

CANADA'S FOURTH UNIVERSAL PERIODIC REVIEW

Quebec is the province with the second-largest Black population in Canada, with 26.6% of the national total.¹ Quebec is also notable for being until quite recently a major conduit for migrants, among whom Afro-descendant populations are overrepresented. As a result of this, the Black population in Quebec consists predominantly of first-generation immigrants.

Racism in Canada is pervasive, particularly in the laws, policies, programs, decisions, and practices of Quebec and Canadian governments, flagrantly violating multiple international human rights treaties, including ICERD.

Discrimination against Afro-descendant people in the area of health

Black women are at greater risk of forced or coerced sterilization.

– Black healthcare workers on the frontlines in Montreal's long-term care centers (CHSLDs) have experienced violence, including spitting, sexual harassment, insults, and racism, underscoring a significant issue in these facilities where Black patient attendants are in the majority.

– A Black child who lives in an area with a high concentration of Black persons is twice as likely to be reported to child welfare as other children, whereas if he or she lives in an area with a low concentration of Black persons, he or she is ten times more likely to be reported than other children.

– In 2018, the UN Committee against Torture urged Canada to investigate coerced sterilizations of racialized women, hold those responsible accountable, and enact legislation to prevent and criminalize such actions, which hasn't been implemented yet.

Discrimination against Afro-descendants in immigration

Canada's history is marked by government immigration policies and actions aimed at limiting the presence of Black persons in Canada, often with the use of detention and deportation as the ultimate form of control.

– Quebec's influence led to the closure of «Roxham Road,» a safe route for many migrants, including Black individuals, potentially pushing them toward riskier entry points. The Supreme Court of Canada is reviewing the agreement due to its significant impact on migrant rights.

– The data also shows that Afro-descendant students may be subject to differential treatment in terms of processing times for their applications, which may force some to postpone or even abandon their studies.

– In Canada, temporary foreign workers (TFWs) represented about one-quarter of all people working in the Canadian agriculture sector

Discrimination against Black persons in policing and prisons

Despite the fact that Canada in 2016 co-sponsored the resolution to adopt the UN General Assembly's Standard Minimum Rules for the Treatment of Prisoners, many abuses persist in the penitentiary system, including discriminatory acts against Black migrants in detention.

– Among the recommendations made to Canada following the third UPR was the adoption of measures to eliminate racial profiling and other discriminatory practices perpetrated by police forces that particularly affect Black persons and lead to their disproportionate incarceration. Despite Canada's acceptance of these recommendations, no pan-Canadian measures or amendments to the Criminal Code have been adopted.

– Afro-descendants in Quebec have arrest rates two to six times higher than the rest of the population. This higher rate is not correlated with the crime rate. In addition, police officers are more likely to use excessive force in incidents involving Afro-descendants.

– Canada has not publicly reported on the implementation of recommendations from the 2018 Universal Periodic Review process, as noted in Amnesty International's recent submission titled «Canada: Human rights in peril» to the 44th session of the UPR working group in November 2023.



The report is "JS9" – "Joint submission 9" submitted by : la Clinique internationale de défense des droits humains de l'UQAM, Montréal (Canada) ; le Centre des travailleurs et travailleuses immigrants (IWC- CTI) Montreal, Quebec, April 2023

RECOMMENDATIONS

GENERAL

- 1 Appoint a Canada-wide independent Black equity commissioner with a mandate to consider the production of discrimination against Black persons and its impacts, taking into account the distinct forms of discrimination, particularly in provinces that refuse to recognize the existence of systemic racism against these groups.
- 2 Recognize the Black populations in Canada, despite their specific histories, as a distinct group, particularly given continued impacts of systemic racism on these populations.

HEALTH

- 3 Implement all the recommendations of the Standing Senate Committee on Human Rights report entitled Forced and Coerced Sterilization of Persons in Canada.
- 4 Adopt legislative measures and policies to prevent and criminalize coerced sterilization of women, in particular by clearly defining the obligation to obtain free, prior and informed consent and by increasing awareness of this obligation among women and medical personnel.
- 5 Implement a mandatory training program on cultural safety and anti-Black racism that takes into account the needs of Black communities for all those working with families and children in the field of child protection.

IMMIGRATION

- 6 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- 7 Abolish the Canada-US Safe Third Country Agreement. Failing abolition, waive the Additional Protocol to the Safe Third Country Agreement, which came into force on March 25, 2023, in order to reopen a safe passage route for migrants.
- 8 Ensure that migrants are not detained in the same facilities (prisons, police stations) as criminal offenders.
- 9 Establish an independent national enquiry into the detention of migrants with a particular focus on issues of systemic racism and discrimination.
- 10 Create an investigation and redress mechanism to receive and address complaints from detained migrants who are victims of abuse, discrimination and violation of their human rights by the CBSA. This mechanism should also allow other civil society actors to report such cases.

POLICE AND PRISON ARRESTS

- 11 Implement all recommendations from the Office of the Correctional Investigator's 2021-2022 Annual Report in relation to Black prisoners.
- 12 Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to allow international inspection of all places of detention.
- 13 Prohibit random police checks.
- 14 Waive the appeal against the Luamba decision of the Superior Court of Quebec and implement the Court's orders.
- 15 Abolish Article 636 of the Quebec Highway Safety Code.
- 16 Legislate to abolish, for all of Canada, the common law rule allowing random roadside checks.
- 17 Establish independent monitoring bodies and stiffer penalties for racist behaviour by police.
- 18 Develop, in collaboration with community partners representing the plurality and diversity of Black communities, a national strategy to combat discrimination against Black people in detention that takes into account their experiences in prison settings and their particular needs.

