

UN HUMAN RIGHTS COUNCIL

4TH UNIVERSAL PERIODIC REVIEW CYCLE: RACIAL DISCRIMINATION IN CANADA

PRE-SESSION PANEL PRESENTATION



COUNCIL OF
AGENCIES SERVING
SOUTH ASIANS



Colour of Poverty



Colour of Change

ISSUE 1: RACE-BASED DISAGGREGATED DATA COLLECTION

- UPR cycle 3, Canada received recommendation **142.72**:
 - Collect consistent data on ethnic and racial discrimination in the criminal justice system.
 - Combat racial profiling, ethnic, and religious intolerance.
- Canada has launched Disaggregated Data and Analytics Framework (DDAF):
 - Aims to establish standards for disaggregated data.
 - Identifies data sources and innovative projects.
- **Concern**: Canada's approach to data collection hasn't kept up with:
 - Growing racialized populations in Canada.
 - Increasing disparities in life outcomes for racialized groups.
- Intersectional identities lead to varied barriers:
 - Employment
 - Wage gap
 - Education and health
 - Housing
 - Overrepresentation in justice system.

RECOMMENDATIONS

1 The Federal, Provincial, Territorial and Municipal governments in Canada must mandate the collection, monitoring and tracking of disaggregated data with respect to ethno-racial and faith backgrounds across **all** Department

2 Ministries, Divisions and relevant institutions must be mandated to use this data to develop strategies for addressing systemic racism, faithism and human rights violations

ISSUE 2: OVER-REPRESENTATION OF RACIALIZED PEOPLE IN CRIMINAL JUSTICE, CORRECTIONS, POLICING, AND CHILD WELFARE

- Black individuals in Canada face ongoing racial profiling and over-representation.
- Black Canadians (**4%** of the population) account for **9%** of federal inmates.
- Black offenders overrepresented in use-of-force incidents in federal corrections.
- In Ontario (2022), Black children (**7%** of population) account for **13.9%** of child welfare investigations.
- Black Legal Action Centre's data for 3rd UPR cycle shows persistent systemic racism:
 - Leads to over-representation in criminal justice, corrections, and policing.

RECOMMENDATIONS

1 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;

2 Mandate provinces, territories and municipalities to prioritize community and social support over criminal justice system, incarceration, and child welfare for racialized communities.

ISSUE 3: HATE-CRIMES AND ONLINE HATE

- Previous UPR cycle, Canada received recommendations:
 - **142.52:** Strengthen efforts to fight racial discrimination, including document, investigate, and prosecute racially motivated crimes.
 - **143.72:** Consistent data collection on ethnic and racial discrimination, fight against racial profiling and intolerance.
- Hate crimes targeting race/ethnicity rose by **72%** (2019-2021) with specific increases for:
 - Arab and West Asian: **46%**.
 - East and Southeast Asian: **16%**.
 - South Asian: **21%**.
- No streamlined mechanisms to track, report, investigate, and remove online hate content.
- Statistics Canada (2017) highlights most targeted groups for online hate:
 - Muslim population: **17%**
 - Diverse sexual orientation groups: **15%**
 - Jewish population: **14%**
 - Black population: **10%**

RECOMMENDATIONS

1 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.

2 Immediately launch and release a National Anti-hate Strategy and support provincial and territorial ministries in establishing inter-ministerial committees to combat hate crimes and hate speech.

3 Immediately 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 and have a significant sanctions regime which will compel all online service providers to comply.

4 Reinstate 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.

ISSUE 4: GENDER-BASED VIOLENCE AND VIOLENCE AGAINST RACIALIZED AND INDIGENOUS WOMEN

- Previous UPR cycle highlighted consistent international recognition of Canada's major failures in Indigenous communities, especially Indigenous women.
- Recommendations from multiple states that Canada failed to implement include:
 - **142.207**: Address violence against Indigenous women and root causes.
 - **142.206**: Strengthen protection of Indigenous women, conduct investigations, collect data.
 - **142.185**: Enhance victim protection and provide adequate shelters.
- Pandemic overwhelmed shelters, especially those serving racialized communities.
- Racialized service providers lacked sufficient funding, faced application challenges.
- Funding system (6-month cycles) caused uncertainty for survivors of violence.
- COPC suggested repealing the **Zero Tolerance for Barbaric Cultural Practices Act**.
- SALCO noted Act not research-based, targets racialized women, perpetuates myths.
- Although title removed, Act still operational.

RECOMMENDATIONS

1 Repeal the *Zero Tolerance for Barbaric Cultural Practices Act* entirely, and provide greater economic and social support for racialized women experiencing violence.

3 Provide equitable funding to community-based and ethnic organizations serving racialized and Indigenous survivors of gender-based violence

2 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.

THANK YOU



Samya Hasan
Executive Director
samya@cassa.on.ca

Website: cassa.on.ca
Email: cassa@cassa.on.ca
Phone: (416) 932-1359



Anchal Batia
Staff Lawyer
anchal.bhatia@salco.clcj.ca

Website: salco.on.ca
Phone: (416) 487-6371



Website: colourofpoverty.ca
Email: colourofpoverty@gmail.com
Phone: (416) 966-3882

