



**REPORT OF THE AFRICAN CANADIAN LEGAL CLINIC  
TO THE COMMITTEE ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN**

**On the Review of Canada's Seventh Periodic Report  
under the Convention on the Elimination of All Forms of  
Discrimination against Women**

**42<sup>nd</sup> Session, Geneva  
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## I. INTRODUCTION

1. The consideration of Canada's seventh periodic report under the *International Convention on the Elimination of All Forms of Discrimination against Women* (the *Convention*) presents an important opportunity to draw the Committee's attention to the persistent and deepening socio-economic inequalities experienced by African Canadian women. The information presented in this report will offer the Committee a contextualized and fuller understanding of Canada's sustained failure to comply with its *Convention* obligations from the perspective of a racialized, gendered community. We hope that the report of the African Canadian Legal Clinic (ACLC) will persuade the Committee to ask questions and demand answers that will pierce the Canadian state's wilful blindness to the severe socio-economic exclusion and social marginalization of African Canadian women.
2. Racialized women in Canada consistently and disproportionately experience poverty<sup>1</sup>, homelessness, sexual assault, incarceration,<sup>2</sup> and discrimination.<sup>3</sup> Due to historical<sup>4</sup> and systemic barriers, and despite Canada's documented wealth, Canadian women of African descent are particularly vulnerable to such marginalization. The reality of being women *and* members of a racial minority intersect to compound disadvantages that may not similarly affect African-Canadian men, or non-racialized women<sup>5</sup>. This report details the considerable systemic barriers that African-Canadian women face in employment and poverty, health, immigration, and criminal justice. The evidentiary information in this report is largely based on Toronto, Montreal and Halifax as 68% of African Canadians live in these three greater metropolitan areas.<sup>6</sup>

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<sup>1</sup> Statistics Canada, *Women in Canada 2005: A Gender-Based Statistical Report* (Ottawa: Statistics Canada, 2005, Catalogue no. 89-503-XIE), [Women in Canada 2005]. Available online at: < <http://www.statcan.ca/english/freepub/89-503-XIE/0010589-503-XIE.pdf>>.

Sivanandan, A, "Poverty is the New Black" (2001) 43(2) *Race & Class* 1.

<sup>2</sup> Report of the Commission on Systemic Racism in the Ontario Criminal Justice System, (Toronto: Queen's Printer for Ontario, 1995). [Report on Systemic Racism]

<sup>3</sup> Statistics Canada, *Ethnic Diversity Survey: Portrait of a Multicultural Society*. Catalogue no. 89-593-XIE (Ottawa: Statistics Canada, 2003, Catalogue no. 89-593-XIE) at 18. [Ethnic Diversity Survey] Available online at: < <http://www.statcan.ca/english/freepub/89-593-XIE/89-593-XIE2003001.pdf>>.

<sup>4</sup> Thornhill, Esmeralda, "So Seldom for Us, So Often Against Us: Blacks and Law in Canada" (2008) 38 *Journal of Black Studies* 321.

<sup>5</sup> Kimberlé Williams Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) 43 *Stan.L.Rev.* 1241.

<sup>6</sup> Statistics Canada, *Population projections of visible minority groups, Canada, provinces and regions 2001-2017* (Ottawa: Statistics Canada, 2005, Catalogue no. 91-541-XIE) at 32. Available online at:

## II. VIOLATIONS OF SPECIFIC PROVISIONS IN THE *CONVENTION*

### ARTICLE 11 – EMPLOYMENT

3. Article 11 obliges Canada to eliminate employment discrimination against all Canadian women. The obligation includes ensuring the right to the same employment opportunities. Notwithstanding Canada's strong economic growth, African Canadians as an overall group continue to be consistently denied the same range and quality of employment which is available to other Canadians. Despite achieving education levels similar to or more advanced than those of non-racialized Canadians,<sup>7</sup> African Canadians remain over-represented in low-paying occupations and low-income sectors.<sup>8</sup> African Canadians also experience almost double the unemployment rates – 11.4% as opposed to 5.8% for the general Canadian population.
4. African Canadian women are particularly vulnerable to systemic racism in employment. As African Canadians, they belong to a racial minority population whose income is among the lowest in Canada. As women, they earn less income than do Black men.<sup>9</sup> The implications of these combined income gaps are stark. Government statistics show that African Canadian women earn an average income that is 88% that of non-racialized Canadian women, 79% that of African-Canadian men, and almost half of the income for non-racialized Canadian men.<sup>10</sup>
5. The work that African Canadian women do find is often unstable and menial. The unemployment rate for African Canadian women is 13.2%, more than double the rate of

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<<http://www.statcan.ca/english/freepub/91-541-XIE/91-541-XIE2005001.pdf>>.

<sup>7</sup> Michael Ornstein, *Ethno-Racial Groups in Toronto 1971 – 2001: A Demographic and Social Profile* (Toronto: Institute of Social Research, 2006) at 54. Available online at: <[http://www.isr.yorku.ca/download/Ornstein--Ethno-Racial\\_Groups\\_in\\_Toronto\\_1971-2001.pdf](http://www.isr.yorku.ca/download/Ornstein--Ethno-Racial_Groups_in_Toronto_1971-2001.pdf)> [Ornstein];

Anne Milan and Kelly Tran, "Black in Canada: A Long History," (Ottawa: Statistics Canada, 2004, Catalogue No. 11-008) at 3. Available online at: <<http://www.statcan.ca/english/freepub/11-008-XIE/2003004/articles/6802.pdf>> [Blacks in Canada].

<sup>8</sup> Grace-Edward Galabuzi, *Canada's Economic Apartheid: The Social Exclusion of Racialized Groups in the New Century* (Toronto: Canadian Scholar's Press, 2006) at xi. [Apartheid]

<sup>9</sup> Canadian Association of Social Workers, *Income of Black Women in Canada* (Canada: CASW, 2005) at 2. Available online at: <[www.casw-acts.ca/advocacy/blackwomen\\_e.pdf](http://www.casw-acts.ca/advocacy/blackwomen_e.pdf)> [Income of Black Women]

<sup>10</sup> Income of Black Women, *supra* note 9, at 2.

6.3% for non-racialized Canadian women.<sup>11</sup> Severely underrepresented in occupations defined as managerial and professional, African Canadian women make up “an extraordinarily high proportion,” 47%, of those employed in low-skill occupations.<sup>12</sup>

6. The correlation between poverty and inadequate employment income is clear. With more than 57% below the government-determined poverty line (*Low Income Cut Off*), African Canadian women are the poorest racialized group in Canada.<sup>13</sup> Over 34.5% of African Canadian women in families are poor. Over 52.7% of single African Canadian women are poor. These figures stand in sober comparison to 13.7% for all women in families and 41.9% for all single adult women in Canada.<sup>14</sup>
7. Despite the stark disparities evidenced by these statistics, Canada has done little to address the entrenched systemic challenges experienced by African Canadian women in the workforce. In fact, since the 1995 repeal of the Ontario *Employment Equity Act*, African Canadian women and other disadvantaged communities have not had a legal instrument to compel institutional action against systemic discrimination in employment. Ontario’s Human Rights Commission and Tribunal, the forum in which an African Canadian woman in Ontario could bring a discrimination claim in employment, underwent in 2008 substantial legislated changes to its investigation and hearing stages. Now without a publicly funded investigation to compile evidence, without guaranteed publicly funded legal representation before and during the hearing, and hearing procedures that are much more open to the adjudicator’s individual discretion, marginalized and poor claimants like African Canadian women face even further challenges to gaining redress for their infringed human rights.
8. The precarious state of Black female employment in Canada inevitably and directly affects the children of African Canadian women. According to the 2001 Census by Statistics Canada, 44% of African Canadian children live in poverty, compared to 19%

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<sup>11</sup> Ornstein, *supra* note 7, at 54.

<sup>12</sup> *Ibid*, at 55.

James L. Torczyner, *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) at 54. [Torczyner].

<sup>13</sup> Torczyner, *supra* note 12, at 63.

<sup>14</sup> *Income of Black Women*, *supra* note 9, at 2.

for the general Canadian population.<sup>15</sup> While 36% of African Canadian families live below the low income cut-off, this represents more than three times the rate for families of European descent.<sup>16</sup>

9. The intertwined well-being of mother and child is corroded by state policies like the National Child Benefit Supplement (NCBS) clawback. Though NCBS is intended as a government stipend to assist low income families, parents on social assistance are ineligible to receive this benefit deemed necessary to ensure adequately fed, clothed, and housed Canadian children. This shameful clawback directly lowers the living standards of many African Canadian women and children. Disproportionately underemployed and unemployed, despite being well-educated, African Canadian women not uncommonly need social assistance to pay for basic childcare necessities like baby formula and housing. By further exposing African Canadian women and children to deepening levels of poverty, the NCBS clawback is additional salt on an already large wound.
10. Combined with the effects of systemic racism, the pervasive impact of poverty on poor children – higher drop-out rates, lower rates of post-secondary education, poor nutrition and health, overrepresentation in the criminal justice system – acts to severely disadvantage African Canadian women and children, and perpetuate the long standing, devastating cycle of Black poverty in Canada.<sup>17</sup>

## ***RECOMMENDATION***

**That the Committee recommend that Canada:**

- **Acknowledge systemic anti-Black racism and sexism in the workforce, that Canada show commitment and leadership to pursue meaningful and substantive equity in employment, as well as the integration of visible minorities, including African Canadian women, into the private and public sectors.**
- **Ensure equality of working opportunities for all and request Canada to**

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<sup>15</sup> Blacks in Canada, *supra* note 7, at 5.

<sup>16</sup> Ornstein, *supra* note 7, at 72, 78.

<sup>17</sup> See “Fact Sheet # 4: Understanding the Racialization of Poverty in Ontario: In Health and Well Being in 2007” (Colour of Poverty 2007). Available online at: <[www.colourofpoverty.ca](http://www.colourofpoverty.ca)>. See also Campaign 2000, “Raising the Falling Fortunes of Young Families with Children” (2007) at 2. Available online at: Campaign 2000 <[www.fallingfortunes.ca/portal/images/stories/raisingfallingfortunes.pdf](http://www.fallingfortunes.ca/portal/images/stories/raisingfallingfortunes.pdf)>.

**prevail on provincial and territorial governments to enact meaningful Employment Equity legislation, where none exists, and to ensure that such laws are vigorously enforced.**

- **Prevail on all provinces or territories still engaging in the clawback of the National Child Benefit Supplement from social assistance recipients to end this shameful practice.**

## **ARTICLE 12 – HEALTH**

11. Standard medical services are offered by the Canadian government, at no or minimal charge, to all Canadian residents and citizens. However, the quality of health services varies widely from region to region, and access to adequate medical care remains a pressing issue for many marginalized, rural, and immigrant communities. In addition to systemic barriers posed by race and gender, experiential realities such as poverty, language, and immigrant status often intersect to compound the difficulties that African Canadian women undergo when accessing health care. For African Canadian women, the delivery of health services has frequently been culturally inappropriate and exclusive. The mono-cultural medical approach used by mainstream healthcare institutions often ignores the experiences of African Canadian women, to say the least of the diverse cultures, languages, and values found within the myriad of African Canadian communities.
12. As an example, Ethiopian-Canadian women seeking treatment late in their pregnancy have been refused treatment by health care providers and social service counsellors, who were unable to effectively counsel these women because they did not understand their clients' language or cultural background.<sup>18</sup> As well, preventative practices such as regular mammograms and long-term follow-up may not be appropriate or feasible for many African Canadian women. Systemic barriers in housing, employment and immigration status also engender poor physical and mental health. The over 50% of Somali-Canadian refugees who live in public or subsidized housing face exacerbated health risks from poor habitat conditions, neighbourhood crime and violence, and lack of nearby health

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<sup>18</sup> Health Canada, “Certain Circumstances: Issues in Equity and Responsiveness in Access to Health Care in Canada- A Collection of Papers and Reports Prepared for Health Canada: Health Promotion and Population in the Black and Caribbean Canadian Community” (2001) at 189, 191. Available online at: <[http://www.hc-sc.gc.ca/hcs-sss/alt\\_formats/hpb-dgps/pdf/pubs/2001-certain-equit-acces/2001-certain-equit-acces-eng.pdf](http://www.hc-sc.gc.ca/hcs-sss/alt_formats/hpb-dgps/pdf/pubs/2001-certain-equit-acces/2001-certain-equit-acces-eng.pdf)> [Equity].

services.<sup>19</sup>

13. Moreover, diseases such as sickle-cell, diabetes, breast cancer, hypertension and HIV/AIDS disproportionately affect African Canadian women. Propensity for these diseases is also attributable to challenges and stress stemming from racism and poverty. Culturally appropriate healthcare is particularly important for HIV/AIDS treatment. African Canadian women experience high infection rates between mother and infant, and the in-Canada rate of HIV infection is at least twenty times greater in the African Canadian community than in the heterosexual non-injection drug-using Ontarian population.<sup>20</sup> Prevention efforts and healthcare services need to address relevant African Canadian cultural views, such as HIV/AIDS as a gay White man's disease unlikely to affect Black women.
  
14. The cumulative struggles of discrimination and poverty also profoundly impact the mental health of African Canadian women.<sup>21</sup> Studies have confirmed that the chronic psychological stress within Black communities is substantially due to fear of racial discrimination and profiling, and the resulting humiliation of being targeted and involved in a potentially fatal encounter of police commission.<sup>22</sup> Unsurprisingly, anxiety and depression-related symptoms such as insomnia, chemical dependency, low self-esteem, feelings of mistrust, and suicidality are endemic among African Canadians.<sup>23</sup> A health care system ignorant of these lived cultural realities exacerbates the inadequacy of medical care for African Canadians. As an example, an African Canadian woman's depression may go untreated until late stages of the disease, due to biased assessments that attribute depressive symptoms to instead stereotypical notions of lethargy, laziness, and aggressiveness in African Canadian women.

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<sup>19</sup> *Ibid*, at 189.

<sup>20</sup> *Ibid*, at 189 – 190.

<sup>21</sup> Kwasi Kefele, "Racial Discrimination and Mental Health: Racialized and Aboriginal Communities" (Toronto: Ontario Human Rights Commission, 2004) at 1. Available online at: <[www.ohrc.on.ca/english/consultations/race-policy-dialogue-paper-kk.shtml](http://www.ohrc.on.ca/english/consultations/race-policy-dialogue-paper-kk.shtml)>. [Kefele]

<sup>22</sup> David A. Harris, *Profiles in Injustice: Why Racial Profiling Cannot Work* (New York: The New York Press, 2002) at 97.

<sup>23</sup> Kefele, *supra* note 21, at 2.

## **RECOMMENDATIONS**

### **That the Committee recommend that Canada:**

- **Develop health care services cognizant of the determinants of health relevant to African Canadian women, including the impact of racism, poverty, gender, immigration/refugee status, domestic violence and abuse, and lack of choice.**
- **Allocate government funds for qualitative and quantitative research to identify the demographics of the population, health conditions and services for the African Canadian community in order to better address health and health-related issues, and provide services that are equitable and culturally and linguistically appropriate.**
- **Develop and implement coherent and comprehensive strategies and plans and commit resources to effectively address sickle cell, HIV/AIDS and the mental health impact of systemic racism on African Canadian women.**

## **ARTICLE 9 – IMMIGRATION**

15. Canada's African Canadian population has substantially grown in the past twenty years, due to immigration and an increasing number of continental African refugees.<sup>24</sup> Seeking greater safety and brighter prospects in their lives, many African Canadian newcomers instead face multi-dimensional barriers in Canada due to their vulnerable immigration status. Canada's immigration laws consistently and disproportionately have an adverse impact on African Canadian women who seek to acquire Canadian citizenship, who seek to establish themselves as employed Canadian residents, and who seek to have recourse to procedural fairness when their immigration status is being challenged.
16. Despite often being better educated than their Canadian-born counterparts, African Canadian immigrant women, like other immigrant women, earn less and often work in service, processing and manufacturing jobs, instead of the professional or managerial jobs for which their foreign educational credentials are often deemed insufficient.<sup>25</sup> In a twist of bitter irony, the foreign training and education which admitted African Canadian women as attractive prospects for permanent Canadian residency are exactly what is being disregarded by Canadian employers once the women are within the borders.

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<sup>24</sup> Blacks in Canada, *supra* note 7, at 4.

<sup>25</sup> Canadian Council for Refugees, "Gender-based analysis of Settlement" (2006) at 58. Available online at: <[www.ccrweb.ca/GBAresearch.pdf](http://www.ccrweb.ca/GBAresearch.pdf)>

African Canadian women are particularly vulnerable to this economic marginalization, because they bear the brunt of both sexist prejudices of women as cheap, docile workers, as well as racist stereotypes of Black people as uneducated, lazy and untrustworthy and therefore, only fit to do manual labour.

17. The precariousness of a temporary or undocumented immigration status has disproportionate impact for racialized women who face violence at home and/or at work. They often have little or no protection from the abuse, out of fear that police involvement might lead to deportation or that ending relationships with physically abusive private sponsors might mean losing their permanent resident status in Canada. Similar fears also prevent racialized immigrant women from asserting human rights cases and discrimination claims in an attempt to remedy exploitative situations. The relative impunity for gender-based violence thus poses another systemic, degrading barrier for African Canadian women.
  
18. Finally, stereotypical associations of African Canadian women with drug smuggling, bad parenting, and male partners involved in gang violence expose Black immigrant women to a greater likelihood of criminal charges and deportation for criminality.<sup>26</sup> Between July 1995 and December 31, 1997, nearly 40% of the total deportations from Ontario were to Jamaica, more than six times the number of the next highest destination country of Trinidad & Tobago, and more than the combined number of deportees to all of Europe, the United States, and Central and South America.<sup>27</sup> Between 1991 and 2001, Jamaicans made up the largest number – 27% – of people deported for criminal activity.<sup>28</sup> Under Canadian law, a person convicted of a crime with a term of imprisonment longer than two years and ordered deported cannot appeal her deportation orders.<sup>29</sup> The loss of appeal rights extinguishes an opportunity for procedural fairness and oversight into an administrative decision. The loss of appeal rights applies equally to permanent residents, who may have lived in Canada since childhood. This is particularly relevant with regards

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<sup>26</sup> Lawrence, Sonia N and Toni Williams, “Swallowed up: Drug Couriers at the Borders of Canadian Sentencing” (2006) 56 Univ. of Toronto L.J. 285.

<sup>27</sup> Citizenship and Immigration Canada, “Danger to the Public Report for January 1998 – Ontario Region.” (Ottawa: Citizenship and Immigration Canada, 1998).

<sup>28</sup> Citizenship and Immigration Canada, *Customs Run Report: “Landed Immigrants Removed from Canada due to Findings of Criminal Behaviour by Country of Last Permanent Residence and Destination on Removal.”* (Ottawa: Citizenship and Immigration Canada, 2002).

<sup>29</sup> *Immigration and Refugee Protection Act*, 2001, c. 27, ss. 64 (1)-(2).

to African Canadian women, many of whom immigrated with their families at a young age and subsequently chose to retain their birth citizenship for cultural and personal reasons. Since women remain largely responsible for childcare, an African Canadian woman ordered deported will likely be permanently separated from any of her Canadian-born citizen children, or be forced to bring the children back to an often unfamiliar and less economically developed country.

### ***RECOMMENDATION***

**That the Committee recommend that Canada:**

- **Take steps to ensure that deportation laws and policies do not have the effect of discriminating against African Canadian women and their children.**
- **Ensure equal, procedurally fair, and barrier free access to effective legal remedies for women of African descent, including appeals of deportation orders for criminality.**
- **Ensure that provincial and federal public services such as education, hospitals and health clinics, law enforcement, and transportation implement a “Don’t Ask Don’t Tell” policy, where the provision of services does not depend on a person revealing his or her immigration status.**

### **ARTICLE 15 – EQUALITY BEFORE THE LAW AND CRIMINAL JUSTICE**

19. The Convention obliges Canada to accord women equality with men before the law. However, discrimination by police services and in the use of police force, and adversely discriminatory criminal laws against racialized minorities, put into question the selectivity and commitment of Canada’s equality guarantee. Entrenched biases exercised by law enforcement officials, policy makers, judicial personnel, and general civilians substantially contribute to the systemic challenges faced by African Canadian women implicated in the criminal justice system.

20. African Canadians have continually and pervasively been racially profiled as wrongdoers, based on racist stereotypes about the propensity of Black people to commit crime and violence. In 2005, an Ontario municipal police service study revealed that African Canadians were more likely to be stopped and questioned by the Kingston Police

than people from other racial backgrounds.<sup>30</sup> African Canadians are also more likely to be arrested for criminal or drug offences – 23.3% of people arrested in Toronto were African Canadians, though they represent only 8.1% of the city’s population.<sup>31</sup> The impact of racial profiling must further be considered in the context of the use of deadly force by police services. A 2006 study for the Ipperwash Inquiry on the use of police force in Ontario identified that African Canadians are ten times more likely to be killed or seriously injured by police shooting than Canadians of European descent.<sup>32</sup> In Toronto, where the majority of Canada’s Black community resides, African Canadians account for two-thirds of all deaths caused by police shootings.<sup>33</sup>

21. Disproportionate police violence and surveillance feeds into Black over-representation in the criminal justice system. A 1995 Report on the Commission on Systemic Racism in Ontario identified grave patterns of incarceration among African Canadians.<sup>34</sup> Pointedly, African Canadian women constitute 5% of the women inmates in federal prisons, though they make up only 1% of the general Canadian population.<sup>35</sup>
22. The entrenched stereotype of African Canadians as criminals and drug dealers disregards the bitter truth that African Canadians are consistently the victims of violent hate crimes. Over 48% of such crimes were targeted at African Canadians in 2006.<sup>36</sup> Other years were no exception: African Canadians were the prime targets of hate crimes in Toronto in 1999, 2000, 2003, and 2005.<sup>37</sup> To be attacked for who one immutably is impacts the

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<sup>30</sup> Scot Wortley, *Bias Free Policing: The Kingston Police Data Collection- Final Report* (Toronto: Centre for Criminology, University of Toronto, 2005) at 73, 75, 79.

<sup>31</sup> “Singled Out,” *Toronto Star* October 19, 2002.

<sup>32</sup> Scot Wortley and Terry Roswell, *Police Use of Force in Ontario: An Examination of Data from the Special Investigations Unit* (Toronto, 2006). Available online at: <[www.cbc.ca/news/background/ipperwash/pdf/ipperwash-prelimreport.pdf](http://www.cbc.ca/news/background/ipperwash/pdf/ipperwash-prelimreport.pdf)>.

The Ipperwash Inquiry was set up by the Ontario government to examine and reports on events surrounding the death of Dudley George, an aboriginal man who was shot and killed by law enforcement officers in 1995 during a protest by aboriginal representatives at Ipperwash Provincial Park.

<sup>33</sup> *Ibid.*

<sup>34</sup> Torczyner, *supra* note 12, at 15.

<sup>35</sup> The Report found that the number of Black inmates in Ontario increased by 204% between 1986 and 1989, while the rate for White incarceration for that same period actually declined by 23%.

Correctional Services of Canada, *Ten-Year Status Report on Women’s Corrections 1996-2006* (2006) Online: <[http://www.csc-scc.gc.ca/text/prgrm/fsw/wos24/tenyearstatusreport\\_e.pdf](http://www.csc-scc.gc.ca/text/prgrm/fsw/wos24/tenyearstatusreport_e.pdf)>.

<sup>36</sup> Statistics Canada, “Hate Crime in Canada: Racially-Motivated Incidents Most Common” (Ottawa: Statistics Canada, 2008). Available online at: <<http://www.statcan.ca/english/research/85F0033MIE/2008017/findings/motivated-en.htm>>.

<sup>37</sup> Toronto Police Service. *Annual Hate/Bias Crime Statistical Report [from 1999, 2000, 2003,2005]*. Available

psyche and morale of the entire African Canadian community. Whether as victims or members of the community, African Canadian women are inevitably affected by anti-Black hate incidents.

23. Also problematic are criminal laws that disproportionately affect African Canadians without achieving the stated purposes to reduce crime. One example is the federal *Tackling Violent Crime Act* (Bill C-2) which received royal assent on February 27th, 2008, and which contains a provision for mandatory jail time for serious gun crimes. In the United States, it is well recognized that the harshest impact of mandatory minimum sentencing is born by Black people, and in particular Black women, who are eight times more likely than a non-racialized woman to be charged, convicted, and sentenced under mandatory sentencing laws.<sup>38</sup>

### ***RECOMMENDATION***

#### **That the Committee recommend that Canada:**

- **Acknowledge the existence of racial profiling, and adopt broad and effective national measures to end racial profiling by law enforcement agencies, with effective legal recourse and remedies when the measures are infringed.**
- **Acknowledge the disparate impact of policing on African Canadians and disproportionate incarceration rates of African Canadian women, and adopt comprehensive measures and programs, including data collection disaggregated by race, to address these problems.**
- **Acknowledge the disproportionate rate of hate crimes against African Canadians and implement a nationwide mandatory disaggregated data collection and collect disaggregated data annually on the reporting, prosecutions, and convictions of anti-Black and gender based hate crimes.**

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online at: <<http://www.torontopolice.on.ca/publications>>.

<sup>38</sup> Canadian Association of Elizabeth Fry Societies, “Mandatory Minimum” at 5. Available online at: <[www.elizabethfry.ca/eweek08/pdf/minsentc.pdf](http://www.elizabethfry.ca/eweek08/pdf/minsentc.pdf)> [Mandatory Minimum].

### **III. CONCLUSION**

24. The challenges experienced by African Canadian women in employment, poverty, health, immigration and the criminal justice engage core human dignity interests. An African Canadian women who is poor, or in poor health, or with precarious immigration status, or racially profiled, or any combination thereof is highly vulnerable to a deepening cycle of marginalization and social exclusion, which also affects her children and community. In a country that is as wealthy as Canada, that trumpets its reputation for human rights, it is a disgrace that so many African Canadian women are subjected daily to discriminatory, misguided state policies which further entrench their second class status. We call upon the government of Canada to fulfill its obligations under CEDAW to protect the rights and living standards of all African Canadian women.

### **IV. SUMMARY OF RECOMMENDATIONS**

1. Acknowledge systemic anti-Black racism and sexism in the workforce, that Canada show commitment and leadership to pursue meaningful and substantive equity in employment, as well as the integration of visible minorities, including African Canadian women, into the private and public sectors.
2. Ensure equality of working opportunities for all and request Canada to prevail on provincial and territorial governments to enact meaningful Employment Equity legislation, where none exists, and to ensure that such laws are vigorously enforced
3. Prevail on all provinces or territories still engaging in the clawback of the National Child Benefit Supplement from social assistance recipients to end this shameful practice.
4. Develop health care services cognizant of the determinants of health relevant to African Canadian women, including the impact of racism, poverty, gender, immigration/refugee status, domestic violence and abuse, and lack of choice.
5. Allocate government funds for qualitative and quantitative research to identify the demographics of the population, health conditions and services for the African Canadian community in order to better address health and health-related issues, and provide services that are equitable and culturally and linguistically appropriate.
6. Develop and implement coherent and comprehensive strategies and plans and commit resources to effectively address the mental health impact of systemic racism.

7. Take steps to ensure that deportation laws and policies do not have the effect of discriminating against African Canadian women and their children.
8. Ensure equal, procedurally fair, and barrier free access to effective legal remedies for women of African descent, including appeals of deportation orders for criminality.
9. Ensure that provincial and federal public services such as education, hospitals and health clinics, law enforcement, and transportation implement a “Don’t Ask Don’t Tell” policy, where the provision of services does not depend on a person revealing his or her immigration status.
10. Acknowledge the existence of racial profiling, and adopt broad and effective national measures to end racial profiling by law enforcement agencies, with effective legal recourse and remedies when the measures are infringed.
11. Acknowledge the disparate impact of policing on African Canadians and disproportionate incarceration rates of African Canadian women, and adopt comprehensive measures and programs, including data collection disaggregated by race, to address these problems.
12. Acknowledge the disproportionate rate of hate crimes against African Canadians and implement a nationwide mandatory disaggregated data collection and collect disaggregated data annually on the reporting, prosecutions, and convictions of anti-Black and gender based hate crimes.

Dated: September 25, 2008