ACLC's advocacy before these bodies has resulted in recommendations to the Canadian government in many areas of social concern. A summary of the recommendations that the ACLC has made to these various bodies is included in your package of materials, which I encourage you to peruse at your leisure. Unless we pursue our rights actively before international and regional mechanisms, our governments will continue to ignore us. A glaring example of the Canadian government's inaction is the fact that the UN Working Group on People of African Descent has requested a site visit to Canada which has been refused by Prime Minister Harper. In this respect we encourage you to send letters to Mr. Harper and Foreign Affairs Minister Baird demanding that they accept the Working Group's request. We further encourage you to engage with these international mechanisms, including

submitting shadow reports to human rights bodies and meeting with mandate holders such as Rapporteurs and the Working Group to raise issues of concern. Canada is up next before the Committee on the Elimination of Discrimination Against Women, with its report due in December 2014, followed by the Committee on the Elimination of Racial Discrimination in November 2015, the Committee Against Torture in June 2016 and the Committee on the Rights of the Child in July 2018. Thank you.





# Afro-Descendant /Other Racialized Francophone Communities in Toronto

Léonie Tchatat, Executive Director  
La Passerelle-Intégration et Développement Économique  
Toronto, September 6th, 2014

[www.passerelle-ide.com](http://www.passerelle-ide.com)



La Passerelle-IDÉ is a non-profit organization serving Francophone immigrants.

We value proactive, innovative and culturally adapted approaches to knowledge and skills development while accompanying our clients in their process of social and professional integration.

La Passerelle-I.D.É. has become a leader with knowledge of creating networking and other spaces for employment opportunities, social integration and the economic development of francophone immigrants.

Our aim is to improve their social and economic status and enable them to fully contribute to their communities.

*Bringing together opportunities  
and talents from around the globe*

*Là où se rejoignent opportunités,  
et talents d'ici et d'ailleurs*



# About La Passerelle-I.D.É

- ▶ Founded in 1993, as an informal network of young African women activists
- ▶ Motivation: to mobilize collectively against discrimination and to seek meaningful, equitable inclusion
- ▶ Our current mission: to foster integration and economic development
- ▶ Program participants: 95% with roots in the Global South
- ▶ Last year, 2,500 people served

# La Passerelle-I.D.É.'s Programs

- ▶ Capacity building for racialized Francophones to overcome systemic barriers and improve participation
- ▶ Capacity building for Canadian institutions to fairly and effectively integrate diversity
- ▶ Access to employment, Entrepreneurship, Supports for Academic Success
- ▶ Youth civic, social and cultural leadership
- ▶ Public Education: media work, communications
- ▶ Advocacy and Policy and Programs Contributions



# Racialized Francophones in Toronto

- ▶ Canada's recent immigration strategies: proactive recruitment of Francophones overseas
- ▶ Regions of origin: over 2/3 from Sub-Saharan Africa, the Caribbean, North Africa, the Middle-East, Asia
- ▶ Toronto: roughly 50% Francophones, born abroad
- ▶ Toronto: roughly 50% Francophone youth belong to racialized communities

Data sources: Ontario Office of Francophone Affairs; Ontario Ministry of the Attorney General

[www.passerelle-ide.com](http://www.passerelle-ide.com)

# Statistics Canada Reports

Proportion de faible revenu avant impôt : francophones par groupe d'âge, sexe et minorité visible, Région métropolitaine de recensement de Toronto. Statistiques Canada, Recensement de 2006.

			%
0-14	Femme	Minorité visible	34,8
		Pas une minorité visible	9,4
	Homme	Minorité visible	33,7
		Pas une minorité visible	9,0
15-24	Femme	Minorité visible	32,2
		Pas une minorité visible	17,6
	Homme	Minorité visible	33,1
		Pas une minorité visible	13,9
25-30	Femme	Minorité visible	24,0
		Pas une minorité visible	13,6
	Homme	Minorité visible	26,6
		Pas une minorité visible	14,0
31-59	Femme	Minorité visible	27,3
		Pas une minorité visible	10,3
	Homme	Minorité visible	28,1
		Pas une minorité visible	11,1
60+	Femme	Minorité visible	27,7
		Pas une minorité visible	16,7
	Homme	Minorité visible	23,4
		Pas une minorité visible	11,6

Source: Statistics Canada

[www.passerelle-ide.com](http://www.passerelle-ide.com)

# Low Income: Racialized Francophones: Median Income, Unemployment

According to Trillium Foundation of Ontario, Francophone community profile (2009):

- ▶ In Toronto, racialized Francophones earn 33.3 % less than other Francophones
- ▶ In Ottawa and vicinities, racialized Francophones earn 40 % less than other Francophones
- ▶ In Ontario, the unemployment rate among racialized Francophone women is two times higher than among other Francophones

Source: Ontario Trillium Foundation

# La Passerelle-I.D.É's community research

- ▶ Roughly 2/3 of consultation participants in a 2010 study on Toronto's Francophone racialized youth's health concerns indicated they struggle with racial discrimination
- ▶ 2013 study: compared to their peers born in Canada and those recently arrived from abroad, Toronto's Francophone racialized young women born in Canada to immigrant parents have significantly lower levels of confidence in their ability to become civic leaders

# Addressing Systemic Issues

- ▶ Our presentation does not focus on documented individual cases of discrimination/violation of Canada's commitments under Inter-American instruments.
- ▶ It focuses on statistical data that speak to systemic issues: afro-descendant Francophones and other racialized Francophones are overrepresented in categories of poverty, underemployment, precarious employment and they undergo everyday pressures that push them towards marginalization.



# A Sense of Belonging?

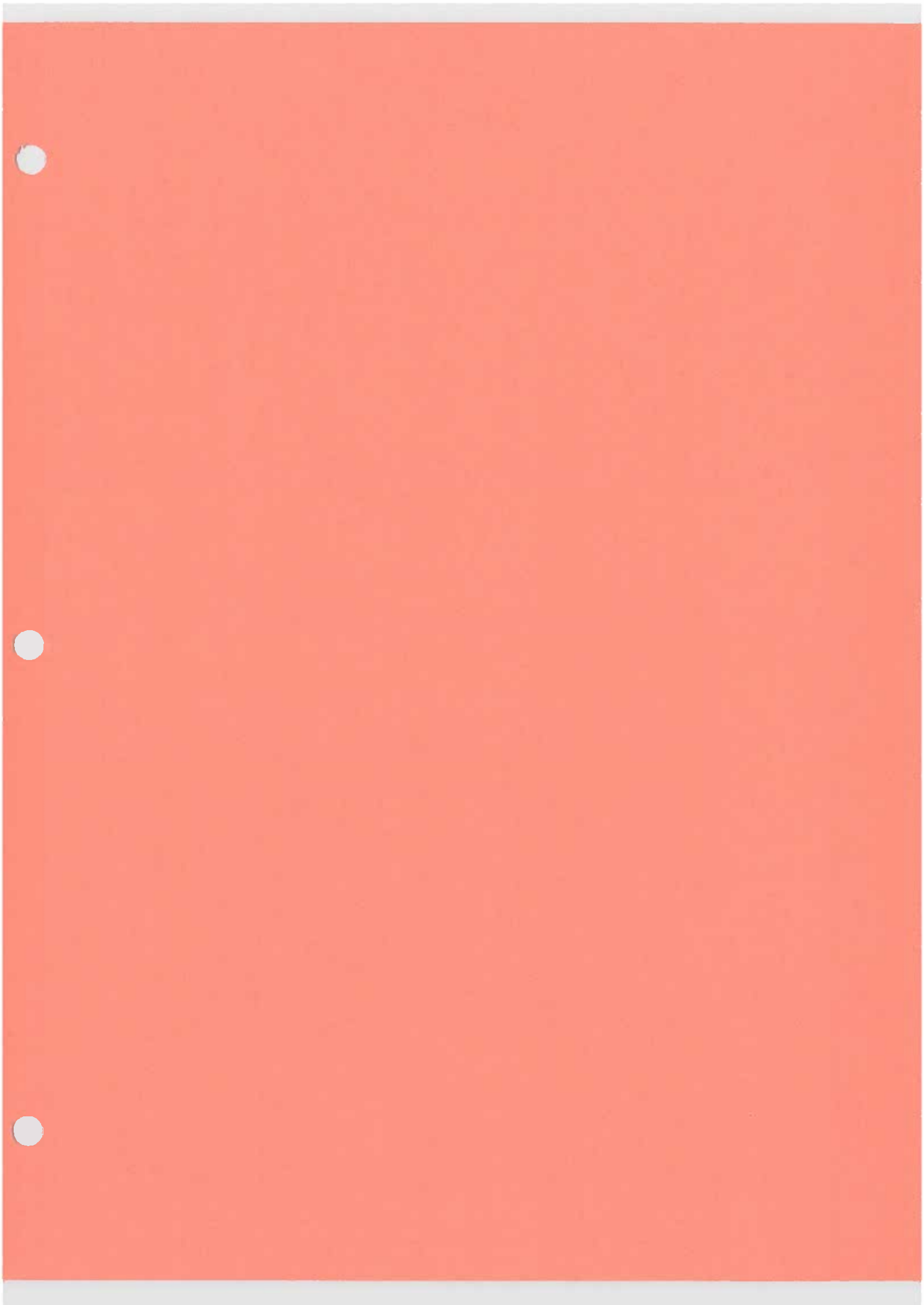
- ▶ Afro-descendant Francophones first arrived in Canada in the early 1500s: Mathieu DaCosta.
- ▶ Today, Francophone immigration is proactively sought by Canada for its own demographic and economic interests.
- ▶ Francophone immigrants are increasingly racialized and it takes us a long time before our economic well-being equals the living conditions of average non-racialized Canadians.
- ▶ Recently, the government of Ontario took an excellent step: the new, Inclusive Definition of Francophone.
- ▶ Our everyday reality, though, speaks about challenges and barriers that will require concrete, targeted strategies of dismantlement.

**Thank you!**

**Questions & Dialogue**

[www.passerelle-ide.com](http://www.passerelle-ide.com)





## Alberta's Somali young men: Is this a lost generation?

Mohamed Jama

Some came with their families fleeing the conflict in Somalia during the 1990s. Some came with only a single parent. Some came as unaccompanied minors, with no one back home. Still others were born here. Only yesterday, they were being taught at our schools, treated at our hospitals, they played at our parks, and were seeing the odd movie at the mall. They had fears, ambitions, passions, hopes, dreams. They had youth. Their lives were ahead of them.

Since 2005, more than 50 young Somali men have been murdered in Alberta, principally in Edmonton, Calgary and Fort McMurray. Most of the cases are unsolved. Almost all of them came from neighbourhoods in Toronto (Cheung, 2014). All of them came here as young children or were born in Canada. They were from here – not “over there”. How did we lose them? And how can we save the others?

Talk to any Somali elder and parent – by investing some time at your local area coffee shop – and if you listen just enough, you'll know that young Somali men 30 & under are a category of the community that is often referred to as a “lost generation.” Traditionally, in the Somali sense, getting lost is a peculiar thing. We don't get lost! As a tightly knit often pastoral or nomadic people, we had developed social structures which ensured that no one was lost in the desert. These social structures have broken down here in Canada. It is at once bewildering and terrifying at the same time. There's no cultural memory of a “lost generation” for us. And it's now catch word that the media seems to have embraced – though without fully listening to what's being said.

It's a phrase that conveys a sense of urgency. But it also has some explanatory qualities in the Somali-Canadian context. Who are among the “lost generation”? What's happening in Alberta? I'll highlight a few well-known cases.

Abas Abukar, 21, went missing during Halloween morning 2008. Hours later, his body was recovered in a wooded area in Edmonton's north end (Aulakh, 2010). He was a student at Humber College. One month later, Abdulkadir Mohamud, 23, was found stripped, beaten and shot in another of Edmonton's parks. He had also moved from Toronto in 2006 (Aulakh, 2010). On the same Halloween day, Ahmed Abdirahman, 21, was gunned down outside an Edmonton housing complex (Ibid). Sometimes the victims are related as in the case of cousins Saed Adad, 22 and Idris Abess, 23, from Toronto who, in February 2010, were found dead in a Fort McMurray apartment (Aulakh, 2010).

The media narrative has been that they are victims of Alberta's booming drug trade, fueled by the province's growing economy. It's often said that these are unskilled young men come to Alberta seeking to make easy money, and find themselves becoming visible targets, easily snuffed out by established gangs in the market (Findlay, 2010)

However, the truth is that some go looking for work in the formal sector, often in oil, construction and retail. Earlier this year, Suryan Giama, 25, went missing just weeks after he arrived in Calgary in January to look for work (Wood, 2014). He was married with a son and was working to support his family. He wanted a better future for his son. Six months later, his body was recovered from a riverine area. His murder, as with most of the others mentioned, remains unsolved. I can't talk about all of the cases, but others have been killed at gas stations, walking out of a building, some have been thrown from balconies, and gunned down at night clubs and nondescript locations. Some of the murders have gone unreported in the media. There's talk of a serial killer. We need to know the full truth. The problem's metastasizing. We're beginning to see that some young Somali women being affected. Last week, Natasha Farah, 26, an ambitious public relations professional, was gunned down outside a Calgary nightclub (CBC News Calgary, 2014).

When community members refer to a "lost generation", you're hearing the acute realization that many of our young Somali men have become invisible (tossed out of our schools, under skilled and unemployed, and disproportionately warehoused in our prisons), while some others are disappearing (quite literally). And still, others continue to struggle with their identity. Am I truly and equally Canadian? Others run – as far away as they can – from their Somaliness, dreading the stereotype of the fierce yet skinny militiaman, the scheming extremist, the welfare cheat, the asylum fraudster, or the comical latter day Somali pirate – images of Somali people which they are daily fed by the media. Our young people, particularly, our young men, whose bodies, whose blackness, is feared, feel lost, in fact, they sometimes feel they do not belong here.

They feel unwanted and unwelcome. They are racially profiled by police (Rankin & Winsa 2014) and are drop out of schools in disproportionate numbers (TDSB, 2012). They feel society expects less of them, and so sometimes, they expect less of themselves. "We're called the lost generation," remarked Warsame Adam to the Globe & Mail, "We're hit from every direction, Somalis. It's like we don't belong." (Wingrove & Mackrael 2012)

How did potential turn into nightmare? And where do we go from here? So I'm going to end with three points to take-away and a personal note.

1. This isn't just a Somali problem; it's one that affects the whole African-Canadian community. We need a national inquiry into murdered young black men. The absence of justice creates impunity. We cannot allow the impression that one can get away with killing a person of black and brown skin. And that includes an inquiry into missing and murdered Aboriginal girls and women, which we also deserves our support.
2. We need to focus on diversion & reintegration programing by leveraging existing models, including ones that bring community and government together in collaboration to reduce and prevent youth criminalization. One model that has worked for us is the African Canadian

Youth Justice Program, developed by the ACLC, which works with youth of African descent in the court system.

3. We need to insist upon solutions based on frameworks of cultural competency. We need folks who really understand Somali culture and language to work with our youth. And that means empowering community based organizations and institutions whose mission, objectives and core values are based on cultural competency principles.

Finally, on a personal note, I'm technically part of this "lost generation" (*ciyaal baraf*; snow children). I'm in the same age cohort. Some of those who have become statistics were my classmates and my neighbours, and childhood acquaintances. Some were older, others younger. There's hardly a week that goes by in which I don't think about some of them and wonder what could have been. We have all been impacted by the loss of our sons to the streets, to prisons, and most tragically to an early grave. So I'll leave you with my key ask for Commissioner Belle-Antoine, that we call for and campaign for a national inquiry into murdered young black men. The lack of justice is consuming the lives of our families; and we can never move forward unless we insist on justice – a fulsome inquest into how this came about, why we have not had perpetrators brought to justice, and what needs to be done to bring redress. And we have an opportunity to bring this to national attention, especially in this upcoming year.

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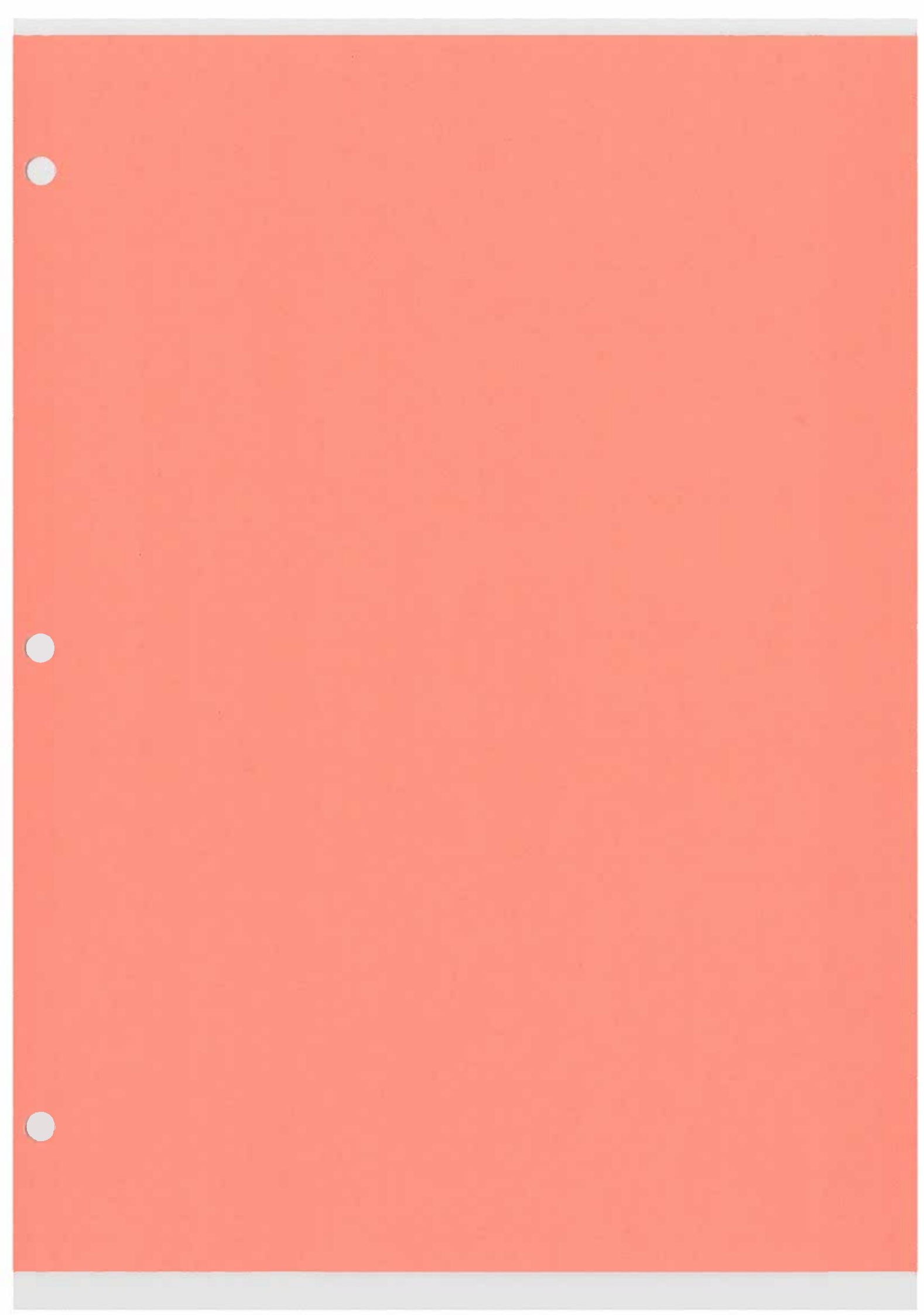
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Rose-Marie.Antoine@sta.uwi.edu

— did not  
speak  
— not on agenda

Name: *Dr. Wesley Crichtlow*

Title: **Black, Queer & Invisible Criminological Injustice – Rights Denied**

Submitted To: *Human Rights Forum on the Experience of African Descendants in Canada*  
Location: *Toronto*

Inter-American Human Rights Commissioner: *Dr. Rose-Murie Belle Antoine*

Organized By: **Organization of American States' Inter-American Commission on Human Rights & the African Canadian Legal Clinic. 5 King Street East – Toronto – Ontario – M5C 1B5**

Date Submitted: *26/09/14*

### *Black, Queer & Invisible Criminological Injustice – Rights Denied*

In 2005 Canada became the fourth country in the world to recognize same-sex marriage, after the Netherlands, Belgium and Spain. The Canadian Human Rights Act (1985) and the Ontario Human Rights Code (1990) have played a pivotal role in the struggle for accomplishments made today within the LGBTQ movement in Canada. Since 1975, the American Psychological Association called upon its association to remove the stigma and pathology associated with LGB persons. Today, within Canadian law and medicine, LGBTQ persons are no longer considered deviant, sick and/or sexually perverted. Despite great advances made in the area of gay rights, such as gay marriage, LGBTQ persons within criminal justice are still seen as *persona non grata*.

According to available statistics from the Canada Health Care Report, there is an estimated 346,000 adults self-identified as gay, lesbian or bisexual, together representing 1.9% of Canadians aged 18 to 59 (2.1% of men and 1.7% of women). The breakdown is: 130,000 gay men (1.4% of men aged 18 to 59), 59,000 bisexual men (0.7%), 71,000 lesbians (0.8% of women aged 18 to 59), and 85,000 bisexual women (0.9%) (Tjepkema, 2008:57). LGB and gender nonconforming persons constitute the largest sexual minority (non-heterosexual) groups nationally. Accordingly, the submission by Madame Rapporteur focuses on the ignored majority of sexual minority LGB and gender nonconforming incarcerated youth within Canada's prisons, jails and youth justice intuitions.

We are calling upon Canadian governments at the federal and provincial levels to provide effective approaches to incarceration policies, procedures and rehabilitation programs as they relate to the needs of incarcerated gender nonconforming and LGBTQ persons, with an aim to be inclusive of gender-affirming pronouns, and names, and mental health treatment that does not automatically assume pathology based on sexual or gender identity.

### *Brief Overview of Canadian Prisons & Criminal Injustice*

The harrowing realities of black overpolicing, and Black hyperincarceration that contributes to brute facts of racial injustice, and the denial of human rights is captured in the following profile from ACLC, Toronto Star Newspaper and the Howard Sapers Corrections Canada Report:

#### *Black School-To-Prison Pipeline*

Statistics collected by the African Canadian Legal Clinic informs us that:

- In the Toronto District School Board (TDSB), African students make up approximately 12% of high schools students, and account for 31% of all suspensions (ACLC Fact Sheet, page1).
- TDSB drop-out rate for African Canadian students from 2006 – 2011, accounts for 23% (ACLC Fact Sheet, 2014, page1).

#### *A Profile of Black Inmates:*

- The majority of Black inmates are incarcerated in federal institutions in Ontario (60%) and Quebec (17%).
- 4% of Black inmates are women and 96% are men.
- The Black inmate population is young. Approximately one-half of Black inmates are 30 years of age or younger; only 8% are over the age of 50 (Sapers, 2013: 9).

*Black Inmates Are a Very Diverse Group:*

- 49% of Black inmates are foreign-born.
- Foreign born Black inmates are primarily from Jamaica (17%) and Haiti (5%), but there are also sizable populations whose home country is Barbados, Ghana, Granada, Guyana, Somalia and Sudan.
- Most Black inmates reported an affiliation with some form of Christianity. Other religions that were reported included 23% Muslim and 6.5% Rastafarian (Sapers, 2013:9).

Recent media reports remind us of what critical criminological and sociological literature has known for decades. Minority communities and socially disadvantaged neighbourhoods are over-policed for minor crimes and under-policed for major crimes (Rankin 2010, 2013; Crichlow & Visano, 2009). According to the United Nations Human Development Report (2011), Canada ranks as one of the best countries in the world for living. However, UN Special Rapporteur on racism, Dr. Doudou Diéne, reminds us that Canada has a past history and legacy of slavery and colonialism (Diéne 2004: 68). This is evident within the Canadian criminal justice system's racial profiling of Black citizens. In February 2010, Jim Rankin of the *Toronto Star* Newspaper, examined data from Toronto police contact cards in (mostly) non-criminal encounters with the public. The article highlighted a disturbing trend:

- If you are Black Canadian and you do something wrong or illegal, your chances of getting caught are much greater than your White counterpart;
- Black Canadians make up 8.4 per cent of Toronto's population, and they account for three times as many contacts with police;
- Black Canadian males aged 15-24 are stopped and documented 2.5 times more than White males the same age; and
- Differences between Black Canadian and White carding rates are highest in more affluent, mostly White areas of the city, indicating the presence of the 'out-of-place' phenomenon.

Another *Toronto Star* investigation entitled, 'Known To Police', published in March 2012, reported that from 2008 to mid-2011, higher proportions of Black people were stopped and documented by police than White people in every one of the city's 72 patrol zones (Rankin and Winsa, 2012). On average, Blacks were 3.2 times more likely to be documented than Whites, and in more affluent neighbourhoods, that likelihood can increase substantially (Rankin, Bailey, Ng and Winsa, 2012).

*Gay, Transgender & Gender Nonconforming Youth*

In the US, gay, transgender and gender nonconforming youth are significantly over-represented in the juvenile justice system – approximately 300,000 gay and transgender youth are arrested and/or detained each year, of which more than 60% are Black or Latino. Though gay and transgender youth represent 5-7 percent of the nation's overall youth population, they compose 13 – 15 percent of those currently in the juvenile justice system (Hunt & Moodie-Mills, 2012: 1). There is also no reason to doubt that Canada has a similar problem, when we examine the daily

correctional and prison averages. According to Statistics Canada (2006), Toronto's Black population is 6.9 per cent with the broader category of visible minorities at 42.9 per cent. According to a spokesperson of the Ministry of Community Safety and Correctional Services, typically on any given day, the Black inmate population averages between 11-15 per cent (2012). There are findings to support the relationship between gender identities, gender nonconformity, and sexual orientation for gang involved and incarcerated youth in Toronto/Canada. From the Scarborough youth gang needs assessment final report (2013, p. 14), we are informed that 60% of females entering a Toronto gang-exit program self-identified as lesbian or bi-sexual. Similar findings were discerned in conversations with the Crown Prosecutors with the Toronto Anti-Guns and Gangs Unit, prosecuting 50 gang members, some of whom were members of the Ardwick Blood Crew, as part of Project Flicker in 2005 and 2008. Specifically, surveillance and intercepted communications (wiretaps) found that the high ranking leader was gay and was extorting some of the younger members for sex. The crown's office was concerned for the safety of leaders given the perceived homophobia within gangs. While in prison/jails and in the wider Jamaican Black community, youths were reluctant to disclose evidence of same-sex sexual extortion during the trial (Anonymous Crown - Crowns Office Toronto, personal communication, 2014).

While racism, over-criminalization, over-policing and racial profiling has long been a concern for members of the Black community, there has been a complete absence on making visible gender and sexual orientation specific needs and treatment of Black LGBTQ persons before and within the criminal justice system. We need to know how many Black, racial minority and LGBTQ persons are incarcerated, to develop effective approaches to incarceration policies, procedures and rehabilitation programs as they relate to the needs of incarcerated gender nonconforming and LGBTQ persons, with an aim to be inclusive of gender-affirming pronouns, and names, and mental health treatment that does not automatically assume pathology based on sexual or gender identity.

The Ontario Court of Appeal in *Halpern v. Canada* ruled that the exclusion of same-sex couples from the definition of marriage violated equality rights under the *Canadian Charter of Rights and Freedoms*. (*Halpern v. Canada (Attorney General)*, 2003). Judicial rulings on same-sex marriage should also be applied to incarcerated inmates' right to rehabilitation and programs with a specific focus on gender, sexual orientation and gender non-conforming Black inmates within Canadian correctional institutions.

#### Human Rights Framing

The Canadian Human Rights Act (R.S.C., 1985, c. H-6) states,

- 1) Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- 2) Subsection (1) does not preclude any law, program or activity that has as its object in the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

### Recommendations

- We are calling upon Canadian governments at the federal and provincial levels to provide effective approaches to incarceration policies, procedures and rehabilitation programs as they relate to the needs of incarcerated gender nonconforming and LGBTQ persons, with an aim to be inclusive of gender-affirming pronouns, and names, and mental health treatment that does not automatically assume pathology based on sexual or gender identity;
- We recommend that policy makers develop sex and gender-specific needs of incarcerated youth.
- Develop gender bias guidelines for admitting incarcerated persons.
- Develop a nationwide LGBTQ inclusive training for justice professionals.

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