

Action Canada
for Sexual Health & Rights



Action Canada
pour la santé & les droits sexuels

Submission to the Office of the United Nations High Commissioner for Human Rights' Report on Racism and Police Violence

Prepared by: Action Canada for Sexual Health and Rights

December 7, 2020

Introduction

Action Canada for Sexual Health and Rights is a national organization committed to advancing and upholding sexual and reproductive health and rights (SRHR) in Canada and globally. Action Canada works to increase access to SRHR information and services, inform governmental and non-governmental actors for the advancement of sexual and reproductive rights, and support movements to advance a broad and intersectional SRHR agenda.

Action Canada's work is guided by the concept of reproductive justice based in human rights, universality, and inclusivity. We are grateful for and celebrate the leadership and revolutionary visions of Black, Indigenous, and racialized women, trans, and non-binary people who have created the theory and framework that continues to inform, challenge, and guide us. Following in the footsteps of reproductive justice advocates, we recognize that racialized systems of oppression cannot be separated from sexualized and gendered systems of oppression nor from neoliberal economic systems.

We welcomed the [original resolution](#) on racism and police violence as an important but incomplete step as the Human Rights Council begins to address this critical issue. In the next phase of this work, especially through the OHCHR report, the Council must apply a reproductive justice analysis in order to address this issue in all its complexity, including understanding the importance of the right to parent in safety, the impact on trans and cis-gender women, the connections with other systems of state power, and the danger of over-criminalization.

Reproductive Justice Framework

The SisterSong Women of Color Reproductive Justice Collective, one of the preeminent reproductive justice organizations in the world, [defines reproductive justice](#) as “the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities.” This means having access to health care, affordable housing, healthy food, education, and social services as human rights. All people have the right to live free from violence, discrimination, and coercion in all aspects of their life.

One of the paradigm shifting tenets of reproductive justice is the focus on the **right to parent in safety** — not just the absence of reproductive control. Police violence, along with intersecting oppressions, such as environmental injustice, is a reproductive justice issue for several reasons. First, and at the most basic level, the extrajudicial executions at the hands of police violate our rights to parent children in safety.

Black parents must anticipate and manage their children's experiences with racism, preparing them for potentially violent interactions with police, [including in their schools](#), through what has become known simply as “[the talk](#).” In Montreal for example, Black and Indigenous people are [4 to 5 times more likely](#) than White people to be stopped by the police, while in Ontario Black people are [20 times more likely](#) to be involved in a fatal police shooting than White people. Racialized systems of oppression mean that [Black parenthood](#) is marked by the fear of racial threats to one's children; this having widespread but understudied [psycho-social effects](#).

Similarly, oppressive patterns are reflected across Canadian institutions. During its sixty-first session, the Committee on the Rights of the Child [outlined](#) their concerns that Indigenous and Black children are “greatly over-represented” in Canada's child welfare system and “often lose their connections to their families, community, and culture.” This has yet to be rectified; in 2018, the Ontario Human Rights Commission [found](#) that such racial disproportionality is often extreme and is largely driven by “inter-generational effects of colonialism, slavery, and racism in society.”

The **over-investment in policing** also prevents children from being raised in safe and sustainable communities because it deprives critical social services of the necessary funding. This politics of scarcity in which social services are pitted against one another while police and military budgets grow prevents States from fulfilling their human rights obligations, especially with regard to social and economic rights. In Canada for example, taxpayers spend over [\\$41 million per day](#) collectively on police services across the country while other services lag behind. In Ontario, Canada's most populous province, the [police budget grew 34%](#) between 2009 and 2018 while the budget for social and family services grew by only 24% and the budget for social housing decreased by 8%. We must move away from funding police and prisons, as they only respond to the consequences of poorly funded social programs. Moreover, in the absence of these critical social services, such as mental health care, States use



the police to fill the gaps leading to disastrous and even [deadly consequences](#), as in the cases of [Chantel Moore](#), [Regis Korchinski-Paquet](#), [D'Andre Campbell](#), [Ejaz Ahmed Choudry](#), [Sheffield Matthews](#), and [Barry Shantz](#).

The redirection of police funding into social programming, including housing, mental health, and food security programs, would guarantee safer, healthier, and more just communities. This would also leave States with the necessary structures and resources to fulfill their human rights obligations using the maximum available resources. Quite simply, there are enough resources to centre people's wellbeing and humanity when we divest from police, from war, and from white supremacy.

A reproductive justice framework also draws attention to the [neglected violence and abuse](#) that **trans and cis-gender women** experience at the hands of police and other law enforcement bodies. Not only do police kill Black trans and cis-gender women, they also target them for specific types of harassment, mistreatment, and abuse. For example, five police officers in Ottawa, Ontario unlawfully arrested Stacy Bonds, a Black woman, when she was walking home early in the morning and forced her to endure "[hours of gratuitous violence and humiliation](#)." [One of the police officers was charged with sexual assault but was later acquitted](#). Systemic racism is deeply entrenched in law enforcement but its eradication cannot happen without the accountability that race data collection could potentially provide. However, Canadian police forces do not collect race-based data—[Ontario is the only province to mandate race data collection when force is used on a person, and only as of last year](#).

In 2015, the Committee on the Elimination of Discrimination against Women (CEDAW) [found that](#) Canada had committed a "[grave violation](#)" in its failure to address the murder and disappearance of Indigenous women. Additionally, Indigenous women "were reluctant to report acts of violence to the police, mainly because of police behaviour and bias," profiling, and over-policing. These vulnerabilities, shared among racialized people and those with precarious [immigration status](#), exist against a backdrop of colonial patterns of violence and State inaction.

These and other forms of violence are amplified for trans women, who are disproportionately stigmatized and targeted. In addition to killings of trans women by police, they also face widespread harassment, mistreatment, and abuse. These abuses are vast and enduring, and include their [misgendering in police reports](#) and the [incarceration](#) of trans women in men's prisons. Responding to the death of Coco, a Black trans woman who recently died while in custody of the Toronto police and was subsequently misgendered, several [organizations came together](#) to demand answers and an end to the over-policing of their communities.

In addition to the everyday racism and sexism that marginalize Black women in all their diversity, people that engage in **stigmatized or criminalized activities**, such as people who use drugs or sex workers, are additionally targeted by police and vulnerable to harassment, intimidation, and violence.. This is evident in historical policing, such as the 1980s [bathhouse raids](#), and continues in the form of harassment and policing of gender and sexually diverse people and the criminalization of people living with HIV, sex workers, and people who use drugs. These processes sustain marginalization, increase people's risk to police violence, and are intimately connected to racism.

Systemic racism and police violence also negatively impact health outcomes at the deepest level, including **sexual and reproductive health** directly. Fear and experiences of police violence, criminalization, over surveillance, and incarceration put tremendous stress on Black, Indigenous, and other racialized individuals and communities. Moreover, [studies are beginning to document](#) that chronic stress caused by daily racial microaggressions leads to various health vulnerabilities and increases susceptibility to infection, triggers early onset of chronic diseases, in particular, hypertension and diabetes, and accelerates aging. Stress has been linked to pregnancy complications, preterm birth, and maternal and infant mortality and morbidity. However, since Canada does not collect race-based health data, the precise disparities are unknown though [independent studies of premature births](#) have found significant disparities between Black women and White women. In addition, tear gas, which the UN classifies as a [chemical weapon](#), is commonly used by police during demonstrations and has been [linked to miscarriages](#) in Chile, Bahrain, and Palestine.

It is clear that over-policing, surveillance, police abuse, violence and murders, criminalization, and incarceration are constant stressors in the lives of Black, Indigenous and racialized people and communities. The trauma from those forms of violence is intergenerational and community-wide.



Systemic Racism and the State

In addition to employing a reproductive justice framework, it is important not to separate policing from other systems of State power. Canada is a country built on colonial violence and white supremacy, and anti-Black racism cannot be separated from the **racism against Indigenous people and other racialized groups**. Surveillance and the collaboration between police and other institutions such as schools, child services, hospitals, and immigration services lead to racist practices like the school-to-prison pipeline, birth alerts, forced sterilization, and deportation, severely impacting people and communities' access to health care, education, safety, and wellbeing, and often leading to human rights violations.

For example, the links between police, **immigration**, and systemic racism are deep, many, and global. The recent reports of [forced hysterectomies](#) of women in immigrant detention in Georgia, USA, and [forced sterilization](#) of Uighur Muslim women in internment camps were just the most recent in a long history of reproductive injustice carried out by the State. Canada, too, has a [long history of reproductive oppression](#) aimed at subjugating Black and Brown people, Indigenous people, (im)migrants and refugees, and people who are incarcerated, living with disabilities, and living in poverty. Society built on white supremacy has used forced and coerced sterilization against communities it has deemed unwanted, unvaluable, or in need of control.

Anti-Blackness and racism impact health outcomes and shape the experiences of racialized people as they seek out **health care** within systems and institutions built on a legacy of white supremacy. As a result of regular experiences of racism, [anti-Blackness, and bias within health systems](#), some people may delay seeking care until an emergency — a human rights violation with particularly deadly consequences in the context of a pandemic. For example, the recent death of [Joyce Echaquan](#), an Atikamekw woman in Quebec, was a stark demonstration of the systemic racism present in health systems as health care staff audibly degraded Joyce as she lay dying.

Finally, key to reducing police violence and police power is reducing the **criminalization** of people and behaviours such as homelessness, personal drug use, and sex work. Criminalization is one of the harshest tools within a State's power and makes the people engaging in criminalized behaviours vulnerable to abuse, intimidation, and harassment by police officers. In addition, State responses to legitimate protests, further entrench police power and legitimize continued cycles of violence. Criminal law has been built and enforced to sustain systemic forms of oppression — especially anti-Black racism — that have shaped our societies. Ending police violence will require a reimagining and dismantling of carceral politics in favor of new forms of justice. Black, Indigenous, and other racialized groups are at the forefront of this reimagining.

Conclusion

Ending white supremacy and eliminating anti-Black racism will require seismic shifts in the exercise and distribution of power within and among people and especially between people and the State. We must reinvest in our communities with a model of abundance instead of scarcity, directing resources toward programs proven to enhance community safety that are led by Black, Indigenous and racialized people.

We must ensure that movements for all forms of justice, that are led by those most-affected, are protected, nurtured, and resourced.

As a group of [reproductive justice leaders](#) in the US recently explained: “Driving out anti-Blackness and white supremacy is a long road that requires both courageous policies and large scale cultural shift, that goes beyond addressing police violence, but rather calls us to redesign and examine our social fabric.”

