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Chair

The Honourable Hedy Fry

Standing Committee on Canadian Heritage

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● (1530)

[*English*]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): I'd like to call to order meeting number 73 of the Standing Committee on Canadian Heritage, 42nd Parliament, first session. We're meeting on the issue of systemic racism and religious discrimination, pursuant to Standing Order 108(2).

The first hour, from 3:30 to 4:30, we have two people here: Ayesha Chaudhry, associate professor and chairholder of the Canada research chair in religion, law and social justice. The second person on the panel is Avvy Yao-Yao Go from the Chinese and Southeast Asian Legal Clinic. She's clinic director.

Each of you will have 10 minutes, and I'll try to give you a two-minute heads-up. After that, there is a question and answer round. We will do that until 4:30. Then we will move into the second round.

Let's start with Ayesha because she's first on my list.

Ms. Ayesha Chaudhry (Associate Professor and Chairholder of Canada Research Chair in Religion, Law and Social Justice, As an Individual): Thank you, Madam Chair and honourable members, for inviting me to appear before this committee to speak about systemic racism, religious discrimination, and Islamophobia.

I'd like to begin by acknowledging that we are meeting on the traditional unceded territories of the Algonquin Nation.

I appear before you in various capacities. I am an associate professor of gender and Islamic studies at the University of British Columbia. I am the Canada research chair in religion, law, and social justice. I am a Canadian and I am a Muslim. I was born in Toronto. I wore a hijab from when I was five years old. Then I wore a niqab for 10 years, from grade 10 to the end of my master's, through public high school and undergraduate and M.A. degree programs at the University of Toronto. So I appear before you as a scholar, as a brown Muslim South Asian Canadian, who has experienced, I would say, more than my fair share of systemic racism, religious discrimination, and Islamophobia.

Growing up in Toronto, I learned about Canadian multiculturalism. I was a proud Canadian at the same time that others—kids in school, teachers, doctors, cashiers, strangers driving by in cars—told me, in a million subtle and not-so-subtle ways, that I wasn't actually Canadian, that I should go back home, and that I was a terrorist. These people did not believe that the colour of my skin or my religion belonged on the cultural mosaic.

I have always been grateful that I was born and raised in a nation-state that did not force an artificial binary between my religious and national identities; that I was allowed, legally, to be Canadian and Muslim; that I did not have to choose; that in the end I was able to have my journey with my faith, and that this journey has not revolved around state oppression. But I've also always been acutely aware of the Canadians who have hated me and have resented the state for protecting my rights—the right to free speech and the right to religious freedom, which is to say the right to dress as I please. These Canadians have curled their lips, hurled insults at me, refused to render me services, and even made death threats against my family.

None of these countless experiences have made it into any documented hate crime reports. It takes an incredible amount of energy to just survive these experiences, never mind thrive in the face of them. To have a hate crime recorded is no easy task, as those of us who have encountered the police know well. Reporting demands tremendous emotional labour from victims. When my parents reported the death threat calls we were receiving in the middle of the night, that were filled with hateful language against Muslims and Arabs, the police, over the phone, told us not to worry about it. The police told my mother that they were probably just fooling around, making prank calls. So we, the children, slept huddled around her in the living room of the house, afraid that someone might actually come and kill us while my father was away, working the night shift.

Madam Chair, it is deeply painful for me to watch discussions about Muslim Canadians, even when we are the victims of violence, revolve around Islamic extremism and radicalization. The questions raised for me by this persistent move are as follows: Who is Canadian? Whose security matters in Canada? Who deserves to feel safe? Whose extremism is alarming? What kind of radicalization can be tolerated? When a self-declared Trump- and Le Pen-supporting white nationalist, far-right white supremacist, white male radicalized on the Internet walks into a mosque and executes Muslims in the act of prayer, and a motion is tabled to study the roots of Islamophobia to prevent such acts of terror given the alarming rise in Islamophobia, how on earth does a discussion come to be framed around Muslim extremism and radicalization?

It is wrong-headed to treat those in need of protection from crimes as the perpetrators of crimes, to blame the victim, to shame the vulnerable. We can only do this if we believe and behave as if Muslims and Islam are fundamentally and inherently violent. This is Islamophobia.

As a scholar, I see my role here as recommending to the committee a theoretical framework for their mandate and offering clarification around key terms that are central to these hearings. Let's start with "intersectionality" and its relevance to racism and discrimination.

What is beautiful about intersectionality is that it is a theory rooted in experience. It was coined by black scholar Kimberlé Crenshaw, who noted that women of colour experience compounded discrimination, as their colour, gender, class, sexuality, etc., weigh down upon them cumulatively. Their oppressions are compounded, while people with privilege, white men, for example, experience compounded privilege based on their colour, gender, class, sexuality, etc.

● (1535)

Intersectionality argues that as multi-dimensional humans moving through time and space, we are always at varying and fluid intersecting influences of power. For example, white women might face oppression because of sexism, but they enjoy the privileges of whiteness. Similarly, patriarchy may privilege a man of colour, but his colour puts him at a disadvantage in a racist system.

None of these influences—race, class, gender, sexuality, religion—are essential to who we are. Their meanings are not defined. They are not inevitable. Rather, they are constructed. We as a society create meanings around and sustain them collectively and individually. We decide that men are better than women, worthier than women, when we pay women less for the same job. We decide that white people are better than people of colour when white people dominate in positions of power.

In light of intersectionality, we can see that racism, sexism, bigotry, Islamophobia, all of these things reduce complex, multi-dimensional individuals to the worst caricatures of only one of their identities, flattening even this one identity to its derogatory extreme. Rather than facilitating critique and dialogue, such behaviour chills difficult conversations. It obliterates communal differences, turning complex communities into homogeneous entities. When these attitudes are absorbed and internalized by social institutions, they become systemic.

When a population is overrepresented in any institutional context, this is a reflection of systemic inequality, to the detriment of some, and to the advantage of others. Think here about white men in CEO positions and indigenous and black people in Canadian federal prisons.

"Systemic" alerts us to the fact that we are discussing prejudice that is not just widespread and common, but that has come to be enshrined in the institutions of a society, such that it has become invisible to many. It is not obvious all the time, although sometimes it is. It is not located alone in individual people, although it resides there too. It transcends any one individual or group and their personal intentions. Most people think of themselves as good. Most people do not view themselves as racist, sexist, Islamophobic, although they may think and behave as such, individually and collectively.

When we focus on the systemic, some of our questions become irrelevant. For instance, is Islamophobia the right term in M-103, or is anti-Muslim more appropriate? Is this about Islam or Muslims? Systemic hate is not that sophisticated. It does not know to draw a line between Islam and Muslims. Consider that between 2012 and 2015, hate crimes against Muslims have increased a staggering 253%. That is not because of lone individuals, but because systemic racism has encouraged about a half of our population to fear Islam and Muslims without needing to differentiate between the two.

Consider that a 2017 Angus Reid poll tells us that 46% of Canadians have an unfavourable opinion of Islam. According to a 2016 Leger poll, 43% of Canadians have a negative opinion of Muslims. A 2016 poll found that more than half, 55%, of Ontarians—Ontario is the province I was born in, and where we sit today—believe that mainstream Islamic doctrines promote violence. It is ugly, shameful, and systemic when close to half the population of one of the most peaceful nations on earth hates the second largest religion on earth and its adherents.

Let us sit with these numbers. If close to half of Canadians have a negative opinion of Muslims, have an unfavourable opinion of Islam, and associate Islam with violence, then the alarming increase in hate crimes against Muslims is actually unsurprising. When a group of people are dehumanized or demonized, violence against them becomes normalized. These numbers tell us that the democratic foundations of Canada stand threatened. Children, young adults, teenagers, and adults are formed by their experiences of Islamophobia.

Every space Muslims find themselves in—public schools, courtrooms, parks, universities, coffee shops, yoga studios, even this very room—become potential sites of heartbreak and inequality. We start from a deficit. We must prove we're not violent, that we are one of the good ones, that we are not like the others. In this light, everything is skewed—our grades, merit, the legal and justice system, and governance. The hate consumes all of us, the hated and haters, and the hate weakens our democratic institutions.

● (1540)

I am grateful for motion M-103 and the work of this committee because, in focusing on the systemic nature of hate, it names a serious threat facing our democracy and offers us an opportunity—an opportunity to be better.

Madam Chair, we can be better.

The Chair: Thank you very much.

Go ahead, Ms. Yao-Yao Go.

Ms. Avvy Yao-Yao Go (Clinic Director, Chinese and Southeast Asian Legal Clinic): Thank you, Dr. Fry and committee members.

My name is Avvy Go. I'm the clinic director of the Chinese and Southeast Asian Legal Clinic, formerly known as the Metro Toronto Chinese and Southeast Asian Legal Clinic. We are a non-profit organization that provides free legal services to low-income members of the Chinese and southeast Asian communities in Ontario. We are also a founding member of the Colour of Poverty-Colour of Change network, which is a network of individuals and organizations working to advance racial equality and racial justice in Ontario.

I want to thank the committee for giving us an opportunity to comment on motion M-103. Our submissions and recommendations are based largely on the joint shadow report that we submitted recently to the UN Committee on the Elimination of Racial Discrimination during its review of Canada's compliance with ICERD. Many of the recommendations we put forward have been adopted by the UN CERD committee. These recommendations are just as relevant to this study that the committee is looking at.

We see the adoption of motion M-103 as a starting point for much-needed discussions about systemic racism, Islamophobia, and other forms of racism and hate targeting communities of colour in particular. In studying racism and discrimination, it's critical for the committee to focus not only on the individual acts of hate and racism but, as mentioned, to also explore systemic racism from a socio-economic perspective so as to identify key barriers facing racialized communities.

The committee should also critically examine government laws and policies that negatively impact racialized communities, in order to make concrete recommendations for positive change. In our written submission, we provided several examples of how systemic racism and hate affect members of racialized groups. I'm going to highlight just a couple in my 10 minutes this afternoon, starting with discrimination in the labour market.

There are significant racialized and gendered wage and employment gaps in Canada. For instance, data from the 2011 national household survey show that women of colour earned 32% less than non-racialized men, and immigrant women earned 28% less than non-immigrant men. Wage gaps increase for indigenous women, women of colour, and immigrant women with university degrees. There are multiple studies that confirm employers discriminate against job applicants with Asian-sounding names, who are 33% to 37% less likely to get a callback for interviews.

As a result of the labour market discrimination, poverty in Canada has also become racialized. The last census shows that 18.7% of racialized families live in poverty as compared to only 6% of non-racialized families, yet the federal government's current national poverty reduction strategy makes little or no mention of how it would address poverty experienced by communities of colour.

Racism also exists in the immigration system. Historically, Canada has always used race as a factor to determine who gets in. The most notorious of these examples, of course, is the Chinese head tax and exclusion act. While of course today government can no longer overtly use race as a selection criterion, systemic barriers continue for racialized communities coming from the global south. This is most evident in the changes to family class immigration over the last two decades, including the recently imposed annual cap of 10,000 for applicants sponsoring parents and grandparents, and the significantly stricter minimum annual income requirements for the sponsors. As racialized Canadians have systemically poorer labour market outcomes, and given that the vast majority of these family class immigrants come from the global south, including China and India, these changes disproportionately impede reunification of racialized families.

To combat racism in all its forms, we need a commitment from all orders of government, and we need the federal government to take the leadership role in this regard. We've put forward a number of recommendations which, if adopted, will go a long way to address racism and hate. I'm going to highlight them.

The Canadian government should develop a national action plan against racism, based on full consultation with indigenous peoples, people of colour, and non-governmental organizations working to advance racial justice in Canada. I encourage the committee to look to the Ontario government's model as an example of what that action may look like.

● (1545)

The government should adopt a race equity lens in the development of all laws, policies, and programs to properly consider and measure the impact of its actions on racialized communities.

The government should collect and track this aggregated race-based data across all government departments, ministries, and institutions, and use this data to develop strategies for addressing racism and measuring the impact of these strategies.

The government should also centre the problem of racialization of poverty in the national poverty reduction strategy and reinstate mandatory compliance with employment equity for federal contractors.

It should also work with all the provinces and territories to introduce and enforce employment equity legislation and develop a provincial poverty reduction strategy that will focus on the racialization of poverty.

The government should amend the Criminal Code to take hate motivation into account more effectively and introduce standards for identifying and recording all hate incidents and their dispensation in the justice system.

Finally, the government should engage with the most affected communities to address the disproportionate overrepresentation of indigenous communities and African Canadians and other racialized communities in the criminal justice system.

In conclusion, I encourage and welcome the fact that we are naming the issue of racism and hate but, more importantly, we need concrete action to end discrimination.

Thank you for your time.

The Chair: Thank you.

Now I'm going to move to the question section. Our first round is seven-minutes, but that seven minutes includes the question and the answer. Everyone needs to be very concise because I'll cut you off.

We will begin with Anju Dhillon for the Liberals.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Madam Chair, I will be sharing my time with MP Virani.

I would like to thank the witnesses for coming today.

Thank you for sharing your story, Ms. Chaudhry, and the tragic events you've gone through throughout your life.

How did you come to the definition of Islamophobia?

Ms. Ayesha Chaudhry: I think a lot of definitions of Islamophobia have been floating around. Dr. Jasmin Zine has a great definition of Islamophobia when she talks about widespread ideological and systemic expressions of Islamophobia. It's based on the fear of Muslims, but it's not restricted to a hyperbolic fear of Muslims.

I think her definition is sufficient, and I support it. I haven't come up with a definition of Islamophobia. I think in her use of that term and in her framing of it she thinks anti-Muslim is an expression of Islamophobia, but Islamophobia is broader than that.

● (1550)

Ms. Anju Dhillon: What concrete changes would you like to see in the system? Could you identify some problems in the system with examples and solutions you'd like to see for some of them, please?

Ms. Ayesha Chaudhry: The Ontario Human Rights Commission appeared before this committee last week. I listened to the hearings, and the strategies they're offering seem really interesting to me.

I can't think of particular things that I would like to see done, but I am really excited to see M-103 has been passed and that this committee has been struck to address these issues.

I want to go back for a second to the issue of Islamophobia and the ideological underpinnings of it. I think it's useful to think about Islamophobia, building on what I was saying earlier. There are people who believe there is a civilizational war between Islam and the west, and even though that is a categoric error, because Islam is a religion; it's 1.6 million people who live everywhere right now, including in what we would call the west, and the west is a geographic region, nevertheless it is an entrenched way of thinking.

I think that education, for example, is a really important measure for us to take when we're thinking about combatting Islamophobia and systemic racism, but it's really important to not just stop at education. If we only think of education as a solution, then we think that the problem is ignorance. That is one of the problems we have to think about.

Islamophobia also comes from a sense of self-interest and self-preservation for people who believe they're engaged in this cosmological epic war between Islam and the west. That would require a counter-narrative to the rising sense of a beleaguered civilization. That's an example of having to be multipronged and also for us to rely on the robust laws that we have around hate speech to curtail speech that is expressly racist or discriminates against any religious group or is Islamophobic.

Ms. Anju Dhillon: You mentioned the staggering statistic of 253%. May I ask where you obtained this statistic regarding anti-Muslim sentiment?

Ms. Ayesha Chaudhry: It was reported on *Global News*. The number of hate crimes recorded in 2012 was 45, and in 2015 it was 159. I can send you the rest of the reference for that.

Ms. Anju Dhillon: Yes, please.

Can you please tell us what these hate crimes encompass?

Ms. Ayesha Chaudhry: I don't know what they encompass.

Ms. Anju Dhillon: Okay.

Ms. Ayesha Chaudhry: It's whatever has been recorded by the police as hate crimes.

Ms. Anju Dhillon: Okay, but there are no specific categories as to exactly what they were: beatings, insults hurled—

Ms. Ayesha Chaudhry: Not that I'm aware of. That wasn't recorded in what I was looking at.

Ms. Anju Dhillon: Okay. What would you add to the definition of Islamophobia?

Ms. Ayesha Chaudhry: I am pleased with the existing definition of Islamophobia. I don't feel that I would add anything to it.

Ms. Anju Dhillon: Since you received the threatening phone calls at home and until now, in your personal life have you seen any changes, any betterment of these circumstances?

Ms. Ayesha Chaudhry: I think the polls show that things are worse, not better, if we look at the report on hate crimes between 2012 and 2015.

There are a few reasons that I started with my story. One, and this is something that has been brought to the committee before, is that it's important to analyze data in the light of experience. I think it's also important to have theory that is rooted in experience. I was growing up pre-9/11, so I know that post-9/11 things have been much worse for Muslims in Canada. I think Dr. Jasmin Zine's work really addresses that. She looks carefully at what it is like for Muslim children to grow up in a post-9/11 world in Canada. To be honest, it breaks my heart when I think about that and when I hear the stories in my community. It makes me really sad that these children are growing up feeling like they don't want to disclose that they're Muslim, that there are children who wear a hajib who are having stones thrown at them, that they're being harassed in all sorts of different ways, that their teachers are making fun of their names. I didn't ever have a teacher make fun of my name and I don't know how that would have felt if that had happened to me. I think that things are worse and it makes me worried.

● (1555)

Ms. Anju Dhillon: This is part of the systemic discrimination—

Ms. Ayesha Chaudhry: Yes.

Ms. Anju Dhillon: —at school. You said that when you would call the police to report this, they would just say how it's just a funny prank—

Ms. Ayesha Chaudhry: Right, when I was a child. Yes, when my mother called the police, that's what they told her.

Ms. Anju Dhillon: And things are not much better than that.

Ms. Ayesha Chaudhry: From what we know about the recorded hate crimes, they're worse.

Ms. Anju Dhillon: Okay.

You said Muslim children are growing up in a post-9/11 world where they're feeling much more discriminated against, but have you noticed also in your studies that other South Asian people who look Muslim or other people who look Muslim are also being discriminated against and attacked?

Ms. Ayesha Chaudhry: Absolutely. I think the Sikh community in particular is a community that has received a lot of attacks. Hindus have been attacked for being misrecognized as Muslim, so, absolutely.

I want to make the point that Islamophobia I really do see as part of a broader problem of religious discrimination and systemic racism, and I really do think that if we address one issue to the detriment of another, then we will not have succeeded.

The Chair: Thank you, Ms. Chaudhry.

I'm afraid we've run out of time, Anju.

We will go to the Conservatives, and David Anderson, for seven minutes.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Thank you to our witnesses for being with us today.

I want to follow up on Ms. Dhillon's line of questioning.

When you're talking about Islamophobia, I think this is the sixth definition of it we've had and you've talked about things like hyperbolic fear, anti-Muslim expression, ideology and those kinds of things involved in your expression. You've written in some of your other work that religious texts mean what religious communities say that they mean, which I found interesting. Does that same standard apply to terms such as Islamophobia? In your opinion, is it the community itself that defines that, or is it defined generally by society? How do we come to that definition?

Ms. Ayesha Chaudhry: I think it's a definition that has to emerge in consultation. The society comes up with it in consultation with the people who are being marginalized. If we think about how anti-Semitism is defined, some might argue that it's an imperfect term because Arabs are also Semites. Nevertheless, it has a particular definition. I'm not worried about finding the perfect term to describe an irrational fear of Muslims and Islam, a hyperbolic fear of Muslims and Islam. Usually when students come into my classes in the university, they do not know the difference between Islam and Muslim and how to use that correctly in a sentence. Usually it takes a few weeks for us to get to a place where they're able to do that in a literate way.

As I mentioned earlier, I don't think that people who are engaging in Islamophobic discourse can always tell the difference between Islam and Muslims or really worry about differentiating between them because the hate, as I said, is not very sophisticated.

Mr. David Anderson: Perhaps I could take this in a different direction, then.

If what you've said is accurate, that the committee should define that, I'm wondering, this term is used, where Islam dominates, to silence all dissent. Raif Badawi would be a good example of that, of someone who has dared to speak out, and faces a ridiculous sentence. We've been unable to get him back to Canada or whatever. But that is the term as being defined by those in the community.

That's really been the question in the discussion in Canada. Whose definition are we using? Are we using a Saudi definition as being applied to Raif Badawi, or are we using one that talks about the child who's going to school, is insulted, and bullied?

From our perspective, we needed to put some definition on that because it means almost anything to anyone who's using it. Can you help us with that?

Ms. Ayesha Chaudhry: Absolutely. My work, my research, and my scholarship is about having self-critical conversations amongst Muslims, so intra-Muslim conversations that are self-critical. I am in no way interested in promoting a definition of Islamophobia that would restrict my own speech. Legitimate critique, in my mind, is not Islamophobic.

Islamophobia is irrational and hyperbolic speech about Islam and Muslims that demonizes them, that dehumanizes them. I trust the hate speech laws in Canada, which I think are robust along with the legislative system. When somebody makes an accusation of Islamophobia, and if they appear before a judge, he or she will make a decision about whether that is, indeed, Islamophobic or a legitimate critique. In no way do I see Islamophobia as a way to not have difficult conversations.

In response to that, communities need to have a sense of security in order to engage in self-critical conversation. Islamophobia stops that from happening. If I'm spending my time saying, "I'm a human, I'm a human," I can't ask myself and my community difficult questions.

● (1600)

Mr. David Anderson: That's exactly what we argued during the debate. That is what it was doing within the community. It was stopping that discussion, so I thank you for the contribution.

Ms. Go, I'd like to ask you a question. Could you talk a little bit about economic development within communities, and how that deals with some of the issues you've talked about, and the lessening of racism? You've talked about the differences in wages, employment opportunities, and gender. How can we improve on that? Typically, when the economy improves, people's lives improve, and I think that we deal more seriously with these issues.

Ms. Avvy Yao-Yao Go: I will give you an example of the opposite of that statement where the economy improves, but then lives of certain groups are not improved.

There was a study by the United Way of greater Toronto. It looked at the poverty rates in Toronto between 1981 to 2000, so you see the trajectory of the economy changing over time, improving over time. Poverty rates among non-racialized, for example, white communities in Toronto, actually dropped by 28% over that time period. For racialized groups, people of colour, the poverty rate increased by 361% over the same time period.

If you look at other studies, they say the same thing. When the economy was booming, the wage gap between the racialized communities and the non-racialized communities did not close. In fact, they expanded, which is what led to what we have been calling the racialization of poverty in Canada, meaning that if you're a person of colour, if you're indigenous, you are two to six times more likely to live below the poverty line compared to a non-racialized person. Because most of us derive our income largely from employment, the jobs that we are in, poverty is very much linked to the issue of economic development.

Mr. David Anderson: Do you do that same data breakdown within the communities?

Ms. Avvy Yao-Yao Go: Yes. Maybe I can provide you with some statistics. If you look at the different communities, Somali, Chinese, Vietnamese, or whatever, in the 2006 Statistics Canada census, you have information there that you can see the different poverty lines for different communities, and you can see the different income levels. With the exception of the Filipino and Japanese communities, every other community of colour earned less income.

Mr. David Anderson: Do you do that breakdown within communities, then, to determine the difference of income within a community, or do you throw, basically, community in one set of data?

Ms. Avvy Yao-Yao Go: The statistics are from Statistics Canada, so whatever it collects, we use as data.

The Chair: Thanks very much.

Very well done, David.

We're going to the NDP. Ms. Blaney, you have seven minutes.

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you both for being here today.

In my background, I worked for a non-profit organization that served newcomers and dealt with anti-racism. It was a short period of time in B.C. when there was actually funding that allowed communities to take action plans and do local activism around encouraging.... That has been sadly missing.

I have a couple of things I would like to hear from both of you. First, between 2005 and 2010, we had the Canadian action plan against racism. I want to hear what your thoughts are about that. For me, I really think it's time to renew and refresh that because we need people on the ground doing the work.

Ms. Avvy Yao-Yao Go: I certainly support the idea, which is why we're calling for another national action plan against racism. The 2005 action plan came as a result of the Canadian government's promise to the World Conference Against Racism when it signed the declaration and program of action. Dr. Fry was very much part of that. An action plan was developed at the time, which then sat on a shelf for the next 10 years. Of course, things have changed. The action plan back then may not be as relevant today. One of the issues which I think the action plan back then didn't address was Islamophobia, which I think is a very important issue for us to address today. That's why I think it's important for the government to do consultations with the communities most affected, different racialized communities, in order to develop an action plan that will look at the different social and economic disadvantages, incidents of hate, systemic racism, and government policies and actions. It needs to apply a racial equity lens across the board in order to come up with an action plan that is comprehensive and effective.

● (1605)

Ms. Ayesha Chaudhry: I would agree with everything that was just said. I would also add that when the government does community consultations, it's important to see communities even as homogeneous. With regard to the Muslim community, we are just over a million people in Canada, just over 3% of the population. Muslims form a very diverse group of people in Canada. They come from different ethnicities, backgrounds, classes, and races, so they experience.... For example, the Islamophobia that a black Muslim woman will experience will be different from what an Arab man will experience. It's important to recognize the diversity within communities and to consult especially people in the community who are often marginalized.

I would only add that, but I support what you've just said.

Ms. Rachel Blaney: Thank you.

One of the things I think is a barrier for us moving forward is the quality of the data collection. Right now, we're hearing mostly what we're hearing in the RCMP. However, I think you talked so well about how hard it can be to report and the challenge of feeling it has to go to a certain place to be a hate crime before you can take that step.

From your perspectives, what is a safer and more inclusive way to get reporting so we actually have the data and information that will help us make these types of decisions?

Ms. Avvy Yao-Yao Go: One of the issues with hate crime stats is.... Well, if you look at Statistics Canada, its source of information is police reports, so only hate crimes reported to police will show up in the Statistics Canada report. It's the same with the RCMP. As Ayesha just mentioned, many people will never file a report. Of course, we also repealed the provision under the Canadian Human Rights Act that deals with hate speech, so that's another source of information that is gone.

I think it's important for all ministries, all government departments, to have this culture of collecting data. It's not just about hate crime data; it's about collecting data in order to understand the impact of our policies and laws on different communities. You have the Statistics Canada data, which gives you the baseline: this is the population, where we are. In order to measure disproportionate impact, the government agencies themselves must collect data, so they can measure against the Statistics Canada data.

Ms. Ayesha Chaudhry: The only thing I would add is that maybe doing surveys directly with diverse communities would be really helpful. Also, in terms of the RCMP and making it easier, right now, there is often a crisis of confidence between communities and the police force, especially when certain segments of the population are overrepresented and overcriminalized. I think training for RCMP would also be really useful in this conversation, and engaging communities in that training would be really useful as well.

Ms. Rachel Blaney: I think it's an important part of the conversation about what systemic racism and discrimination really is.

Until we start to quantify that and have proper data, and are open to those stories and to the training that needs to happen.... I know as a mother of indigenous children, I've seen things toward my own children that are horrifying. I think we can't ever stop looking at these realities.

Can you tell us how systemic discrimination impacts individuals and communities over the long term?

The Chair: You have one minute.

Ms. Avvy Yao-Yao Go: I guess I'll use economic employment as an example.

Because of discrimination, they are unable to access good-paying, decent jobs. You are trapped in precarious employment situations where your income tends to be lower and you tend to be living in poverty. Your life chances are lower. The future of your children is more restricted. It becomes a generational issue as a result of that one area of systemic racism.

Of course, some call this a prison pipeline for the indigenous, and the African Canadian community as well.

The Chair: Thank you very much.

Now we will go to Ms. Dzerowicz for the Liberals, for seven minutes, please.

● (1610)

Ms. Julie Dzerowicz (Davenport, Lib.): Thanks so much for the excellent presentations. I have a few questions for you.

The first is, in terms of systemic discrimination and combatting it, is there any country that is doing a good job of it right now and that you think we might learn from, or we might look at in terms of an example?

I'll ask you first, Ms. Chaudhry, and then Ms. Yao-Yao Go.

Ms. Ayesha Chaudhry: I cannot, off the top of my head, think about a particular country that has been doing a great job all around. I think that different countries have different programs that are useful for us to think about. I know, for example, that the Ontario Human Rights Commission looked at the programs that were being used in the United States and has tailored them for Ontario.

We can definitely learn from things that are happening in different parts of the world, but we will have to tailor them for a Canadian context. We have this philosophy of a multicultural society, so how do we account in a multicultural society, for example, for race? This is a question that is coming up more and more. Does the focus of multiculturalism end up erasing race, for example?

I think some of these conversations have to happen at a national level, in terms of how we are going to define ourselves as Canadians moving forward. What does our cultural mosaic really look like? The cultural mosaic is a rich metaphor, and I think we could use it as an entry point to have conversations about this.

Ms. Julie Dzerowicz: Thank you.

Ms. Avvy Yao-Yao Go: I'll give you three examples, but they're not complete examples.

For instance, in Ontario, the Ontario government started an anti-racism directorate, which has an anti-racism strategy for the next three years. They have passed anti-racism legislation which we helped to draft. That's one model. It may not address all of your issues, but it is certainly a start.

As an example of how to address discrimination in employment, I think this year or last year, Iceland expanded their pay equity legislation, ensuring that all employers must have equal pay based on gender, race, and other grounds. That's another example.

The third example is New Zealand. The New Zealand government has started to implement a data collection program. They have a very good way of collecting data based on race, indigenous status, and so on.

You may not find one country with all the answers, but I think different countries are starting to look at it from a different point of view. These are examples of the different pieces that you may want to look at.

You can also look at your own example. The government has started to use a gender-based equity budgeting process. I think you can always use the gender equity model and expand it to a race-based model as well. It's not a very difficult jump. If you can apply it to gender, then surely you can look at the race aspect as well.

Ms. Julie Dzerowicz: Perfect, thank you.

Ms. Chaudhry, you made an interesting comment. When I was thinking about solutions, I thought of an education campaign. I was delighted when you said that's good, but you can't stop there. You went on to say that there needs to be a counter-narrative.

Can you talk a little more about that, in terms of what that could look like, and maybe get us going on that?

Ms. Ayesha Chaudhry: Thank you for that question.

I think if people believe there is a civilizational war between Islam and—quote, unquote—"the west", having problematized those categories, I think it's not enough when people believe that to say that's not happening. That is something that needs to be demonstrated. One of the ways, of course, is to have integrated schools where people are interacting. We know that in contexts where people are interacting with people of different groups, they are less likely to maintain prejudices, biases, and stereotypes against those groups. Also it's recognizing that things like Islamophobia, racism, and sexism end up tearing our communities apart. They really do weaken our democratic institutions. For example, if one in two Canadians has a bias against Muslims and Islam, then I wonder what happens to the process of standing trial before a jury of your peers. What does that do to that process?

This is a systemic issue that expresses itself in all these different contexts. I don't think we need one counter-narrative for it; I think we need many counter-narratives for it. Again, I would resist the idea that one narrative or one voice speaks for all. If one voice dominates, we all lose. If one of us wins, we all lose.

One of the things that I was trying to do in my statement today was to offer a different narrative of being Muslim in Canada, a narrative that I think we don't hear all the time but is important to listen to alongside other narratives of being Muslim in Canada, because there isn't only one experience of that.

● (1615)

Ms. Julie Dzerowicz: Thank you. That actually leads very well into my next question.

We talk a little about an action plan. I know that systemic discrimination actually impacts different groups slightly differently. I'm always worried about a one-size-fits-all solution. I wonder if you might have advice as we are thinking of an action plan. What might we also consider as part of that?

Ms. Avvy Yao-Yao Go: I think there are two responses to it.

First of all, the action plan must come with a plan to also collect disaggregated data because you want to make sure that whatever action you come up with will benefit different communities and not just benefit some communities. The only way that you will know is if you collect data that is disaggregated, looking at different communities.

The second part is what we call targeted universality. You may have a general action plan, but it's identifying certain communities that are most at risk, with special attention being put to those communities within the overall plan. An example of that would be if you have an action plan looking at different components, one component might be on the correctional system. We know from the data that the communities that are most affected would be indigenous and African Canadian. You have an overall plan. You may have something that says something about the correctional system, but within that component you may also have certain targeted measures for those communities.

The Chair: Thank you, Ms. Go.

I want to thank the witnesses. You were excellent, clear, and decisive. I want to say that all of the members of our committee have become very crisp and clear in what they're asking for. This was a good round.

Thank you very much for coming.

We're going into a three-minute second round. We will start with Mr. Reid for the Conservatives.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): I have less than half as much time as all the preceding questioners, so I will attempt to improve upon their concision even further.

Professor Chaudhry, you mentioned another academic who had given a definition of Islamophobia, and you cited it favourably. I wonder if you could provide us with the name of that individual, and then perhaps if this was given in the context of an essay, if you would be able to submit that essay to our clerk. Could you do that?

Ms. Ayesha Chaudhry: Absolutely. It's Dr. Jasmin Zine.

Mr. Scott Reid: Okay.

The next thing I want to ask you about is an issue that you just raised a moment ago, of standing trial before a jury of your peers, or alternatively, facing a situation in which someone is alleged to have committed an offence against you, and you have a jury of essentially average Canadians from your community.

I know this was a very severe problem in the American south vis-à-vis race relations between African Americans and whites in past decades. It was a really severe problem. I haven't seen any evidence that it exists here in Canada, but I'm willing to be corrected vis-à-vis the Islamic community. Although, I do note that in the periodic review of Canada's human rights performance we see other aspects of the penal system, in particular, being singled out, in particular with relation to aboriginal people.

I've given you room to expand in the remaining time on that general subject.

Ms. Ayesha Chaudhry: Thank you.

The problem with African Americans and criminalization, in terms of their standing the right to a fair trial, is a persistent issue in the United States. There is much that we can learn from that context.

As for the Muslim community, I am not aware of data around this. This is one of three things in its mandate that I see this committee doing: expanding our information and knowledge about that. When such a large proportion of people have such a negative view of Islam and Muslims and view mainstream Islamic doctrines as violent, that raises questions for me about what happens when Muslims enter the judicial process, for example. What happens when they confront the police? What happens when they are standing trial for something or are victims of a crime?

That's what I was trying to raise in that comment. It raises issues around the legal system. It also raises questions around governance. It raises questions around merit, promotion, grades in schools. It's a systemic problem, so you can imagine all sorts of context in which this will affect people.

Thank you.

● (1620)

The Chair: You have 15 seconds.

Ms. Ayesha Chaudhry: I'm done. Thank you.

The Chair: Thanks, Scott, well done.

Now we go to Dan Vandal for the Liberals, for three minutes.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): You have referred to our hate speech laws. Are they as robust or as relevant as they can be?

I'll ask Avvy and then Ayesha.

Ms. Avvy Yao-Yao Go: In the Criminal Code there are only two ways in which hate is taken into account. One is in hate speech or hate propaganda. The other is that hate is considered in sentencing once a crime has been proven.

You would require the Attorney General's authorization before you could prosecute someone for hate propaganda. If I remember correctly, there have been very few cases—I don't remember the stats—that have ever been prosecuted in Canada.

Professor Chaudhry has been mentioning many of the things that are happening within the community that will never be captured by the hate propaganda provision or captured by the hate crime provision either, if somebody called her home making stupid racist comments but did not actually act on it—unless, I guess you can say, there's a death threat. Then it becomes a crime, and the police can charge that person. If it doesn't amount to a death threat, there's no crime, and the police will not take action. It will never appear in the stats for hate crimes. That's the vast majority of the experiences of the people who are subject to Islamophobia.

Mr. Dan Vandal: Do you have anything to add to that, Professor?

Ms. Ayesha Chaudhry: I think that laws can always be better, but I trust our legislative process and would like, based on what you're saying, to see it used more. I know that there has been a lot of hate propaganda happening in Canada and I am worried about this trend of people having an unfavourable opinion of Islam.

You're not born like that, so where is this discourse coming from? I'm worried that a right-wing discourse is becoming more and more mainstream, such that the right-wing discourse is no longer fringe or "right". If it becomes the mainstream discourse about Islam, what does the right look like then? That's something I worry about.

Mr. Dan Vandal: There has to be a lot of unreported hate crime. Can you talk a little bit about that?

Ms. Ayesha Chaudhry: The thing I was saying is that most of the times when I experience Islamophobia, or when my parents were making that call to the RCMP, when someone was calling and actually threatening to kill my family and saying things about Muslims and Islam in those threats, my parents did call the police, and the police reacted as though it might have been a prank call: "Don't worry about it; if something happens, let us know."

That was a situation in which we felt as though we fell through the cracks, because we didn't know what to do.

The Chair: Thank you very much. We go to Mr. Reid again for the Conservatives, for three minutes.

Mr. Scott Reid: Just to deal again with the issue of assuring a fair trail, what would you say about the idea of expanding the number of questions that can be asked of prospective jurors as a way of removing people who may be problematic. I know from my own experience when I was almost selected for jury duty once that at the time, under the Ontario system, you were allowed to ask one question of the juror and were allowed to find out their profession, and that was all you could get.

What about dealing with this, in order to ensure that people get fair trials? As you can see, this is something that deals with any group that is potentially going to be denied a fair trial.

Ms. Avvy Yao-Yao Go: Can I answer this question?

According to the Supreme Court of Canada, you can challenge a jury for cause based on their racial bias. That's already a decision that is made by the Supreme Court and also confirmed by the Ontario court.

Mr. Scott Reid: Are you allowed to ask enough questions to determine that?

● (1625)

Ms. Avvy Yao-Yao Go: You are allowed to ask.

Mr. Scott Reid: This has changed since I was up for jury duty about 15 years ago.

Ms. Avvy Yao-Yao Go: Yes, I guess it's up to the defence counsel to say they want to raise this question as a challenge for cause. I can see that a defence counsel should be able to raise the question. If the accused who stands trial is a Muslim man, they may want to ask about the potential jurors' view about Islam and that sort of thing. I hope to see someone try that.

Mr. Scott Reid: Thank you. That was very helpful.

You used a term, Professor Chaudhry, twice in your remarks. I know it has a meaning, but I'm not sure what that meaning is. You used the term “hyperbolic fear”. I'm not sure if you mean verbalized fear, if you mean fear that is expressed in a way that foments hate. I'm not sure what you mean, so I want to ask you to give a definition of that.

Ms. Ayesha Chaudhry: I was thinking of hyperbolic fear as along the lines of irrational, exaggerated fear of Muslims and Islam, the idea, for example, that if you think that Islam promotes violence, then you think Muslims are inherently violent people. That's hyperbolic and irrational and exaggerated, because Muslims across the board are not like that.

That's what I meant.

Mr. Scott Reid: You're using a term that is not a term within the profession. That's helpful to me.

The Chair: You have 20 seconds.

Mr. Scott Reid: All I have time to do is say thank you very much for your presentations, both of you.

The Chair: Arif Virani, for the Liberals, for three minutes.

Mr. Arif Virani (Parkdale—High Park, Lib.): Thank you both for your candour and your presentations. They are both very illuminating.

I want to touch on something that relates a bit to what, Professor Chaudhry, you were referencing in your exchange with Mr. Vandal. It's about the proliferation of certain sentiments, particularly of Islamophobic sentiments. Can you talk about the role of the media, including social media, in that regard?

That's open to both of you. Can you also talk about the importance of political leaders calling out these situations as we observe them?

Ms. Ayesha Chaudhry: The media plays an important role, of course, in perpetuating and sustaining ideas about Muslims as violent, but I want to think about the media in a more robust way, because the media is made of human beings who are in our society and they feed particular appetites. Without taking them off the hook or not holding them accountable, I want to say that when we're thinking about education, for example, education should happen more broadly and it should include, for example, media training sessions, so reporters can understand when they are participating in conversations that include entrenched ideas about Islam as inherently violent.

Also, something that lately has been happening is that people in the media will make a false equivalency between two situations, one that is really harmful and one that is not. I think that when people make statements that are Islamophobic and that are publicized in the media, it is the responsibility of political leaders to really lead the nation and to call out Islamophobia or systemic racism when they see it and when they hear it.

The thing about social media that's interesting—a lot of studies have been coming out—is that people online sort of live in a social media bubble. They don't actually encounter...they end up encountering news that they already agree with, and they don't actually seek out and encounter, necessarily, news that they do not agree with. Hence the focus on systemic. When dealing with systemic problems, the response has to also be systemic.

I see people will often blame the media for the problem, and I think the media is responsible, but I think the media is also often a mirror of us and is reflecting the things we as a society are believing. I do think that political leaders have an important role to play in leading the nation toward a kind of plurality that respects the human dignity of everyone, where people are not forced to, first and foremost, prove their humanity somehow in order to be treated decently.

The Chair: Thank you very much. We have Ms. Blaney for three minutes, please.

Ms. Rachel Blaney: Again, thank you so much for this.

One of the things I would like to hear a little bit more about is what role community leaders and community organizations can play to increase inclusion and diversity across Canada. How do we, as a committee, push that sort of agenda forward?

Ms. Avvy Yao-Yao Go: I have two suggestions. One is, as you mentioned earlier, that in the old days, maybe during Dr. Fry's time —

● (1630)

The Chair: I like the old days, though.

Ms. Avvy Yao-Yao Go: —we used to be able to get multiculturalism funding to do community capacity building. One of the first ones that Colour of Poverty-Colour of Change got was from Canadian Heritage's multiculturalism program to do community consultation, to do impact studies looking at racism as it affects different communities. More funding of that nature should be given out.

Two, certainly I would hope that at the end of the day you would adopt our recommendation to develop an anti-racism strategy. It needs input from communities. You need to speak to the community groups impacted by it. You need to speak to the advocates, the experts, academic experts, people who have been working on the ground for many years. They will bring you the bread and butter of how different policies affect the communities. Their voices will be very important in the development of that policy.

Ms. Ayesha Chaudhry: One of the things that would be really useful is for communities to have a sense of security. If communities feel safe, they can have different conversations, complicated conversations about the identity that the community is converging around, whether it's religious, whether it's racial, or whether it's professional. Right now, for Muslims, it is really difficult to have difficult conversations within the community when people feel that they're under siege, under attack, and that they're unprotected from those attacks. Having policies, having an action plan that makes communities feel that they're important, that we value them, and that we are here to protect them will cultivate those kinds of conversations internally.

Ms. Rachel Blaney: Yes. We can never underestimate how systemic discrimination has an impact on economic outcomes. I know in Halifax, and it was piloted also in B.C., with the connector program, businesses were working with people to open doors. Often the challenge was that people would look at resumés and see a name they didn't understand, and then those doors would close.

There is a lot of activism on the ground. How do we promote that, and how do we engage communities in knowing there are activities that they can do? A lot of mosques opened their doors after the tragic events, so that is something that opens those opportunities.

The Chair: I don't think we have any more time left. We've gone over time.

Again I want to thank Ayesha and Avvy. You were excellent witnesses.

We're going into the next hour. We will have one minute of transition time for people to leave and other people to come in for the second hour.

Ms. Konanur and Mr. Richard, good afternoon and welcome. Thank you for being here.

Mr. Richard represents the Canadian Association of Black Lawyers. Ms. Konanur represents the South Asian Legal Clinic of Ontario. You have a maximum of 10 minutes each for your presentation, and then we'll go to a question and answer session.

I shall begin with Mr. Richard, for 10 minutes, please.

Mr. Shawn Richard (President, Canadian Association of Black Lawyers): Thank you, Madam Chair and committee members for the invitation to present to you on behalf of the Canadian Association of Black Lawyers, CABL for short.

CABL was formed in March 1996 as a national network of law professionals with an overall mandate to promote the advancement of black lawyers within the profession by providing support systems, promoting academic and professional excellence, and advancing issues of equity and diversity among the bar and judiciary.

Our members—black, white, brown, Christian, Muslim, Jewish, agnostic, and so on—are all bound by a profound concern about issues affecting the black community, including the issues before this committee.

The motion identifies two broad, pressing issues that are top of mind to our members, and in our view, they should be top of mind to the federal and provincial governments, and to anyone who takes the rights of all Canadians seriously. The first issue is racism. The second is religious discrimination.

Condemnation of acts of hate, including the murders at the Islamic cultural centre of Quebec City on January 29, 2017, should be swift and unequivocal. Racism, religious discrimination, or both justify hate speech, assault, and murder in the minds of people like Alexandre Bissonnette, James Fields, and Dylann Roof.

These overt expressions of hate and fear grab headlines. They make fair-minded Canadians shift in their seats, because they are dramatic, visceral reminders of the persistence of racism and racial discrimination in Canada. They are difficult to deny or minimize, though some try. However, for most Canadians, whom I believe to be fair-minded and generally well-intentioned, it is easy to draw a line between themselves and people like Mr. Bissonnette, Mr. Roof, and Mr. Fields. Racism becomes something clearly visible and easily identifiable. It is defined as an act or acts committed by particular individuals chanting horrid things and carrying backyard accessories, while marching on university campuses, driving into human beings, or shooting human beings in prayer.

With the time allotted to me, I would like to focus on a different form of racism, one that we call “institutional” or “systemic”. It is the form of racism that can be the difference between receiving a warning from an officer and ending up in the back of a cruiser. It's the difference between an opportunity to learn from a mistake on the job and having a mistake cost you your job. It's the difference between receiving the benefit of the doubt and consistently being the subject of doubt.

Systemic racism has been defined as the social production of racial inequality in decisions about people and in the treatment they receive. Racial inequality is neither natural nor inherent in humanity. On the contrary, it is the result of a society's arrangement of economic, cultural, and political life. It is produced by the combination of social constructions of races as real, different, and unequal, known as racialization; the norms, processes, and service delivery of a social system, known as structure; and the actions and decisions of people who work for social systems, known as personnel. If you are wondering, I didn't come up with this definition. It's from page 39 of the "Report of the Commission on Systemic Racism in the Ontario Criminal Justice System.”

In October 1992, the Ontario government appointed the commission to inquire and make recommendations about the extent to which criminal justice practices, procedures, and policies in Ontario reflect systemic racism. Based on statistical evidence, the commission came to several conclusions, including that black people are vastly overrepresented in prisons. It identified two primary explanations for this overrepresentation, which were social and economic inequalities, and differential enforcement of criminal law. Differential enforcement revealed itself at several stages of the criminal process, including in the decision to imprison an accused before trial, or what we call remand.

On this issue, the commission found that black accused are more likely than white accused to be imprisoned before trial. Little of the difference of the use of imprisonment for black and white accused is explained by factors said to be relevant to imprisonment decisions. Imprisonment decisions are significantly influenced by the race of the accused, or, in the frank words of the commission:

> However closely we scrutinize the data, the findings disclose distinct and legally unjustifiable differences in detention decisions for black and white accused, across the sample as a whole and for some specific offences. The conclusion is inescapable: some black men imprisoned before trial would not have been jailed if they had been white, and some white men freed before their trials would have been detained had they been black.

● (1635)

In my view, the gravamen of the commission's report is that whenever broad discretion exists, racialization can influence the decision of typically fair, well-intentioned people and produce racial inequalities and outcomes.

What is particularly interesting is the contrast between the views of some of the stakeholders in the criminal justice system who were surveyed as part of the study and the commission's evidence-based conclusions. I would like to briefly identify a couple of them because it's important to put this into context. Some expressed that people who complain about systemic racism "do not understand the justice system", that the idea of "there being widespread racism in the administration of justice is patently false. These ideas result from an ill-informed, politically correct minority who, I believe, have no experience in the criminal justice system." "Whining about supposed discrimination is a waste of time. The suggestion of discrimination is unfounded." Some say they are making "excuses". "The accusation of 'racism' is often used as the last refuge of the scoundrel." Those are crown attorneys.

I'm not aware of any reliable evidence that the conclusions reached in the commission's report have changed. In fact, in 2007, Dr. Scot Wortley, a criminologist at the University of Toronto, replicated part of the commission's work, a survey of Torontonians about police bias. Dr. Wortley found that the perception of bias in the police and courts appears to have increased between 1994 and 2007 for all racial groups, including whites.

I will now turn to carding. We have also seen the effects of systemic racism in what are described as street checks, known popularly as carding. This is the stopping, questioning, and documenting of people on the street who are not suspected of having committed a crime. Black people are far more likely to be carded than white people in "areas where we do not belong", in ratios ranging from 3:1 to 17:1. This was the finding of the *The Toronto Star*, which analyzed 1.7 million contact cards filled out by Toronto police officers between 2003 and 2008. The legitimacy of carding cannot reasonably be evaluated outside of its concrete application. Although we appreciate recent efforts by the Ontario government, in CABL's view, carding is a practice that should be eliminated.

In summary, systemic racism is a real problem. It has been an issue for some time. Important work has already been done, but what, if any, progress has been made is at this point unclear.

We would humbly recommend that the committee survey the work of others on these issues. Don't reinvent the wheel. Important, valuable work has already been done. I point you to chapter 12 of this report. There are four key needs that are identified: one, anti-racism training of personnel; two, employment of racialized persons; three, increased participation of racialized persons in developing policies; and four, monitoring of practices for evidence of racial inequality.

Madam Chair, on behalf of CABL, thank you for this opportunity. I look forward to your questions.

● (1640)

The Chair: Thank you, Mr. Richard.

I now go to Ms. Konanur.

Ms. Shalini Konanur (Executive Director and Lawyer, South Asian Legal Clinic of Ontario (SALCO)): I'd like to thank the standing committee, and you, Madam Chair, for this opportunity to present on such a critical issue.

Pursuant to motion M-103, we understand that this standing committee is studying a whole-of-government approach to reducing and eliminating systemic racism and religious discrimination, including Islamophobia, in Canada. We also understand that the study will look at issues of disaggregated data collection and hate crimes reporting. I will be making my comments and recommendations specifically related to those goals.

The South Asian Legal Clinic of Ontario is a not-for-profit legal clinic serving low-income South Asians in Ontario from a wide variety of home countries, as well as North America.

South Asians make up one of the largest racialized communities in Canada. Statistics, unfortunately, also show that many South Asian communities continue to fall below the poverty line at disproportionate rates for a number of reasons that include racism and other forms of discrimination.

SALCO's mandate includes the provision of direct legal services in areas of law including human rights, immigration, income maintenance, employment law, tenants law, family and intimate partner violence, and forced marriage. Our mandate also includes a large-scale advocacy on issues of racism, religious discrimination and gender discrimination.

Our own advocacy always starts from the premise that people have intersecting identities and that to improve their lives our decisions must recognize that intersectionality and how it impacts a person's agency or ability to make choices. For example, we know from evidence that racialized women face a larger gender wage gap than white women.

I would like to start by saying that any approach this committee takes to the study of racism and religious discrimination must have an intersectional framework to ensure the best possible outcomes for marginalized communities.

In direct legal service our clinic serves approximately 4,000 to 5,000 clients per year through legal advice, brief service, and casework. The information that I will be providing today is truly grounded in the work that we do within our communities and what we see and hear directly from our clients, as well as our own analysis of the systemic impact of the policies, laws, and regulations that impact them.

SALCO is also a founding member and steering committee member of the Colour of Poverty-Colour of Change campaign. As mentioned in our previous session, the Colour of Poverty campaign has focused on issues of racial equity and racial justice and concerns around the racialization of poverty.

Over the years we have seen many instances of racism and discrimination against the South Asian community in Canada both at the individual and systemic level. Systemically our own work has challenged immigration policy that targets South Asian communities like the conditional permanent residence. We have challenged issues of freedom of religion, in particular, the ability to wear the niqab in areas like a courtroom. We have challenged religious discrimination and accommodation in education, and we have looked at the issue of racial and religious discrimination in employment, including a call for employment equity.

We have also worked hard to discuss repealing legislation that we believe targets our communities, like the so-called Zero Tolerance for Barbaric Cultural Practices Act.

We have seen a rise in overt and direct racism in the form of violent acts against members of the Muslim community, and by extension, the South Asian community. The point must be made that we do not see a distinction there, and that many members of our community who do not identify as Muslim also bear the brunt of Islamophobia. In our own work we have seen a rise in targeted racism against all of those communities.

According to the 2016 hate crime report of the National Council of Canadian Muslims, the incidence of Islamophobia hate crimes or incidents reported to the NCCM and the police or in the media has been steadily increasing with the most recent frequently targeted hate-motivated attacks having been on Muslim women and institutions such as mosques.

What is not captured here are those people who face racism and discrimination on a daily basis and do not report it. We speak to clients daily who express incidents of hate, incidents of violence, incidents of Islamophobia, and who repeatedly tell us that they will not come out and report it, that they do not feel safe to do so, they do not feel they would be supported if they did so, and they do not feel that anything would happen if they did so.

In preparing for today I decided to look back at our own casework in 2016 and look at some of the incidents that were reported to us so that I could get a sense of what we have been seeing. It was a troubling review. These are some of the things we found.

● (1645)

We had many clients report frequent comments against Muslim women wearing the niqab in shopping centres and on the street, saying that they are not Canadian, that they should go home, or that they are terrorists. We had frequent comments against Muslim women wearing the niqab that they are anti-woman and anti-feminists. We had comments to Sikh clients wearing turbans that they were Muslim terrorists. We had comments that wearing religious attire meant that a person supported sharia law. We had comments that all South Asians practise forced marriage.

We had one client reporting an incident of being pushed on the subway and told, “Get out of my way. This is not your country.” Most recently, for myself personally, two weeks ago I was at a coffee shop, and a man butted in front of me. I made a comment to which he turned around and said, “Get out of this country, you Paki terrorist.” The environment in Canada is not great for those who are facing Islamophobia.

At a grassroots level, SALCO has seen a steady increase in the number of racist Islamophobic incidents reported over the past several years that mirrors the statistics that this committee has heard from other people in front of it.

This summer I had the opportunity to present to the United Nations Committee on the Elimination of Racial Discrimination which was reviewing Canada's progress on addressing racism. At the committee, Canada was inconsistent in its messaging around systemic racism. In fact, it went so far as to say that Canadian police do not racially profile. I would urge this committee to ground its approach in addressing systemic racism in Canada as a critical piece of its work.

I would like to move on now to some of the more practical recommendations that I would make, and I would echo some of the comments you've heard today.

The first recommendation is a call for a national action plan. I myself had the privilege of sitting on the provincial ministers advisory group for the Ontario anti-racism directorate. I would strongly recommend that this committee review the work of that directorate and consider the implementation of a national action plan that improves upon, not just reintroduces, our old CAPAR, the Canadian action plan against racism.

We need a robust plan that targets issues that the committee has identified and addresses them. In its closing recommendations, the United Nations CERD committee also made the same recommendation, and they urged the committee to review that report.

In recognizing gender equality, Canada has instituted a gender plus framework to be applied to all government decision-making. For me, this is a positive and much-needed step forward. By extension, I would also urge the committee to consider specifically applying a racial equity framework to government decision-making. It is estimated that 25% of our population is now or will soon be racialized. We must approach with the same vigour and importance the issue of race as we do with gender.

Had such a lens been placed on policies like the conditional permanent residence, which is now thankfully repealed, it would have shown that there was a disproportionate impact on racialized women from that policy.

I would also urge the committee, as other speakers have done, to review the United Nations CERD closing recommendations for Canada, as they echo many of the things that we are talking about here today. I would urge the committee to review the CERD recommendations on improvements to our immigration system and the embedded systemic racism within it. I would urge the committee to review the comments made about racial profiling within the criminal justice system and the child welfare system. I would urge the committee to also review the call for employment equity, the call for disaggregated data, and the call for a national action plan.

I would like briefly to talk about the federal poverty reduction strategy that goes on currently through the federal government. Discrimination based on race and religion plays a critical role in keeping racialized Canadians in poverty. Discrimination in employment continues to impact racialized Canadians' ability to have fair and equitable labour market outcomes. A very simple example is that those with Asian-sounding last names are less likely to be called for job interviews. In fact, I was at a legal education session recently, where the number one question was, “How can I change my name legally?”

● (1650)

I would also quickly echo the sentiment that the collection of disaggregated data would be critical to the work of any national action plan. Specifically, collecting data in a disaggregated manner will allow us to measure our progress.

I will leave it at that. Thank you.

The Chair: Thank you very much.

We'll now go to our seven-minute round of questions. The seven minutes includes questions and answers.

Ms. Dabrusin for the Liberals, please go ahead.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): I'd like to thank both of you. That was very helpful. I like the fact that you grounded some of what you said in other reports for us to look at. That was really helpful.

Ms. Konanur, you mentioned the national action plan. You talked about how we might not need to go back to the old action plan, but we might need to look at updating it. What are some of your thoughts about what you would want to see in an updated national action plan?

Ms. Shalini Konanur: Just reading the old action plan, I think it is a good starting piece, but it is not specific enough. It's too general. Working in Ontario, seeing the action plan set out there, I would recommend that we create an action plan that sets a framework, obviously, a framework of intersectionality, and a racial equity lens. In doing so, I would then urge this committee, based on what it's heard, to choose priorities. Create within a national action plan the ability to have an overall framework and then priorities, perhaps corrections as a priority, employment as a priority, Islamophobia as a priority, hate crimes as a priority.

In the work that's being done in Ontario specifically, four pillars have been identified: Islamophobia, anti-black racism, racism within the indigenous community, and anti-Semitism. Within those four pillars, there are very clearly identified targets for what the government hopes to do within the next five years. I would like to see a structure that has clarity in terms of what the framework is, then clarity in terms of the priorities, and then clarity even within those priorities about what the targets are, what the measures are, and how the government proposes to reach that.

● (1655)

Ms. Julie Dabrusin: Thank you.

That feeds right into the next piece I had for you. You mentioned that you've been working with the Ontario directorate. In fact, people came to speak with us last week about the work they're doing. You're there on the ground working with it. What are the lessons you think we should take from them as the biggest strengths, and then perhaps the weaknesses or pitfalls that we should be alert to?

Ms. Shalini Konanur: I think one of the critical things they've done a tremendous amount of work on is the collection of disaggregated data. One of the greatest strengths of the program was their commitment to the collection of that data throughout the province. They spent a lot of time developing the framework for how that would happen. This was not just in terms of how to collect at the front end, but how to collect, how to measure, and how to report. It's a front-to-end approach to the collection of data.

The other thing I wouldn't call a weakness. I would just say that it is really critical that in creating these plans you have a community-based approach. You need to hear from the community. You need to hear from the people facing these issues in order to create strategies that will have some impact on those cases. At the beginning of SALCO, my own organization, I was sitting down and trying to figure out what such a large group would do and what our priorities were. The only way to do it was to go into our community, sit down and speak to our clients, and do that needs assessment.

Ontario is doing that, but it's really critical that this piece does not get lost and that in creating those strategies, sub-strategies, and targets those communities are involved.

Ms. Julie Dabrusin: Excellent.

I found it particularly heartbreaking to hear you mention that people want to change their names. For me, keeping my name was always an important part of keeping my identity. This speaks to something that's come up from a few witnesses so far about employment equity issues. The federal government recently introduced name-blind applications. I'm not saying that's the whole answer, but where do you see that type of policy playing into the issues around employment equity?

Ms. Shalini Konanur: I think it's an interesting start and a good approach. I think the recommendations in the previous sessions are really critical, that a lot around employment equity requires a unified approach from the federal and provincial levels. We're just not there.

A strong leadership and a strong voice from the federal government calling on provincial counterparts to implement that employment equity approach is really critical. I do think that the federal government has probably done more by way of employment equity than many of the provinces have. The problem is that most of the people we work with are employed in provincial ventures, and would not be impacted by solely a federal employment equity process. A loud voice has to be used by the federal government to push that agenda forward throughout Canada, I think.

Ms. Julie Dabrusin: Thank you.

Mr. Richard, you've raised a lot of issues, specifically within the criminal justice system. I was looking at the CERD report. Have you had a chance to look at it at all?

Mr. Shawn Richard: No, I haven't, but I would like to speak to the last thing that my friend discussed.

We applaud the efforts the government is making. The idea of a name-blind application process, so people can at least get in the door, is a good start. The fundamental problem, of course, is that at some point people's involvement is going to be very clear, who they are and where they are from. You can't take away all the opportunities for people to exercise discretion. We are not machines. We are people who are going to have to make judgments. At some point, the information we receive is going to influence our decisions. The question we have to grapple with is, how do we make sure that systemic racism or religious discrimination doesn't influence that decision, or at least that it doesn't influence it to the point where we are not happy with the outcome?

The first part is that we have to recognize that we can't just run away from the issue. We can't have a magical solution. We have to do very hard work, and that is, first, acknowledging that we have biases, all of us. That's it. If you're in the room and you're serious about it, you just say, look, we're human beings, all of us. When we look at information, we are going to interpret things in a particular way. Now, that acknowledgement doesn't let us off the hook, but at least it starts a discussion where we can then say, “Okay, fine, we have these particular biases”, and we can look at the data. There is lots of data available. What can we do so that, when we are making that decision—

● (1700)

The Vice-Chair (Hon. Peter Van Loan (York—Simcoe, CPC)): We're going to have to move to the next round, but you can keep going on that. As you said, we've started the discussion.

Mr. Shawn Richard: I'll just finish the sentence. What can we do, when we are making that decision, to minimize the effect, to at least be aware of the decisions we are making and then look at the data, look at the product, and make further changes if necessary?

The Vice-Chair (Hon. Peter Van Loan): Mr. Sweet, go ahead.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you very much, Chair.

I want to thank the witnesses very much for their testimony. I can only say that I regret some of the experiences you've had to live. I hope that our conclusions will assist you and many of your clients to live a life that's much more free from any kind of racism, prejudice, or bias.

We have a committee made up with members from the Liberal Party, the Conservative Party, and the NDP and, full disclosure, we did vote against this motion, for only one reason: there are some broad concerns, even within the Muslim community, around the word “Islamophobia”. We are in full agreement with “anti-Muslim hatred and prejudice”, but because there is even a movement, Muslims Against M-103, we felt there was a voice in that community that we wanted to defend. This is just so you understand where I'm coming from, but I appreciated your testimony.

I come from Hamilton, where after 9/11 we had not only some racists, but some very ignorant racists, who bombed the Hindu Samaj Temple, obviously thinking that it was a mosque, and burned it to the ground. Fortunately, through a lot of community efforts and government assistance, it now stands as a monument against racism. There has been some really good work in Hamilton, not only individual programs but actual institutions for diversity and inclusion. We've had some broader workshops and events throughout the community since 9/11 to continue that, but there is always more work to do.

Mr. Richard, I think your testimony was evidence of that. You mentioned the 1992 study, and I thank you. Chair, I think we should consider taking that study as evidence. You mentioned how much progress we have made, and your words were that it's “unclear”. Do you feel that, at least in the crown, there has been some education? You mentioned quotes from some crown attorneys. Do you think there has been some improvement there?

Mr. Shawn Richard: It's hard to say. What we have, the December 1995 study, is really a comprehensive study with the best evidence available at that time. I know a lot of crowns. As a lawyer, I would like to believe that the sentiments that were expressed, even at that time, were hopefully not representative of crowns generally. I don't think they are, from the crowns I've met, but I have no way of knowing, and that's part of the issue.

Mr. David Sweet: I also want to thank you, Mr. Richard, for your candour with regard to.... We are required as individuals to confront our biases, to try to be more aware of where they are and to make sure that no matter what setting we're in that we're constantly being self-reflective and self-evaluating in eliminating them. I appreciate that part.

Ms. Konanur, is your office in Toronto? Do you have more than one office?

● (1705)

Ms. Shalini Konanur: We do. We serve the province, so we have a head office in Toronto and we have seven satellite offices, most of them spread between Hamilton and Durham. We also work with clients from London, Windsor, and Ottawa.

Mr. David Sweet: So you would be familiar with some of the things I mentioned about Hamilton.

Ms. Shalini Konanur: Absolutely.

Mr. David Sweet: How common is it.... First, when people come into your office...because one of the things...and Mr. Richard alluded to it a bit. My colleague Mr. Reid and I saw it when we had a committee called the Canadian Parliamentary Coalition to Combat Antisemitism, that there is a distinct lack of consistency in reporting throughout institutions and communities across Canada.

I know resources are always stretched, so I don't want this to sound like a judgment or anything, but do you have the capability of tracking some of those reports when people tell you they're uncomfortable going to law enforcement but this is what's happened to them?

Ms. Shalini Konanur: We do. We have a system whereby we can input intakes by issues. As people raise issues, they can be input into the system. My own review was based on pulling information out of our system.

Mr. David Sweet: That's fantastic.

If somebody says they're afraid even to go to law enforcement and report it, that's cause for grave concern.

Have you had any initiatives to try to get dialogue between law enforcement in the different communities you represent, now that I know that it's broader than Toronto?

Ms. Shalini Konanur: We've done a lot of legal education work within our own communities on their relationships with the police. I'll be very frank and say that the communities we work with have not yet been receptive to having that type of conversation. We are still working on a framework of building trust, to be honest, and we're not there yet.

Mr. David Sweet: Not there to even get people in the room to have a friendly dialogue.

Ms. Shalini Konanur: There is still a real fear of engaging with the police. One of the things I didn't mention is that a lot of the people who are reporting are not in status in immigration. We have these categories of very marginalized clients who, for other reasons, will not engage in that system but are facing these issues.

Mr. David Sweet: I was also concerned about your testimony that the representation of Canada at the UN was inconsistent. Was that a government representative giving testimony or NGOs or both?

Ms. Shalini Konanur: It was a government representative.

Mr. David Sweet: Thank you very much.

Chair, I also wanted to mention before my time has totally expired, can we make sure that the Wednesday meeting is televised, please?

The Chair: Yes. It's always public, but if we wanted to ask if they would like to televise, I think that's good.

Thank you.

Now we go to Rachel Blaney for the NDP.

Ms. Rachel Blaney: Thank you both for being here.

One of the things that I've heard clearly from the testimonies before yours and some of the comments that you've made here is that we simply don't have enough data. One of the challenges is that people aren't feeling safe enough to tell their stories.

I'm curious. Could you tell me a little more about how we can collect data? I appreciated what you said about collecting, measuring, and reporting. From this table, how can we support the federal government in looking at this kind of collection of data?

Ms. Shalini Konanur: I would take the position that you do a review of what is going on currently in Ontario. There are probably ways to improve, but the framework that's being created for the collection of data is very comprehensive.

One critical piece involves the idea of disaggregated data. A lot of discussion has gone on around what that means. The truth is that disaggregated data, particularly around such things as race, is specific: somebody identifies as Indian or Jamaican. There is an importance to being able to collect data at that level of specificity, because it allows you then to measure what is actually happening.

We've talked about the experience of racialized people as not being homogeneous. Depending on the way you identify what happens, the impact upon you is very different. As a South Asian woman who identifies as heterosexual, the impact of some of the things going on is different for me from what it would be for my partner, who identifies differently.

I think we should look at the experience in Ontario and the framework that's being created. Organizations such as Colour of Poverty have also created very specific frameworks to collect disaggregated data. It has spent the past number of years training various municipalities and NGOs in the province of Ontario on how to do it.

I would echo what has been said, that we do not need to reinvent the wheel when talking about disaggregated data. Much work has been done already in Canada. We need to make sure, however, that the approach is not just about the collection of the data but also about the way it will be used, the way it will be reported, and what it is measuring.

● (1710)

Mr. Shawn Richard: I will speak to that as well.

The Law Society of Upper Canada recently convocated. They agreed to a bunch of recommendations about the challenges faced by racialized licensees. That project started in 2013. I was one of the people who assisted the law society in getting data.

It's not just people who are marginalized in their communities financially and educationally; it's lawyers. I had black lawyers who said to me that there was no way they were going to participate in this. What we had to do was ask people like me to go in to do the hard work, to identify specifically what the purpose was and how the data would be used.

Part of it involved the individuals who were there and who understood what was going on lending their credibility to the people who were involved to assure that things would be anonymous, because they were terrified. You can imagine that it's such a small community it would be very easy to identify individuals.

Part of it is the involvement with the community. You have to involve them at every stage, I believe.

Ms. Rachel Blaney: One thing I also want to have a bit of a conversation on is the reality that we need a solution to the question of how we address systemic racism. From a federal level, there are some specific places we can go.

Do you have any thoughts about how this government could take some next steps to address what's happening? You talked about police and racial profiling and you talked about carding. For many Canadians, I think systemic racism is invisible. They don't see it. How do we create this conversation in our country and at this level?

Ms. Shalini Konanur: I spoke about a race equity framework. It echoes what is already going on at the federal level with the gender plus framework. One overarching way of looking at this issue is that if you applied a race equity framework to any federal programming, you would be able to start to identify some of the indicators of systemic racism.

I will give you a very simple example. In income security, the federal government provides such things as old age security. If you applied a racial equity framework to the old age security program, you would probably find that the people least able to access that program are from racialized communities.

That is one way in which you can start to break down every systemic piece of work that the federal government does.

We've talked already about federal employment equity, which I really think is a critical piece that we need to speak loudly on. I'm going to leave it to Shawn to talk maybe about corrections.

There are priorities, however. Ontario said. “We cannot tackle every issue. We have to choose priorities and create strategies for those priorities.” I think it's critical for this committee to make a decision on what the priorities are.

As a lawyer, I would say the justice system is a critical priority. The housing system, on which work is already happening, is a critical priority. I would also say that creating a race equity lens will in and of itself be an incredible starting point for looking at every system.

The Chair: Mr. Richard, you have less than one minute.

Mr. Shawn Richard: Very briefly, the first thing to do is to keep your own house in order. Make sure that your employees are benefiting from one, data, and two, support, to ensure they are not the victims of systemic racism. With corrections, there are recommendations in this report that everybody should look at.

● (1715)

The Chair: Mrs. Celina Caesar-Chavannes.

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): How much time do I have, Madam Chair?

The Chair: You have seven minutes for the question and answer.

Mrs. Celina Caesar-Chavannes: I want to first thank you both for coming and for your testimony. Thank you for your service to our communities. I'm going to ask very brief questions. I have about four of them here.

What has the neglect of the implementation of the recommendations from the commission report had on communities, in your opinion, Mr. Richard? I'm wondering about the short-term and long-term impacts on our communities. I know that's a very big question, but can you respond in one minute?

Mr. Shawn Richard: It's hard to know for certain. Causation is very difficult. Had all the recommendations—and some of them have been implemented—been implemented, would we, for example, have this biggest issue, which is the explosion of black people in prison, both provincially and federally?

If you look at the report, there's an explosion from 1986 to 1994. Since then, we've had an even greater explosion, and that is a real problem. If you look at the actual offences, in prison, where you have segregation, which is a serious issue, and you look at the types of offences for which black prisoners are penalized the most, they're overrepresented in areas where there is discretion. In areas where there's a lack of discretion, for example, theft, they are under-represented.

Mrs. Celina Caesar-Chavannes: Some of the recommendations have not been implemented, and that report looks well-used, so somebody must have been looking at that report.

How do we work to ensure accountability with anything we go forward with? How do we ensure that we have some teeth behind whatever we put pen to paper on?

Mr. Shawn Richard: I think it's like anything else. If you have a set of recommendations, you set a timeline to them. You know, my own file as a lawyer, if I have a to-do list, I have deadlines by which things need to be done. I'm instantly accountable. If they're not done by that particular time, the question is why. What do we have to do to change things? What are the reasons that they weren't implemented?

It's fine to have a set of recommendations, and they're important. I don't want to undervalue the importance of getting recommendations, but if you want teeth, if you want accountability, then make sure there's a timeline attached too, so that people can say, “You know, that recommendation, it was supposed to be done by now.”

The Law Society has done that with its report. It has given itself very clear timelines, and all organizations have been holding it accountable. It's held itself accountable, because it knows it has to get this done by then.

Mrs. Celina Caesar-Chavannes: I'll pose the same question to you, Ms. Konanur.

Ms. Shalini Konanur: I would agree with everything you said. A strategy that just sets out recommendations is probably going to sit on the bench like the CAPAR did. The reality is that recommendations have to be set. Targets or measures have to be set, and timelines have to be set.

As those timelines come, those measures must be taken. If those targets aren't reached, there has to be accountability and reporting on why that didn't happen. Any kind of strategy we'd propose, a national action strategy, would have to be grounded in those types of targets. That's how we work. I have targets at my own workplace. I am accountable to my board, and it will ask me if targets are not met by a certain date. Those targets have measures, so that is very clear.

Mrs. Celina Caesar-Chavannes: I want you, Ms. Konanur, to emphasize the role that going beyond gender-based analysis has on anything we do going forward. I always say that being a woman is only half of my issue; clearly, the other part is my race. I know you have given some examples. Please, emphasize the importance of that a little bit more.

Ms. Shalini Konanur: I think this committee has probably heard the term intersectionality over and over, so I think sometimes when I sit in rooms and say intersectionality people are like, "Okay, intersectionality." The truth is that, when you work with clients, you see that they identify as so many different things and so many intersections of identity. You cannot have a strategy that will work for a person who doesn't recognize that. If you create a solution that is only based on a gendered framework, you are not recognizing that people of a particular gender are not the same. They identify differently and they're treated differently in society. I gave myself as an example. Why I think a race equity framework is so critical is that 25% of us are racialized and that number is growing. There is no reason why we would not have that front and centre with other intersections, like gender. If you don't have that type of framework, you will not have the success that you're hoping to have and the intention is to have that success. We are all intending for things to improve for people. You cannot do it if you are ignoring a specific part of a person's identity.

● (1720)

The Chair: You have one and a half minutes.

Mrs. Celina Caesar-Chavannes: The last question goes to Mr. Richard and it could be as simple as yes or no for the answer.

Ms. Konanur spoke about priorities. Do you think that it would be appropriate to frame the priorities of this group, especially when we're talking about anti-black racism, within the context of the UN International Decade for People of African Descent, looking at recognition, justice, and development?

Mr. Shawn Richard: Yes or no to a lawyer.

The Chair: That's as bad as a politician.

Mr. Shawn Richard: Possibly. We were on Parliament Hill in February seeking recognition of International Decade for People of African Descent and member Fergus was kind enough to try and put that forward as a private member's bill. Canada has yet to recognize that decade and that decade is passing. That's a problem.

The Chair: Thank you very much. That was quick for a lawyer.

We're going to go to a second round and it's a three minute round. We will begin with Scott Reid for the Conservatives.

Mr. Scott Reid: Of course, for a politician the answer to a question like that is always yes and no.

Mr. Richard, if I could start with you, the year of the commission was 1994. You mentioned there was a 2007 update. The commission is easy for us to find, but the update might not be, since it sounds like it was done by an academic. Could you submit a copy of that to the clerk or advise the clerk where to get it?

Mr. Shawn Richard: I can advise the clerk where to get it. The report is from December 1995. The academic is Professor Scot Wortley, who is a criminologist at the University of Toronto.

Mr. Scott Reid: Are there any further updates on the report since then?

Mr. Shawn Richard: No. Just to be clear, because this is enormous and it must have cost a lot of money to produce, Professor Wortley actually only looked at one issue and that was perceptions of bias among Toronto police. This report deals with everything, including people's perceptions and actually, teachers' perceptions in schools. It is a broad report and a meaty one.

Mr. Scott Reid: On the subject of getting statistics, you mentioned an incarceration explosion from the 1980s to the 1990s and then a further explosion now. Do you actually mean that just as a continual secular trend in the direction of more blacks being incarcerated? I'm just going to put this all together because I won't have time for you to come back and give me multiple answers to multiple questions. I assume this is in the environment of overall incarceration rates actually starting to go down. If we look at blacks within the overall prison population, I assume the percentage is going up more than the black population of the percentage of the overall population is. Is that a distinct phenomenon from overall incarceration rates within Canadian society?

Mr. Shawn Richard: Yes. The number of black people in prison both provincially and federally is increasing at a rate that does not track with our representation in the population. I think between 1986 and 1994, the numbers were somewhere around 300%. It's in the report, so don't quote me on that. Since then it has tracked on similar lines, but I think actually it might even be higher.

Mr. Scott Reid: Okay, one last thing—I have 30 seconds here.

Blacks are distributed across the country in certain areas and incarcerations and charges being laid against individuals also occur across the country. Is there a geographic distinction between some jurisdictions and others within Canada as to these issues?

Mr. Shawn Richard: The answer to that is, I don't know, in part because the comprehensive study that was done was done in Toronto where most black people are.

● (1725)

Mr. Scott Reid: Thank you.

The Chair: It's very different on the west coast and in the Prairies. It's not blacks. It's indigenous people.

Mr. Vandal, for three minutes.

Mr. Dan Vandal: Thank you very much to all of you for your presentations.

On the same theme, could you say a bit more about a term you brought up, “differential enforcement”? Tell me more about that.

Mr. Shawn Richard: Differential enforcement is a fancy way for saying if you are.... I think of a commission that came out with its final conclusion that if you're black, you're going to be treated more harshly than if you are white, and that's at all levels. In the decision to arrest, police had a lot of discretion to exercise. One of the statistics that they used was about drug charges. The ratio was about 3:1.

Mr. Dan Vandal: If you are caught with drugs, you're more likely to be arrested if you're a black person—

Mr. Shawn Richard: —if you are black than if you're white.

It's the police officers' decision to exercise that discretion they have. It continues along the system, and remand is the one that catches the most headlines because you have people who have been in prison and at the end of the day, they go through trial and they're found not guilty. Here's a person who's been out of the system, likely for years.... It's not just remand. It's loss of employment. It's being away from your family, your children; you don't see them for a few years. You are completely dislocated from your life. That's an incredible set of facts that can't be captured by statistics, and there is a difference between whites and blacks; at least that's what is found in this report.

Mr. Dan Vandal: Talk a little bit more, and I think you've probably already started to, on unjustifiable decisions, which you referenced earlier; same thing.

Mr. Shawn Richard: Can you give me a little more meat, because I'm a lawyer and I have to be careful.

Mr. Dan Vandal: You mentioned two terms in your presentation. One was differential enforcement, which you spoke about, and the other one was distinct and unjustifiable decisions by the courts.

Mr. Shawn Richard: Let me be very careful and stay with the study, because I have an obligation to the administration of justice and to make sure it's never held in disrepute.

The findings of the commission were that if you looked at the factors that determined whether or not someone would be held in remand, and you just looked at white and black and considered those factors, you could not explain it, based on the relevant factors that were supposed to play a role in making a decision as to whether or not someone should remain in prison until their trial.

I hope that gives you some further....

The Chair: Thank you.

Scott, are you doing this or is David doing this? Okay, you have two minutes.

Mr. Scott Reid: Thank you.

I want to turn now to the issue of carding, which I guess is known by a number of different names in different areas of the country. Is it essentially practised by all police forces, or are some of them forcefully using carding?

Mr. Shawn Richard: I don't know if it's practised by all police forces. Certainly, Toronto had a live and well program of carding and, of course, Peel has one. On Ottawa, there was a report as well. It's something that appears to be quite broad across the country, but I don't have the statistics for you.

Mr. Scott Reid: I've never experienced this myself, so describe to me what exactly happens when you're carded.

Mr. Shawn Richard: It could be that you're walking down the street minding your own business. Police drive by. They stop you and ask you who you are, where you're going, what you're doing, why you're doing it. They want your ID and they're taking notes the whole time. They call it “208” in Toronto and the cards get filed away somewhere in a database that they had this interaction with you.

The part that I emphasize is it's not because they're investigating a crime, not because you're a person of interest; it's because you are living your life freely and here comes a police officer, who has all of the accessories that we know they have, who stands a particular way, who is armed, and then the question is, “Are you not going to answer these questions?” Then the question becomes, “Why aren't you answering my questions? Do you have something to hide?”

● (1730)

Mr. Scott Reid: Just to be clear here then, in theory you have the ability to say, in response to every question, “Am I legally obliged to answer that?”, but in practice there would be many people who would not feel confident doing that.

Mr. Shawn Richard: We had a session for the public about knowing your rights. We give them all of the law, and then at the end of the day—because we're dealing with a bunch of teenagers—we say to them, “Look, if a police officer asks you certain questions, you gotta be very careful. There's a difference between your legal rights and practically what's going to get you out of a situation where you don't really want to end up on the bad side of circumstances.”

Mr. Scott Reid: Right. Okay.

Because we only have about 30 seconds left, I'll just ask this: if all cops were equipped with body cams and all interactions were collected and saved somewhere, would that to some degree mediate the kinds of problems that are created in these interactions that occur when carding takes place?

Mr. Shawn Richard: I don't believe so, for two reasons. One, there are all sorts of police officers with body cameras. In fact, when we see incidents that we're all very concerned about, often it's because a body camera captures it. Two, it's important to understand the depth of systemic racism.

Again, I don't want to say that all police officers are bad. A lot of the decisions that get made are.... It's just part of the system. We don't even understand or acknowledge the biases that we have. You could put a body camera on someone, but if you haven't actually addressed the systemic cause, all you're going to do is record the interaction. That may be good afterwards for someone like me who has to deal with it, but it's not actually very practical for the person who has to go through the experience.

Mr. Scott Reid: All right. Thank you.

The Chair: Thank you.

We will move to Arif Virani, for three minutes, and then Rachel.

Mr. Arif Virani: I want to thank both of the witnesses. Your testimony has been very honest and compelling, and thank you for sharing it with us. It's also a bit of a personal note of pride to have Shalini here from SALCO. It's a clinic that I helped get on its feet, and I was a board member. It's great to see the work you're doing. I didn't know there were seven offices around the province now.

Shalini, at one point you talked about how, when you first started out, it was important to understand the needs of the community by getting out into the community. Can you talk about something Ms. Go mentioned in the last round, which is that there was a time when there was funding available for actually doing those types of needs assessments or community empowerment? Is that something you think—

The Chair: Capacity building.

Mr. Arif Virani: Capacity building. Is that something you think would be fruitful?

Ms. Shalini Konanur: It would be fundamentally fruitful. Currently the funding structure at Canadian Heritage allows for programs where communities reach out to other communities, if I'm getting it right. The reality is we're not there at the point where communities are okay within themselves to start reaching out and building bridges with other communities. There are so many communities that still require capacity building, and that type of multicultural funding—as Ms. Go said, the type of funding that the Colour of Poverty campaign received—led to some really critical work on those issues. The loss of that funding has had real impact on the ability of those communities to have some of the difficult conversations we've talked about here.

Mr. Arif Virani: I'd like to ask both of you in my remaining time, you've talked a bit about that Ontario example, specifically with the anti-racism directorate, and I think you identified four groups. It's the same four areas of study that we're looking at—anti-Semitism, anti-black racism, indigenous discrimination, and Islamophobia—but then you also said there's a program component. What are the programs? You mentioned in passing justice, or corrections, and housing. Have those been teased out? Also, could you explain a bit about that expert committee that's advising Minister Coteau in Ontario? What role does that committee play?

Ms. Shalini Konanur: The pillars have been teased out. I would direct you to look directly at the strategies so you can see what the targeted measures and priorities are within each pillar. The advisory committees have been critical, one, in that there's one overarching advisory, but more importantly because for each pillar the recommendation from those committees was that you not speak to us; you should actually be creating community-based advisories for each pillar, and this larger group shouldn't be the one advising you. The province has accepted that and really gone into seeking, for each of those pillars, specific community engagement. That engagement should go beyond advisory committees, to be frank. They should be engaging the community in as many ways as they can.

● (1735)

The Chair: Thank you, Ms. Konanur.

We're moving on now to the last person, Rachel Blaney, for three minutes, or less, if you choose.

Ms. Rachel Blaney: Thank you.

I just want to get one clarification around carding. If somebody is stopped repeatedly and documentation is taken and it is going somewhere, how does that impact them in future endeavours?

Mr. Shawn Richard: That's a good question.

Right now, the Ontario government has brought about some regulations about what to do with that information, how long it can be held, what happens to it eventually. But police officers have used carding to legitimately, for example, eliminate alibis. People say I wasn't here at this particular time, but you have a card, a date—great. So it has been used. There's no question about that.

Ms. Rachel Blaney: Does it impact their criminal record checks if they're applying for a job?

Mr. Shawn Richard: I don't know the answer to that question.

Ms. Rachel Blaney: Okay, thank you.

The last thing that I want to talk about quickly is the narrative to counter the current rise in normalization of hateful rhetoric, and this is going to have a long-term impact. From this perspective, in this committee, what does the federal government need to do to deal with that? I think about Barcelona. When they were getting a lot of immigrants, they did an anti-rumour program where they actually dispelled a lot of the thoughts that were happening in their region.

What could the federal government do around this issue?

Ms. Shalini Konanur: Around the issue of the narrative of xenophobia?

Ms. Rachel Blaney: Yes, and Islamophobia and all of these issues that are growing.

Ms. Shalini Konanur: I think education does play a role in that, and a large portion of the old action plan around racism focused on education, so there's a piece there. Naming and taking a stand is critical. For us, naming things such as Islamophobia and anti-black racism and issues in the indigenous community, which we have been doing more of, is a critical piece, as well as not shying away from naming what people perceive as being somewhat difficult things to talk about, because the reality is that those things are happening to people. That plays a role in it. Education plays a role in it. But really, the teeth of it comes from the fact that this committee will consider that we have to start addressing systemic racism.

A lot of what we often talk about is individual racism—reporting hate crimes, individual...you know, somebody saying something to me in a coffee shop. The reality is that the bigger impact is from the systemic piece, the systemic racism that's happening that we don't name and we don't talk about.

Ms. Rachel Blaney: Thank you.

The Chair: Thank you very much to the witnesses. I want to thank you for defining clearly the idea that it isn't about hate crimes. Hate crimes are clearly identified in the Criminal Code. It is about the daily ability for somebody to participate fully in the economic, social, political, and cultural life of the country. Those are the words of the multiculturalism act, and that is very clearly what multiculturalism is supposed to do, make sure that people are able to participate in the economic, social, political, and cultural. It's all of those little things that tend to keep people out and not get jobs, etc., that are at the heart of systemic racism.

Thank you so much.

I will entertain a motion to adjourn.

Mr. Vandal, you are taking over from Peter Van Loan. Thank you.