



Black Legal Action Centre

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THIS ENDS NOW.

STATEMENT AND DEMANDS BY THE BLACK LEGAL ACTION CENTRE ON POLICING AND ANTI-BLACK RACISM June 25, 2020

Over the past weeks, Canadians have witnessed what members of the Black community have experienced for generations: the horrific mistreatment of Black people by the police. Our communities have long been hyper-surveilled and over policed; our minds and bodies have long been subjected to inhumanity, cruelty, violence and even death. Our experiences of violence have been ignored and negated by the unwillingness of many to hear and believe our voices, and an unwillingness to take action or ensure accountability.

We have also witnessed the emergence of a political movement – across the globe – that includes not only our communities, but those who saw in the murder of George Floyd, the injustice and cruelty that is the result of anti-Black racism. We are inspired by the scale and momentum of this movement as it continues to unfold. We do believe that this moment is long overdue. It is our collective responsibility to ensure there is real and lasting change to the structures that have permitted and perpetuated white supremacy, anti-Black racism and violence.

We mourn the deaths of Breonna Taylor, Ahmaud Arbery, George Floyd and Tony McDade, whose deaths have risen to public consciousness. We also mourn the countless other known and unknown victims of anti-Black racism, white supremacy and police brutality in the United States.

However, Canadians have for too long, pointed a critical finger at the United States, in order to evade the reality of very real and prolonged violence and brutality that has been and continues to be inflicted on Black and Indigenous people across *this* country and in *our* province.

We mourn the death of Jamal Francique, who was killed by a member of the Peel Regional Police on January 7, 2020. We mourn the death of D’Andre Campbell, who was killed by a member of Peel Regional Police on April 6, 2020 after calling for assistance. We mourn the death of and Caleb Tubila-Njoko who died in the presence of members of the London Police Service on May 8, 2020 after his mother called the police for help. We also mourn the death of

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Regis Korchiniski-Paquet, an Afro-Indigenous woman who died in the presence of members of the Toronto Police Service on May 27, 2020, after her mother called police for assistance.

We also remember the countless Black Ontarians who have been seriously injured or killed by the police in Ontario, including: Andrew “Buddy” Evans (1978), Albert Johnson (1979), Michael Sargeant (1979), Leander Savoury (1985), Lester Donaldson (1988), Sophia Cook (1989), Marlon Neil (1990), Jonathan Howell (1991), Royan Bagnaut (1991), Raymond Lawrence (1992), Ian Coley (1993), Albert Moses (1994), Tommy Anthony Barnett (1996), Andrew Bramwell (1996), Audrey Smith (1996), Henry Musaka (1999), Chevraana Abdi (2003), Stacy Bonds (2008), Sharon Abbott (2009), Alexander Manon (2010), Reyal Jensen Jardine-Douglas (2010), Eric Osawe (2010), Michael Eligon (2012), Frank Anthony Berry (2012), Daniel Clause (2014), Andrew Loku (2015), Kwasi Skene-Peters (2015), Alexander Wetlaufer (2016), Dafonte Miller (2016), Abdirahman Abdi (2016), Andrew Henry (2017), and Chantelle Krupka (2020).

We mourn the unseen maltreatment and death that is the result of the containment and carcerality of Black people as migrant workers, in group homes, in forensic hospitals, in immigration detention centres and in prisons.

We are enraged by the damage inflicted on Black children in the education system who are underestimated, undervalued, streamlined into remedial programs and overdisciplined, often resulting in police engagement.

We are enraged by the child welfare system that is characterized by hyper surveillance, forced interactions with the justice system and criminalization.

We are enraged by the fact that Black people, in seeking health and mental health services, are faced with the most intrusive and violent mental health interventions that are the result of a broader system of surveillance and policing of our community.

We are enraged by the over-policing of our communities and people; by the disproportionate rates of detention, arrest and charges; by the overincarceration of Black people in Canada and throughout the world; and that these mechanisms of control and discrimination result in higher rates of unemployment and poverty.

These interactions with structures of authority that are tragically mundane in the lives of Black people, but are now shocking the world, must stop. Today. The ongoing discrimination and violence against Black communities reflects a massive failure of government – at all levels – to meet its obligations to protect and promote human dignity, equity and non-discrimination.

This failure is highlighted by the fact that Black people in Canada are being ravaged by a global pandemic that is compounding the inequities that are the result of the harm that is outlined above.

We are in the midst of the International Decade for People of African Descent, a framework that urges states to eradicate the social injustices that are the legacy of slavery and colonialism, and to which people of African descent are still subjected.¹ The international community has long called for significant changes to improve the living conditions of Black people around the world. Canada has been the focus of *specific* criticism and calls for reform by international agencies.

As recently as 2017, a group of United Nations experts concluded that Canada's history of enslavement and segregation of African Canadians, and the resultant anti-Black racism, continue to have a negative impact on the human rights of Black Canadians. The experts observed that structural racism lies at the core of many Canadian institutions. In the same year, the Committee for the Elimination of Racial Discrimination issued Concluding Observations on Canada's record on eliminating racism, including its failure to:

- Systematically collect disaggregated data based on race and social and economic indicators that would allow it to rectify inequity;
- Implement a National Action Plan against racism that is applicable to federal, provincial and territorial levels of government;
- Implement an anti-racism legal framework for all levels of government;
- Systematically coordinate and track racist hate crimes across all provinces and territories; and
- Work toward the elimination of disproportionately high rates of incarceration of Indigenous peoples and persons belonging to minority groups, in particular African-Canadians, due to reasons such as socioeconomic disparity.²

The work of unravelling systemic anti-Black racism and white supremacy is a war that must be waged on multiple fronts. It necessitates an immediate change to the status quo across policing, criminal justice, education, housing and health. We must stop criminalizing poverty, and shift away from dehumanizing those most vulnerable, to centering those most in need.

¹ In December 2014, the UN General Assembly, in its Resolution 68/237, proclaimed the International Decade for People of African Descent (2015-2024) It is an operational framework to encourage States to eradicate social injustices inherited from history and to fight against racism, prejudice and racial discrimination to which people of African descent are still subjected.

² Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada*, CERD/C/CAN/CO/21-23 (13 September 2017).

- Imagine if the professionals who respond to crises in our communities were mental health service providers, gender-based violence advocates and social workers? What would the outcome have been if a mental health service provider trained in de-escalation had responded to the call from Regis Korchiniski-Paquet's mother, rather than six police officers with badges and guns?
- Imagine if prisons and correctional facilities were not used to cage people living with mental health issues, addictions and those living in poverty?
- Imagine if instead of governments slashing funding to public health, harm reduction services, access to justice, housing, food security, and the education system, these sectors and programs were properly funded?

In furtherance of the global call to end violence perpetrated against Black people and in furtherance of our mandate – to combat anti-Black racism – we make the following demands to the Government of Ontario:

- A clear and public commitment to zero deaths by police services across the province;
- An immediate reallocation of resources away from police budgets across the province into public health, housing, transit, children's services, mental health resources, schools, employment, community centres and other social services budgets;
- Complete transparency of police budgets across the province;
- A reallocation of resources, funding and responsibility away from police and toward community-based models of safety, support, and prevention to ensure that those who are best equipped to deal with the majority of calls for assistance will not show up to people's homes and neighbourhoods with uniforms, guns and tasers;
- The end of policing of public transportation across the province;
- The removal of police and school resource officers from all educational institutions across the province;
- The complete elimination of carding/street checks and the destruction of historic carding data;
- The overhaul of police oversight by the immediate implementation of the *Report of the Independent Police Oversight Review (2017)* and the repealing of the *Comprehensive Ontario Police Services Act, 2019*;
- The adoption of the 11 Race Equity Practices outlined in the *One Vision One Voice Practice Framework* across all Children's Aid Societies across the province;
- The immediate elimination of racial disparities in school suspensions and expulsions and the enactment of de-streaming pilot projects across the province; and
- The inclusion of the Black community in section 6 of Schedule 16 of the *Legal Aid Services Act, 2019*.



We adopt the recommendations of International expert bodies, including the National Working Group on Peoples of African Descent and the Committee on the Elimination of Racial Discrimination and specifically call on the Government of Canada to:

- Legally recognize African Canadians as a distinct group who have made and continue to make profound economic, political, social, cultural and spiritual contributions to Canadian society;
- Ensure the domestic implementation of international human rights conventions at all levels of government;
- Apologize and pay reparations to African Canadians for their enslavement and the historical injustices that contribute to contemporary poverty and inequity;
- Develop a nation-wide mandatory policy on the collection of data disaggregated by race, colour, ethnic background, national origin and other identities be implemented to determine if and where racial disparities exist for African Canadians so as to address them accordingly;
- Adopt a human-rights based national housing strategy; and
- Develop and implement a national corrections strategy to address and *correct* the disproportionately high rates of African Canadians in the correctional system and ensure anti-discriminatory and culturally specific services for African Canadian offenders.

We recognize that we at BLAC are building upon the blood, sweat, tears, labour, struggles and brilliance of many people and organizations that preceded us. We also recognize the many brave and brilliant people and organizations who continue the struggle for equity. BLAC is committed to continuing this fight, and we are energized and grateful for the support we have received during this time.

We must all seize this moment, and be relentless in our resolve to deliver nothing less than radical transformation and lasting change for generations to come. BLAC stands with its allies in Canada and around the world who are saying loud and clear: THIS ENDS NOW.