

Colour of Poverty |  | **Colour of Change**



**TO THE UN HUMAN RIGHTS COUNCIL
UNIVERSAL PERIODIC REVIEW OF HUMAN RIGHTS IN CANADA
4th Cycle (April 2023)**

JOINT SUBMISSION

By

COLOUR OF POVERTY - COLOUR OF CHANGE (COP-COC)

And

**BLACK LEGAL ACTION CENTRE (BLAC)
CHINESE CANADIAN NATIONAL COUNCIL FOR SOCIAL JUSTICE (CCNC-SJ)
CHINESE & SOUTHEAST ASIAN LEGAL CLINIC (CSALC)
COUNCIL OF AGENCIES SERVING SOUTH ASIANS (CASSA)
ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS (OCASI)
SOUTH ASIAN LEGAL CLINIC OF ONTARIO (SALCO)**

Submitting Organization: South Asian Legal Clinic of Ontario - 106A – 45 Sheppard Avenue East, Toronto, ON, M2N 5W9, www.salco.on.ca
Ph 416-487-6371 • Fax 416-487-6456 • Email: shalini.konanur@salco.clcj.ca

Webpage: www.colourofpoverty.ca

Facebook: [colourofpoverty.colourofchange](https://www.facebook.com/colourofpoverty.colourofchange) **Twitter:** [@colourofpoverty](https://twitter.com/colourofpoverty)

Racial equity, human dignity, social justice

Overview of our Coalition

The **Colour of Poverty – Colour of Change (“COPC”)** was established in 2007 as a community initiative based in the province of Ontario, Canada made up of individuals and organizations working to build community-based capacity to address the growing racialization of poverty and the resulting increased levels of social exclusion and marginalization of Indigenous and racialized communities across Ontario. COPC is managed by a steering committee of organizations that serve racialized communities, and who advocate on the disproportionate impact of systemic racism and discrimination on racialized people in Canada. This includes higher poverty rates, poorer access to housing, poorer labour market outcomes, poorer outcomes in education and health, over-representation in our justice / criminal justice systems, immigration-related discrimination and gaps in access to justice.

Established in 2017, the **Black Legal Action Centre (BLAC)** is an independent not-for-profit community legal clinic that combats individual and systemic anti-Black racism by providing free legal services, conducting research, developing public legal education materials, and engaging in test case litigation and law reform. BLAC is the successor to the African Canadian Legal Clinic which was accredited to the 1981 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

The **Chinese & South East Asian Legal Clinic (CSALC)** – formerly known as the Metro Toronto Chinese & Southeast Asian Legal Clinic (MTCALC) – is a Canadian NGO mandated to provide free legal services to low income members of Chinese and Southeast Asian communities in Ontario. Apart from providing legal services, CSALC also engages in systemic advocacy to advance the rights of immigrants, racialized communities and other disadvantaged members of society. CSALC has ECOSOC consultative status at the UN.

The **Chinese Canadian National Council for Social Justice (CCNC-SJ)** is a not-for-profit organization that engages, educates, and advocates for social justice and equity for all. Since January 2020 when the first case of COVID 19 was found in Canada, CCNC-SJ has been leading and collaborating with partners across Canada campaigns to raise awareness about rising anti-Asian racism and to advocate for government and community actions to combat systemic anti-Asian racism in Canada.

The **Council of Agencies Serving South Asians (CASSA)** CASSA is an umbrella organization that supports and advocates on behalf of existing as well as emerging South Asian agencies, groups, and communities in order to address their diverse and dynamic needs. CASSA’s goal is to empower the South Asian Community. CASSA is committed to the elimination of all forms of discrimination from Canadian society.

The **OCASI - Ontario Council of Agencies Serving Immigrants** is a council of autonomous immigrant and refugee-serving organizations in Ontario and the collective voice of the immigrant and refugee-serving sector in the province. Formed in 1978, OCASI has 240 member organizations across the province of Ontario. OCASI's mission is to achieve equality, access and full participation for immigrants and refugees in every aspect of Canadian life. For more than four decades OCASI has engaged in public education and advocacy to identify and address systemic and structural racism and discrimination.

The **South Asian Legal Clinic of Ontario (SALCO)** is a not-for-profit organization mandated to enhance access to justice for low-income South Asians in Ontario. SALCO was established in 1999 and provides direct legal services to low-income South Asians in Ontario in a number of areas of law including human rights discrimination, income security, housing, employment, family, and immigration. SALCO also participates in larger-scale law reform, community development, and legal education to address systemic racism and discrimination, which are at the root of the experiences that our communities face across Canada. SALCO has ECOCOC consultative status at the UN.

Introduction

COPC, BLAC, CCNC-SJ, CSALC, CASSA, OCASI and SALCO are pleased to make this submission to the fourth Universal Periodic Review (“UPR”) of its state party, Canada. This submission consists of a collection of concerns that COPC, BLAC, CCNC-SJ, CSALC, CASSA, OCASI and SALCO hold with regard to Canada’s shortcomings in its human rights obligations to its racialized and vulnerable communities.

Areas of Concern Since Canada’s Last Review in 2018

Data Collection and National Action Plan Against Racism

1. In the 3rd cycle of the UPR, COPC submitted that the federal, provincial, territorial, and municipal level of governments in Canada collect and track ethno-racially and otherwise appropriately (including gender & identity, sexual orientation, disability, immigration status, faith, income) disaggregated data across all their functions, operations and activities. This need for disaggregated data collection was reinforced by state recommendationsⁱ which were supported by Canada. UPR recommendation 142.72 advised Canada to “ensure the consistent collection of data on ethnic and racial discrimination in the criminal justice system, and intensify the fight against racial profiling and ethnic and religious intolerance.”
2. These recommendations recognize that Canada’s has a significant and diverse population of racialized people.
 - In 2020, 92% of Canadians aged 15 and older agreed that ethnic or cultural diversity is a Canadian value.
 - In the 2021 Census, 2.2 million people reported Indigenous ancestry representing almost 6% of the population of Canada.
 - Additionally, South Asian people represented 7.1%, Chinese people represented 4.7%, and Black people represented 4.3% of the total population of Canada.
 - In terms of faith, the Census revealed that almost 5% of Canada consisted of a Muslim population. ⁱⁱ

Racialized population projections by racialized groups, Canada, 2022 (in thousands)

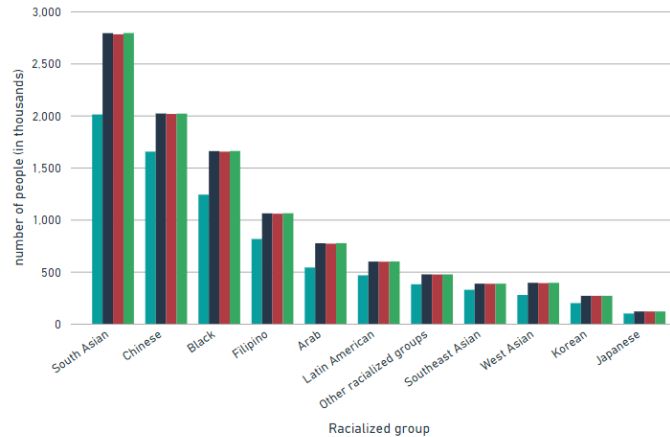
Geography

Canada

Projection scenario

| |
|---|
| S1 - Reference |
| S2 - Low-immigration |
| S3 - High-immigration |
| S4 - Alternative geographic distribution of immigrants upon arrival |
| S5 - Alternative immigration composition by place of birth |
| S6 - Low-growth |
| S7 - High-growth |
| S8 - Alternative internal migration (2011 to 2016) |
| S9 - Alternative internal migration (2006 to 2011) |
| S10 - Alternative internal migration (2001 to 2006) |
| S11 - Alternative internal migration (1996 to 2001) |

Scenario ● Observed population 2016 ● S1 ● S2 ● S3

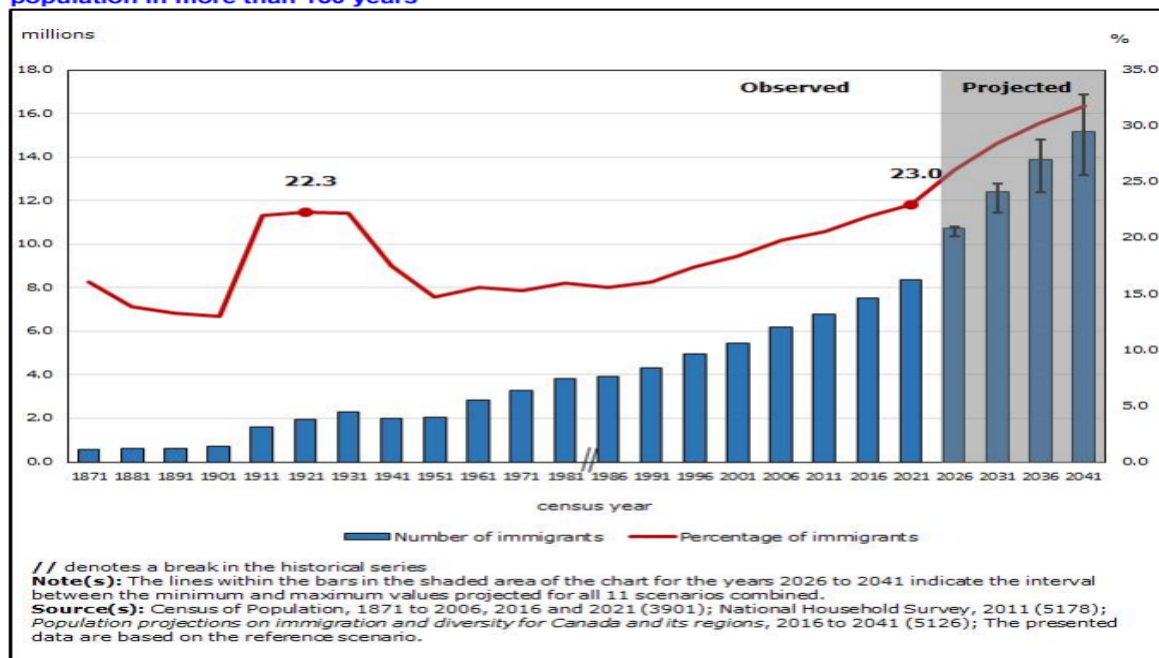


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2022

Canada's population growth driven by the record number of new immigrants admitted from 2016 to 2021

Infographic 1 – Nearly one in four people in Canada are immigrants, the highest proportion of the population in more than 150 years



3. Immigration has a major impact on diversifying the ethno-racial composition of Canada's population. Canada aims to bring 465,000 new permanent residents in 2023, and increase those numbers to reach 500,000 new permanent residents by 2025.ⁱⁱⁱ Asia, including the Middle East, is named as the place of birth for 62% of recent immigrants.^{iv}
4. The year-over-year increase in racialized populations speaks to the **necessity** to collect disaggregated data in Canada. Intersectional identities create varying experiences of barriers to accessing help, employment/unemployment, wage gaps, violence, education and health outcomes, access to housing, and over-representation in Canada's justice system.
5. At the height of the pandemic in 2020, police-reported hate crimes targeting Asian populations increased 482%, while those targeting Black people rose by 115%.^v A report^{vi} by the Chinese Canadian National Council Toronto Chapter documented over 1000 anti-Asian racist occurrences across Canada between March 2020 and February 2021. In spite of Ontario's Asian population being almost three times the size of British Columbia's, the latter represented 44% of racist occurrences.
6. We acknowledge that Statistics Canada has recently launched the Disaggregated Data and Analytics Framework (DDAF), designed to establish disaggregated data standards, identify existing and potential data sources, and leverage innovative data foundation projects, However, Canada's approach to the collection of disaggregated data has not progressed at a rate that acknowledges the growing populations of racialized people in Canada and the growing disparities in all of their life outcomes. For example, this type of ethno-racial data is not collected in many of the programs delivered by Canada Border Services Agency, which is tasked with immigration enforcement and the removal of people from Canada, many from racialized communities; nor in critical areas such as health.
7. **Recommendations:**
 - The Federal, Provincial, Territorial and Municipal governments in Canada must collect and track disaggregated data with respect to ethno-racial and faith backgrounds across **all** Departments,
 - Ministries, Divisions and relevant institutions, and use this data to develop strategies for addressing systemic racism and human rights violations;
 - Data should be collected in a way that enables analysis of the intersecting effects of ethno-racial and faith backgrounds with gender identity, sexual orientation, socioeconomic status, immigration status, age, and (dis)ability;
 - Use disaggregated socio-demographic data to develop strategies to address systemic racism and faithism;
 - Community governance of such data (e.g., EGAP framework as proposed by Black Health Equity Group in Ontario) by equity deserving communities must be in place to

ensure community ownership, control, access, use, and interpretation to prevent misuse, misinterpretation, and commercialization of data^{vii};

- Renew the Federal Government’s commitments to work with civil society to create and implement a renewed, enhanced and comprehensive National Action Plan Against Racism.

The Racialization of Poverty and Labour Market Discrimination

8. During the last UPR cycle, states had made recommendations to help reduce poverty in racialized communities in Canada. Recommendation 142.157 directed that Canada “ensure that its poverty reduction strategy includes a targeted approach to addressing the socioeconomic disparities and systemic discrimination experienced by Black Canadians and Indigenous peoples” and to develop a federal disaggregated data collection program. As mentioned above, Canada has yet to start implementing and releasing data using a disaggregated collection program.
9. In Canada, Indigenous and racialized people are more likely to live in poverty and earn less than non-racialized people. Moreover, racialized people face additional barriers in accessing employment because of systemic racism and discrimination based on race/ethno-racial background.
10. It is also important note that worsening income inequality, growing poverty, hunger and homelessness are, of course, experienced disproportionately by the descendants of enslaved ...people.^{viii}
11. Child poverty rates are higher for children of immigrants, racialized children, and Indigenous children. Child poverty rates in Canada are 13% for White non-immigrant children, but 51% for Indigenous children (and 60% for Indigenous children living on reserve); 32% for children of immigrants; and 22% for children of colour.^{ix} Unfortunately, Canada has limited current data on the intersection of child poverty and race.^x As intersectional data is not included in the publicly available Census data we are not able to concretely determine the poverty rates for immigrant children of colour.
12. The Federal Government updated its National Poverty Reduction Strategy in 2019, but did not note race as an indicator of poverty, rendering these communities invisible while their issues remain unaddressed.^{xi} The province of Ontario has had a Poverty Reduction Strategy since 2008, but analysis of the experiences and needs of racialized people has been marginal at best.
13. There are also significant racialized wage and employment gaps in Canada. Factors that contribute to making the gaps deeper and wider are systemic racism in hiring and promotion, de-skilling of immigrants due to non-recognition of international credentials

and experience; and use of police record checks to discriminate against applicants. As a result, racialized people are more likely to engage in precarious employment.

14. In Ontario, the unemployment rate among population groups designated as “visible minorities” (racialized) was estimated at 7.7% in March in comparison to a 5.5% rate for non-visible minorities and those that did not identify as Indigenous.^{xii} Through the pandemic and beyond, Indigenous and racialized (“visible minority”) communities across all regions in Canada continue to have higher rates of unemployment than “non-visible minority” communities.^{xiii}
15. Research in Canada indicates that race-based discrimination continues. For example, employers discriminate against job applicants even when they have equivalent education and experience, as proven by studies that show far fewer interviews are offered to candidates with Asian-sounding names.^{xiv}
16. Wage gaps for Indigenous and racialized communities in Canada persist. A study from Statistics Canada (Stat Can) found that the average pay for visible minorities could be as much as 30% lower in similar sized workplaces.^{xv}
17. Racialized people and immigrants are overrepresented in part-time and precarious employment characterized by lower wages, absence of benefits, and job insecurity.^{xvi} The average hourly wage of full time workers was much higher than the average hourly wage for part-time workers.^{xvii}
18. **Recommendations:**
 - Reinstating mandatory compliance with employment equity for federal contractors, expand it to include LGBTQ communities, and effectively enforce the regime;
 - Require provincial and territorial governments to introduce and enforce equivalent employment equity legislation;
 - Employment equity legislation should include a recognition of intersectional discrimination/oppression experienced by the designated groups. Such recognition is important to advance employment opportunities for those most marginalized such as racialized people with disabilities;
 - Remove barriers to recognition of international training by institutions, regulatory bodies and employers;
 - Amend human rights legislation to protect individuals from discrimination on the basis of police records of conviction or non-conviction, and facilitate pardons/record suspensions;
 - Strengthen enforcement of employment standards laws through increased prosecutions, higher fines and penalties, public databases for employers with outstanding orders to pay, and automatic corporate Board of Directors’ liability for owed employment standards

entitlements;

- Provide public reports on incidents of racism in the public service, and better protect public service employees from racial discrimination and aggression, and reprisals; and
- Initiate a plan of action for reparatory justice for the descendants of enslaved people and all Black people who continue to experience the impact of the resulting anti-Black racism.

Immigration: Detention and the Impact of Canada's Safe Third Country Rule

19. Our Coalition advocates to **end** immigration detention in Canada. After years of advocacy by diverse groups, Canada finally agreed to end the immigration detention of children. However when parents are detained their children are detained together with them, as the only alternative provided is for parents to turn over care of their children to the State. Our Coalition has called on Canada to develop robust and meaningful community-based alternatives instead of detention when possible, and to immediately abolish locking up children in immigration detention facilities.
20. The Canada Border Services Agency (CBSA) does not publish detention statistics disaggregated based on race, ethnicity, or country of origin. However, anecdotal evidence suggests that long-term detainees are disproportionately racialized: because racialized undocumented migrants are more likely to be detained rather than receive a notice to appear for a hearing; because of difficulty obtaining identity documents from their countries of origin; and because of the lack of legal aid for detention reviews.
21. However, Canada still does **not** impose a maximum time limit on immigration detention. This raises the spectre of indefinite detention based entirely on immigration grounds (such as likelihood of not appearing for future proceedings), and not for any reasons related to public safety. This means persons facing immigration removal from Canada can often be detained far longer and in worse conditions than many convicted criminals.
22. In addition, the best interests of Canadian children detained with their parents are not sufficiently or consistently accounted for. “*De facto*” detained children do not have their own detention review hearings, and until recently, adjudicators explicitly declined to consider the best interests of Canadian children in the detention reviews of their parents.”^{xviii}
23. Canada Border Services Agency (CBSA) reveals that the number of immigration detainees incarcerated in Canada has increased every year between 2016-17 and 2019-20, with 8,825 people in immigration detention in the 2019-2020 year. In the last

UPR cycle, recommendation 142.115 suggests that Canada “take effective measures to reduce overcrowding in detention centres”. In line with this and regarding concerns for health, when the pandemic began March 2020, immigration detainees were released at unprecedented rates, demonstrating clear evidence that there are viable alternatives to depriving people of their liberty for indeterminate periods of time.^{xix} This leaves room for community-based alternatives to detention. However, the non-detention alternative given to most detainees is to wear an ankle tracking device, a dehumanizing practice that robs the person of dignity and the imposition of rigorous monitoring requirements that have created challenges in obtaining housing and employment.

24. Beyond immigration detention, we also make submissions on Canada’s Safe Third Country Agreement (STCA) with the United States, which went into effect in December 2004. Under the STCA Canada and the US each declare the other country safe for refugees and close the door on most refugee claimants at the US-Canada border. The STCA includes only four (4) exceptions for: i) those with family in Canada; ii) for unaccompanied minors; iii) for document holders, and iv) where it is in the public interest.^{xx} The exceptions are limited and their interpretation is so narrow as to exclude many people seeking safety and protection in Canada.
25. There is overwhelming evidence that the US is unsafe for many refugees. Claims on gender-based persecution are not recognized. Many people who were sent back to the US from Canada faced serious rights violations. These became worse under the previous US administration, but have continued even under the current administration. Canada’s Federal Court has twice found that the STCA violates Canada’s *Charter Rights and Freedoms* for refugee claimants but the decision was overturned twice by the Federal Court of Appeal on technical grounds. The challenge is now before the Supreme Court of Canada.^{xxi}
26. Many refugee claimants continued to enter Canada through unregulated entry points to avoid being subject to the STCA and returned to the US to face certain detention and suffering. On March 24, 2023 Canada and the US announced an expansion of the STCA to the entire border including unregulated crossings. The closure went into effect by midnight the following day. The expansion had been signed and regulations passed in great secrecy a year ago, but announced a year later in an act of political theatre on the occasion of the US President’s visit to Canada.^{xxii}
27. The sudden change caught those seeking refuge and enroute to a border crossing by surprise. Days after the announcement potential claimants continued to arrive at border points only to discover they would be turned back. Many had spent all their financial and other resources on a long, difficult and dangerous journey in search of safety, only to be stranded and left destitute. Neither Canada nor the US had put in place any measures to mitigate the impact on people seeking refugees, and have left them more

vulnerable to exploitation and further trauma. Shortly after the border closure 8 migrants were found dead near the Canada-US border, apparently enroute to US from Canada.^{xxiii}

28. Most recently, on or about March 30, 2023, eight (8) migrants died while attempting an unsafe border crossing from Canada to the US as a result of the conditions created by the STCA and Canada's lack of humanitarian consideration.^{xxiv}

29. Recommendations:

- End all immigration detention;
- Develop robust and meaningful community-based alternatives to detention;
- Immediately cease holding immigration detainees in provincial jails;
- Immediately abolish the practice of keeping children in immigration detention facilities;
- Ensure that the best interests of all children are a primary consideration in any alternative detention-related decision;
- Collect and publish data disaggregated by ethno-racial and faith background and country of origin with respect to all aspects of detention (including data regarding reasons for detention and length of detention).
- Sending refugee claimants back to the USA under the Safe Third Country Agreement violated their right of life, liberty, and security protected under section 7 of the Canadian *Charter of Rights and Freedoms*. Rescind the Safe Third Country Agreement and ensure that refugees/asylum seekers can enter Canada safely to make their claims for protection.

Violence Against Indigenous Women and Women of Colour

30. When it comes to violence against women, Canada has much work to do, especially with regard to Indigenous women and girls and racialized women. Indigenous women are overrepresented among missing women in Canada at 10%.^{xxv} To address these issues, COPC had last recommended that Canada provide greater support for families and Indigenous women's organizations to take part in the Missing and Murdered Indigenous Women and Girls (MMIWG) inquiry, and to ensure accountability in implementation of inquiry recommendations. This was frequently repeated by many state recommendations in the last cycle of the UPR as the international stage continues to recognize Canada's major failing of its Indigenous communities and Indigenous women, in particular. Among others, recommendation 142.207 suggests to "continue working with partners at all levels to address the significant levels of violence against aboriginal women, and its root causes," while recommendation 142.206 suggests to "continue to strengthen protection of the rights of Indigenous women and girls against violence, in particular by systematically conducting investigations and ensuring the collection and dissemination of data on violence against indigenous women."

31. Another recommendation last suggested by COPC was to repeal the *Zero Tolerance for Barbaric Cultural Practices Act*. SALCO has noted that that the *Act* is not based on statistical data or research, and will continue to perpetuate myths about practices of polygamy and forced marriages. The *Act targets* racialized women and perpetuates the myth that violence against racialized women, and in this case South Asian and Muslim, woman is a “cultural” issue^{xxvi}. It also serve to deflect from the need to provide greater services targeted at racialized populations who face tremendous gaps in systems responses to violence against women (e.g.: lack of access to income supports and minimal linguistically and cultural adequate supports). Moreover, experience from legal clinics like SALCO shows that women who find themselves in a forced marriage or the like, are now less likely to seek intervention from mainstream systems for fear of the criminalization of their family and communities that has resulted from this *Act*. Simply put, they don’t reach out to police because they don’t want family members to be charged, and so they are more unsafe and more vulnerable to violence.
32. Another issue that was raised in the last cycle of the UPR was the issue of protecting survivors of violence and providing sufficient services and supports. Recommendation 142.185 suggested that Canada “step up efforts to protect victims of violence and ensure a sufficient number of adequate shelters for them.”
33. Despite supporting these recommendations, Canada massively failed in its implementation of this. The leading cause of homelessness among women in Canada is intimate partner violence. Women who find themselves needing to leave their home due to abuse need more supports and services. During the pandemic, 557 residential facilities across Canada that were primarily mandated to serve victims of abuse: 78% were short-term facilities with a general mandate of providing accommodations for less than three months, and 22% were long-term facilities which provide accommodations for three months or more.^{xxvii} Survivors of abuse are usually directed by central intake lines to temporary shelters where they may be housed for the night, but finding a long-term shelter placement will take some time as they are placed on a waiting list. During the pandemic, shelters and service providers were overwhelmed and at capacity.
34. Additionally, even though service providers specifically serving racialized communities dealt with two to four times the number of abuse survivors they normally do during the pandemic, they were not funded sufficiently to meet these needs. In terms of mental health during the pandemic, the South Asian community in Canada was impacted the most among visible minorities^{xxviii}, and with the added layer of being a newcomer/immigrant and a survivor of abuse, there were many South Asian women who needed urgent help during the pandemic. A large part was due to a funding system that did not recognize community needs and followed a system that benefited historically funded organizations, leaving smaller organizations scrambling to apply for funds on a continuous basis. The funding system that Canada followed during the pandemic of providing service providers with funds six months at a time

left many survivors of violence uncertain and in fear of what was to come.

35. **Recommendations:**

- Provide greater support for families and Indigenous women’s organizations to implement the recommendations of the MMIWG inquiry;
- Repeal the *Zero Tolerance for Barbaric Cultural Practices Act*, and provide greater economic and social support for racialized women experiencing violence; and
- Develop a comprehensive National Action Plan on Gender-based Violence that specifically addresses the unique and different barriers of victims of violence from racialized and Indigenous communities to replace the current National Roadmap that does not provide concrete commitments to action.

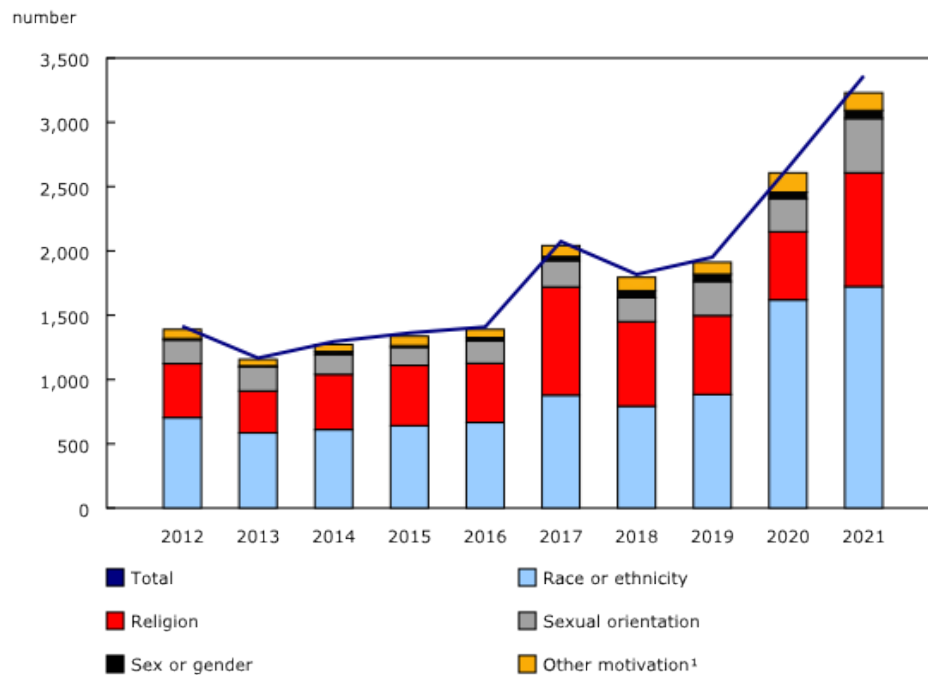
Hate Crimes and Racialized Communities

36. In the previous UPR cycle, states had recommended that Canada work to decrease the incidents of hate crimes. Recommendation 142.52 asked Canada to “strengthen its efforts to fight racial discrimination, including by enhancing institutional capacity to systematically document, investigate and prosecute racially motivated crimes,” and recommendation 142.72 suggested that Canada “ensure the consistent collection of data on ethnic and racial discrimination in the criminal justice system, and intensify the fight against racial profiling and ethnic and religious intolerance.” The opposite has been true during the last few years.
37. Hate crimes data shows that the situation is continuing to get worse in Canada. Hate crimes targeting race or ethnicity have increased for a third year straight from 2019-2021 as seen in the chart below, with a 72% increase in police-reported hate crimes. Hate crimes in Canada targeting the Arab and West Asian populations have increased by 46%, the East and Southeast Asian populations which have increased 16%, and the South Asian population which has increased by 21%.^{xxix}
38. The Vancouver Police Department alone reported that hate crime incidents increased by an overwhelming 97% – from 142 incidents in 2019 to 280 in 2020, with a marked increase in Anti-Asian hate. It is telling that the provinces that witnessed the greatest increase in hate crimes,^{xxx} are the same provinces (British Columbia, Alberta, and Ontario) that have the highest number of racialized populations.
39. Over 1100 incidents were reported between March 2020 to end of February 2021 by mostly people of Asian heritage to two online reporting tools. There were incidents either directly experienced or witnessed by the “reporters”. The two online tools were hosted by Chinese Canadian National Council, Toronto Chapter and Project 1907 and Asian Canadian Film Festival in Vancouver. Sixty percent of victims targeted were women. Seniors and young people under the age of 18 were specifically targeted and experienced physical assault such as spat or coughed at.

40. Over 900 hate incidents were reported to the two portals from April 2020 to March 2021, representing a 47% increase from 2020.

41. In 2021, a Muslim family in London, Ontario was murdered for being Muslim.^{xxxii} Hate crimes have led to many incidents of violence and death for racialized people in Canada.

42. COPC had previously recommended that hate motivation be taken into account more effectively and consistently by Canada’s *Criminal Code*. Considering the stark increase in hate crimes motivated by race and ethnicity this must be a **priority** for Canada.



43. In 2013, s.13 of the *Canadian Human Rights Act*, which had made communication of hateful messages legal grounds for complaint, was repealed.^{xxxiii} This has also reduced the avenues available for addressing hate through the human rights system.

44. COPC and others have also noted the problem with relying on police-reported hate crimes. Racialized people in Canada have a broken trust with policing and justice systems; and hate crimes are significantly under-reported by racialized people. In addition, there continues to be a failure to adequately consider hate motivation in the crime. For example, a charge of violence in a transit system may result in a charge but is unlikely to be considered by many police forces as a “hate crime”. Thus, relying on police-reported hate crimes will understate the prevalence of hate crimes in Canada.

45. The increase in hate crimes has coincided with an exponential increase in hate speech and hate content on online platforms. Online hate disproportionately impacts women, youth and those who are racialized or Indigenous. There are currently no mechanisms to track, report, investigate and remove hate content online other than what is arbitrarily deemed to violate each social media platform's standards. According to Statistics Canada, the most targeted populations for online hate in 2017 included the Muslim population (17%), groups with diverse sexual orientation (15%), the Jewish population (14%), and the Black population (10%).
46. COPC, as part of the Anti-Hate Community Leaders Group, has called for extensive reforms in Canada to address online hate and social media, law enforcement and legislation, the education system, media engagement, political engagement, and interfaith and interracial engagement.
47. **Recommendations:**
- Develop an effective regulatory framework based on a set of comprehensive, basic minimum standards, to which online service providers would be required to adhere as a condition of operating.
 - Require all online service providers to adhere to the foundational principle that they will not host, cache, or disseminate content that incites violence towards any identifiable group.
 - Basic Minimum Standards built on the Whatcott Standard as a Condition of Operating: All online service providers will specify the steps they will take to incorporate, operationalize, and assess their compliance with these foundational principles.
 - Sanctions: A clear, meaningful, and significant sanctions regime that will compel all online service providers to comply with the foundational principles and basic minimum standards. Violation of foundational principles will lead to harsh sanctions.
 - Create a national anti-hate strategy and support provincial and territorial ministries in establishing inter-ministerial committees to combat hate crimes and hate speech.
 - Reinstatement of a provision comparable to the previous Section 13 of the Human Rights Act in order to provide a needed tool to hold individuals promoting hatred of identified groups accountable, especially for online postings on websites and social media.
 - Require Attorneys General to publish an annual report to report details of hate crime cases that requested Attorney General consent on sections 318 or 319 of the Criminal Code in order to increase transparency with the public.
 - Collect, monitor and share national hate crime data.

Racial Discrimination in Criminal Justice, Corrections, Policing and Child Welfare:

48. Black people in Canada continue to be racially profiled and over-represented across the Canadian criminal justice system, corrections and policing. Black Canadians account for 9% of federal inmates in Canada despite making up only 4% of the national population. Moreover, Black offenders are overrepresented among those involved in use-of-force incidents in federal corrections.^{xxxiii}

49. Data previously submitted by the African Canadian Legal Clinic (now the Black Legal Action Centre) to the United Nations UPR Committee on the Elimination of Racial Discrimination in 2017 shows that the data from the 3rd cycle is relatively the same, and that systemic racism and discrimination continues to lead to the over-representation of Black people in criminal justice, corrections, and policing.^{xxxiv}
50. Similarly, Indigenous, Black and other racialized children remain over-represented and unprotected in child welfare systems across Canada. In 2022, the Ontario Association of Children’s Aid Societies noted that Black children in Ontario make up 7% of the population but account for 13.9% of the investigations from child welfare agencies. Across the board, the report notes significant disproportionalities in the way that Black children and families have been dragged into child welfare.^{xxxv}
51. An additional concern relates also to the lack of support for Black and other racialized children taken into care. Most notably, that child welfare systems in Canada fail to support children to obtain permanent immigration status to Canada, which sometimes results in immigration removal for children when they are young and when they are adults and out of the child welfare system. BLAC and COPC are advocating for changes to address the unique needs of racialized children in case, which are not being currently address in Canada.
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53. **Recommendations:**
- Significantly increase the Federal Government’s contribution to legal aid programs in all provinces and territories, with a significant portion earmarked for racialized communities, who are over-represented within criminal justice, immigration law and poverty-related law;
 - Halt all the deportations of child welfare survivors currently facing removal orders;
 - Reinstate the permanent resident status of any/all child welfare survivors; and
 - Develop a clear and accessible pathway to citizenship for all child welfare survivors.

Conclusion

54. The Canadian government has made some progression in addressing the barriers of systemic racism and discrimination. However, data tells us that Indigenous and racialized communities in Canada still fare worse in most life outcomes, including poverty,

employment, health, education, justice/access to justice, housing, and other areas.

55. Canada has indicated that it will be welcoming large numbers of new immigrants over the next several years and data also shows that most of those immigrants will be racialized.
56. Canada must consider significant legislation and policy changes to address the concerns raised above and by others, and must develop a concrete National Action Plan Against Racism that has concrete actions, funding, enforcement, and accountability mechanisms.
57. Canada must also ensure that persons and institutions with power and influence lead the way with their voices and actions, to build broad public support for human rights and social justice values, which will help create the solid foundations that are needed for a society to effectively deal with racism and discrimination.

ⁱ [https://upr-info-database.uwazi.io/library/?q=\(allAggregations:!f,filters:\(cycle:\(values:!\(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\),response:\(values:!\(%2734b4d35c-8157-40cf-a42f-c3cd7353d692%27\)\),state_under_review:\(values:!\(ayppdufx2if\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:_score,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/library/?q=(allAggregations:!f,filters:(cycle:(values:!(%27567eec7b-d5ab-4c36-a712-57c38fae9124%27)),response:(values:!(%2734b4d35c-8157-40cf-a42f-c3cd7353d692%27)),state_under_review:(values:!(ayppdufx2if))),from:0,includeUnpublished:!f,limit:30,order:desc,sort:_score,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27),unpublished:!f))

ⁱⁱ <https://www150.statcan.gc.ca/n1/daily-quotidien/221026/dq221026b-eng.htm>

ⁱⁱⁱ <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2023-2025.html>

^{iv} <https://www150.statcan.gc.ca/n1/daily-quotidien/221026/dq221026a-eng.htm>

^v <https://www.cbc.ca/news/canada/british-columbia/hate-in-bc-human-rights-report-2023-1.6770541>

^{vi} <https://drive.google.com/file/d/193CdIC8uq623VRLAzoO3ShfDTEutXQi2/view>

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^{xi} <https://www.canada.ca/en/employment-social-development/programs/results/poverty-reduction.html>

^{xii} <https://www.ontario.ca/page/labour-market-report-march-2022>

^{xiii} <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410037302>

^{xiv} Rupa Bannerjee, Jeffrey G Reitz, and Phil Oreopoulos, “Do Large Employers Treat Racial Minorities More Fairly? A New Analysis of Canadian Field Experiment Data” (2017), <http://www.hireimmigrants.ca/wpcontent/uploads/Final-Report-Which-employers-discriminate-Banerjee-Reitz-Oreopoulos-January-25-2017.pdf>

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^{xvi} The Poverty and Employment Precarity in Southern Ontario Research Group, “It’s More than

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