Human Rights Council Advisory Committee

Questionnaire on patterns, policies, and processes leading to incidents of racial discrimination and on advancing racial justice and equality ('systemic', 'structural' and 'institutional' racism)

Project Agape is a Black-led Canadian organization that was founded and is run by Black survivors who aim to educate on all aspects of gender-based violence and support and promote wellness in survivors. This is done through resources, educational and wellness workshops. We work in space that is survivor-centred, Black-centred and trauma informed in order to promote survivor advocacy, advocating for Black women and gender diverse individuals.

In keeping with our mandate and expertise, our responses will be focused on systemic racism embedded in Canadian systems of justice. In particular, we will be focusing on barriers experienced by racialized survivors of gender-based violence.

QUESTIONS TO ALL STAKEHOLDERS:

1. Is there a working definition or understanding of systemic, structural or institutional racism in your country/by your government/your organisation?

The Government of Canada defines systemic or institutional racism as "patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and which create or perpetuate a position of relative disadvantage for racialized persons. These appear neutral on the surface but, nevertheless, have an exclusionary impact on racialized persons."[1]

Project Agape uses a broader definition. In our organization, systemic or institutional racism consists of forms of racism that are embedded into the structure of an institution. Systemic racism includes policies, practices, behaviours and attitudes that disproportionately impact and exclude racialized people, and that uphold white supremacy.

2. Is systemic, structural or institutional racism a prominent issue in your country? Is there any official acknowledgement that systemic/structural/institutional racism exists; and that it is a problem? In what sectors does systemic/structural/institutional racism occur – for example, access to justice, access to services, enjoyment of socio-economic cultural rights? (Refer to decided cases by national courts where relevant.)

Yes. In Canada's Anti-Racism Strategy, the federal government acknowledges the existence of systemic and institutional racism faced by racialized people in Canada. The government also recognizes the need for government leadership in addressing systemic racism.

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[1] From the Government of Canada's Anti-Racism Strategy:
https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html#a2

The Government of Canada has also acknowledged the existence of barriers to fair and timely justice for racialized people in Canada, particularly Black and Indigenous people[2]. Negative perceptions and lack of trust in police and the criminal justice system are prevalent among those communities. Project Agape believes that the lack of trust from these communities stems from interactions with the institutional and systemic racism upon which these systems are built, which in turn contributes to continuing systemic racism.

3. What legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be constitutional provisions, anti-discrimination legislation, policies/strategies/national action plans, administrative measures, or the establishment of institutions such as equality bodies.)

The Government of Canada has implemented the Building a Foundation for Change: Canada's Anti-Racism Strategy (2019–2022), which includes current initiatives such as the National Action Plan to Respond to the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) and Cultural Competency and Trauma-informed Gender-based Violence Training for all members of the Royal Canadian Mounted Police (RCMP). However, the federal government acknowledged that much more work still needs to be done to address racism in Canada[3].

A central aspect of these initiatives is addressing the barriers experienced by BIPOC survivors of gender-based violence (GBV) in the justice system. The National Inquiry into MMIWG produced a National Action Plan, outlining four focal areas moving forward; two of those four, justice and human security, focus on interactions with police, focus on how police can improve how they interact with Indigenous survivors of gender-based violence[4].

In the 2017 federal budget, the federal government allocated $2.4 million over five years to develop and deliver training on cultural competency and trauma-informed gender-based violence for all RCMP members[5]. This training is part of the Pinasuqatigiinniq agreement[6], a response to calls to action by communities and organizations in Nunavut for the RCMP to address the lack of GBV training and cultural awareness, which has caused the re-traumatization of survivors and loss of trust by Inuit women[7].

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[2] From Cotter, A. (2022). Perceptions of and experiences with police and the justice system among the Black and Indigenous populations in Canada. Retrieved from https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00003-eng.htm
[3] From the Government of Canada's Anti-Racism Strategy: https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html#a2
[4] From the 2022 National Action Plan: https://mmiwg2splus-nationalactionplan.ca/
[5] From the Government of Canada's Anti-Racism Strategy: https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html#a2
[6] Full agreement available here: https://www.rcmp-grc.gc.ca/en/pinasuqatigiinniq-agreement
[7] From the Pauktuutit Inuit Women of Canada: Gender-Based Violence against Inuit Women and the Criminal Justice System Response Phase II Final Report: https://pauktuutit.ca/wp-content/uploads/Meeting-Survivors-Needs-Gender-Based-Violence-against-Inuit-Women-and-the-Criminal-Justice-System-Response_Phase-II-Final-Report-Sept2022.pdf

4. How has the ongoing COVID-19 pandemic brought to the surface and exacerbated systemic, structural or institutional racism in your country?

Although Canada is a global economy that welcomes immigrants, it has a long history of racism and oppression. Health-related social inequities are a consequence of this systemic racism which includes discrimination in healthcare, healthy food in localised neighbourhoods amongst others[8]. Migrants have historically faced barriers to healthcare[9] which manifested as comprising a significantly larger component of COVID cases and overrepresentation in hospital admissions. The structural racism in healthcare also makes way for gaps such as issues in health insurance eligibility, negative ramifications of immigration such as requirements to present various proofs at the time of treatment, and linguistic barriers[10]. According to Wallis, 2020, BIPOC are "more exposed and less protected" from COVID and if infected, the likelihood of them dying is greater because of the racial injustices[11]. In Canada, black women reported dismissal of their health concerns more often than white women[12] whereas BIPOC, 2SLGBTQ, homeless and migrant patients routinely are victims of disrespect and bias[13] [14] [15].

Discrimination in housing forces racialized people to live in crowded apartments and tighter living spaces, increasing the probability of exposure. Apart from this, over-policing of some communities (Black and Indigenous men and women) places them in closed detention centres, thereby risking exposure[16].

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[8] Robertson, A., Prescod, C., Brooks, D., Ngenzebuhoro, F., Garwe, F. Dias, K., et al. (2020). Statement from Black Health leaders on COVID-19'S impact on Black Communities in Ontario. Retrieved from https://www.allianceon.org/news/Statement-Black-Health-Leaders-COVID-19s-impact-Black-Communities-Ontario

[9] Ahmed, S., Shommu, N. S., Rumana, N., Barron, G. R., Wicklum, S., & Turin, T. C. (2016). Barriers to access of primary healthcare by immigrant populations in Canada: a literature review. *Journal of immigrant and minority health*, *18*(6), 1522-1540.

[10] Tuyisenge, G., & Goldenberg, S. M. (2021). COVID-19, structural racism, and migrant health in Canada. *The Lancet*, *397*(10275), 650-652.

[11] Wallis, C. (2020, June 12). Why racism, not race is a risk factor for dying of COVID-19. Scientific American. Retrieved from: https://www.scientificamerican.com/article/why-racism-not-race-is-a-risk-factor-for-dying-of-covid-191/

[12] Katshunga, J., Massaquoi, N., Confronting Anti-Black Racism Unit, City of Toronto, Ontario Council of Agencies Serving Immigrants, & Wallance, J. (2020). "Black Women in Canada." Canadian Centre for Policy Alternatives. Ottawa, ON. Retrieved from https://behindthenumbers.ca/shorthand/black-women-in-canada/

[13] Skosireva, A., O'Campon, P., Zerger, S., Chambers, C., Gapka, S., Stergiopoulos, V. (2014). Different faces of discrimination: perceived discrimination among homeless adults with mental illness in healthcare settings. BMC Health Serv Res 14, 376. https://doi.org/10.1186/1472-6963-14-376

[14] Morris, M., Cooper, R.L., Ramesh, A. et al. (2019). Training to reduce LGBTQ-related bias among medical, nursing, and dental students and providers: a systematic review. BMC Med Educ 19, 325. https://doi.org/10.1186/s12909-019-1727-3

[15] Wylie, L., McConkey, S. (2019). Insiders' Insight: Discrimination against Indigenous Peoples through the Eyes of Health Care Professionals. J. Racial and Ethnic Health Disparities 6, 37–45. https://doi.org/10.1007/s40615-018-0495-9

[16] Wherry, A. (2020, June 13). One country, two pandemics: what COVID-19 reveals about inequality in Canada. CBC News. Canadian Broadcasting Corporation. Retrieved from https://www.cbc.ca/news/politics/pandemic-covid-coronaviruscerb-unemployment-1.5610404

As racialized individuals are more vulnerable to contracting COVID-19, Black and Indigenous women are also at increased risk of domestic violence[17] [18]. The COVID-19 pandemic exacerbated this risk as incidence of family violence increased during the pandemic[19]. Stressors that led to increased violence included financial stress, heightened exposure to toxic or abusive relationships, and lack of access to resources for victims of violence. These are all factors that disproportionately affect racialized populations. Unfortunately, however, data on this increased risk is not available disaggregated by race.

5. To what extent is disaggregated data gathered by state and non-state actors in your country to identify systemic, structural or institutional racism, and to track progress in the measures adopted to address systemic/structural or institutional racism? Is any other data gathering tool used specifically to capture date related to systemic/structural or institutional racism? (Please provide details; refer to quantitative and qualitative data-gathering methodologies, where relevant.)

Data on gender-based violence in Canada is not generally disaggregated by race. In 2018, the Government of Canada collected statistics on the experiences of visible minority women with intimate partner violence[20]. However, this data has not since been updated, and it does not detail the experiences these women faced when accessing or attempting to access justice. There is some data on the impact of the violence, however this data is not disaggregated by race.

Data collected and reported by police are not subject to regulation on disaggregation, and therefore availability of disaggregated data is inconsistent across jurisdictions. Data on barriers to access experienced by survivors of gender-based violence is therefore largely unavailable.

6. In your country, what are the main human rights challenges arising from systemic, structural or institutional racism? List and explain them succinctly.

Access to restorative justice is essential to survivor satisfaction and overall mental well-being[21]. From our engagement efforts, Project Agape has found that barriers to this justice can impact survivors' sense of self-worth, mental wellness, and overall health. It also impacts their likelihood to seek justice in the future and contributes to a negative perception and lack of trust in the justice system overall. Systemic racism that limits survivors' access to justice impacts

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[17] Statistics Canada (2021). Intimate partner violence among diverse populations in Canada, 2018. From https://www150.statcan.gc.ca/n1/daily-quotidien/210519/dq210519c-eng.htm

[18] Women and Gender Equality Canada. (2021). Government of Canada Takes Further Action to Advance Gender Equity for Black Women and Girls in Canada. From https://www.canada.ca/en/women-gender-equality/news/2021/02/government-of-canada-takes-further-action-to-advance-gender-equity-for-black-women-and-girls-in-canada.html

[19] Statistics Canada (2021). Police-reported family violence in Canada, 2020. From https://www150.statcan.gc.ca/n1/daily-quotidien/211104/dq211104b-eng.htm

[20] Cotter, Adam (2021). Intimate Partner Violence: Experiences of visible minority women in Canada, 2018. From https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00008-eng.htm.

[21] Evans, J., MacDonald, S., Gill, R. "Restorative Justice: The Experiences of Victims and Survivors". *Victims of Crime Research Digest No. 11*. Retreived from https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd11-rr11/p5.html

human rights on an intersectional level, as survivors that are marginalized on the basis of their gender and race are compoundly impacted.

7. Are there any other 'good practices' by your State or other stakeholders (such as business or civil society organisations) that advance racial justice and equality, and address systemic, structural or institutional racism? If yes, could you please share these practices?

Canada's Anti-Racism Strategy acknowledges that the experiences of racialised communities might vary from one another, hence the initiative applies an intersectional lens. There are also several avenues to legal recourse that individuals can take, such as the Civilian Review and Complaints Commission for the RCMP, the Canadian Judicial Council, and the Canadian Human Rights Commission, as well as provincial human rights complaints bodies, through which individuals can address experiences of discrimination within the justice system.

However, filing a complaint through any of these mechanisms can be lengthy and retraumatizing. Racialized individuals, who already are disproportionately underemployed, undereducated, and living in poverty; and who already have less trust in these institutions; face barriers to accessing these services as well. Resources, time, and emotional and mental well-being are crucial to ensuring the effective processing of a complaint. Furthermore, an individualized approach to addressing discrimination is not effective in removing systemic barriers.

8. Do you have any recommendations to any stakeholder that you think would advance efforts to address systemic, structural or institutional racism either at the national or international level? Please share those.

The first step to addressing a societal problem is to understand it in a fulsome way. Project Agape recommends that any stakeholders interested in advancing efforts to addressing systemic barriers to survivor justice begin with collecting disaggregated data on the experiences of survivors in accessing this justice. Some key questions that should be asked:

- How likely are racialized survivors to report gender-based violence?
- How vulnerable are specific racialized communities to gender-based violence?
- What is the overall response of law enforcement to reports of gender-based violence from different racialized communities?
- How likely is a report made by a racialized individual to lead to justice, as compared to reports made by non-racialized individuals?