



ANSDPAD

AFRICAN NOVA SCOTIAN DECADE FOR
PEOPLE OF AFRICAN DESCENT COALITION

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December 1, 2020

Human Rights Council
Resolution 43/1
Office of the High Commissioner for Human Rights
United Nations
Palais des Nations
1211 Geneva 10, Switzerland

Re: Call for Input – Dated 1 October 2020

Dear Council Members,

We, the African Nova Scotian Decade for People of African Descent Coalition (ANSDPAD or Coalition) are writing in response to the October 1 call for input on the **“Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent against excessive use of force and other human rights violations by law enforcement officers”**. We greatly appreciate the opportunity to bring to your attention the current race-based human rights violations, systemic racism, police brutality and violence against peaceful protesters in Nova Scotia, Canada during the 47th session of the United Nations Human Rights Council.

The ANSDPAD Coalition is a group of individuals and organizations that serve African Nova Scotian (ANS) people, communities, interests and needs. The group’s members recognize that the International Decade for People of African Descent (2015-2024) presents a unique opportunity to build provincial, national and international momentum for change that will benefit people of African descent in Nova Scotia (NS) and beyond. Recognizing that African Nova Scotians are a distinct founding people in NS who have been a key part of the province’s culture and history since 1605, the Coalition’s mission is twofold: to build strength and health across ANS communities and to forge a renewed working relationship with government that creates conditions for all African-descended people in NS to thrive.

In response to the *Call for Inputs*, we would first like to state that the traumatic deaths of Americans Ahmaud Arbery, Breonna Taylor, Regis Korchinski-Paquet, George Floyd and countless other Canadians have gravely affected the African Nova Scotian people as they remind us of the recent events of police brutality against Black lives here in Nova Scotia, Canada.

For decades our people have called on government to work collaboratively with us to address the ongoing issues of racial profiling, over- policing, police brutality, systemic anti-Black racism in the justice system, and differential treatment while incarcerated. Though some progress has been made, particularly with recent investments in programs aimed at reintegration services for African Nova



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Scotians, little meaningful change has been made to address the racially discriminatory policing of African Scotian people.

- 1. Measures taken to identify, address, reform and remedy systems, institutions, structures, mechanisms, legislation, policies and/or practices that give rise to, perpetuate, entrench and/or reinforce systemic racism, racial discrimination and associated human rights violations against Africans and people of African descent, including those resulting from historical legacies, as relevant.**

The Coalition has taken measures to identify, address, reform and remedy systems, institutions, structures, mechanisms that perpetuate and reinforce systemic racism.

- The Coalition has created a Justice Working Group whose mandate is to address issues of systemic anti-Black racism, police brutality, high incarceration rates, longer sentences, racial discrimination of the African Nova Scotian communities and against all people of African Descent living in Nova Scotia
- In 2017, members of the Coalition called upon the Nova Scotia Department of Justice (DOJ), the Halifax Regional Police (HRP), the Board of Police Commissionaires (BoPC), the Serious Incident Response Team (SIRT) and the Royal Canadian Mounted Police (RCMP), to ban the illegal practice of street checks after it was reported that Black People were 6 times more likely to be street checked (see attached 1 Letter to SIRT, 01-17-19 and 2 Letter from DOJ - 03-27-2019)
- When all agencies including the government declined to ban street checks, the Coalition requested the Nova Scotia Human Rights Commission (NSHRC) hire an independent academic researcher to look at the street check data.
 - Dr. Scott Wortley was hired to produce a report into the street checks data.
 - Among other serious findings the Wortley Report on Street Checks found that Black People were 6 times more likely to be street checked by police and Black males were 9 times more likely to be street checked (page 104) ¹
- The Coalition has made renewed calls on the government to address systemic anti-Black racism in the justice system through:
 - Creating policy and procedure for the collection of disaggregated data
 - Implementing the recommendations of the (2018) Wortley Report on street checks
 - Implementing the recommendations of the (2003) Kirk Johnson Inquiry which included the release of disaggregated traffic stop data

¹ https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax_street_checks_report_march_2019_0.pdf



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- Creating an African Nova Scotian Justice Institute (ANSJI) (draft institute attached) which would include programs to support African Nova Scotians (reintegration program, forensic assessment and treatment, youth, research and policy development, etc.) (See African Nova Scotian Justice Institute)
 - Creating an African Nova Scotian Policing Strategy (ANSPS) (See African Nova Scotian Policing Strategy)
2. **The impact of such measures on the enjoyment of civil, political, economic, social and cultural rights, including, but not limited to, measures, mechanisms and procedures taken to identify, address and provide effective remedy and redress for systemic racism and racial discrimination experienced by Africans and people of African descent within law enforcement and the criminal justice system. Please also identify or include related public reports in this regard.**
- The Coalition, working collaboratively with the Black community and the Nova Scotia Human Rights Commission, has achieved the general banning of street checks in the province of Nova Scotia, with many outstanding matters remaining.
 - Initially government further declined to ban the practice of street checks but placed a moratorium on the use of such checks², (See 3 letter from DOJ dated 03-28-19 and see 4 - Minister's Directive on Street Checks dated 03-28-19)
 - The Coalition requested the NSHRC requested an independent legal opinion. (See letter 9 dated 10 2019 - legal opinion)
 - The legal opinion found that street checks were illegal (page 70).³
 - Street checks were banned on October 18, 2019.
 - The current directive from the Minister of Justice purports to ban street checks but allows them to continue where the officer identifies so-called “suspicious activity”; a term which has no legal merit and for which no or definition has been provided even after repeated requests by the Coalition. Canadian law does not authorize the use of street checks on the basis of suspicious activity and so the Minister’s Directive is allowing for the ongoing illegal use of street checks in Nova Scotia. (See Letter 5 dated 04-10-19 - DPAD’s position on street checks, Letter 6 dated - 05-31-19 response letter from Minister, Letter 7 dated 09-03-19 - response from Minister and Letter 10 dated 11-25-19 - response to DOJ)

² <https://novascotia.ca/news/release/?id=20190417001>

³ https://humanrights.novascotia.ca/sites/default/files/editor-uploads/independent_legal_opinion_on_street_checks.pdf



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- The Halifax Regional Police and Royal Canadian Mounted Police (RCMP) are responsible for policing in Halifax and the RCMP for most of the rest of Nova Scotia. The RCMP has illegally collected information on African Nova Scotians through the use of street checks over the year. African Nova Scotians have a right to know what information was collected about them. Yet, the RCMP has stated that it will destroy that individual data early in 2020, thereby destroying information that belongs to individuals and the opportunity for individuals to know how it had been used by police – thereby destroying potential evidence of illegal activity on the part of the police. The Coalition has implored the RCMP not to destroy such data but RCMP refuses to give any assurances that the data will be preserved.

- Although the Coalition is open to working with the government to implement policy and practice to benefit the African Nova Scotian people, the government has been reluctant to work to make significant changes to policy that would address systemic anti-Black racism. The Government of Nova Scotia:
 - Failed to initially ban street checks
 - Failed to start to collect disaggregated race data on police traffic stops
 - Failed to apologize for the harm street checks have caused African Nova Scotian and Black people. The Federal Government (RCMP) has also failed to apologize. The Halifax Regional Police have apologized but have not taken meaningful steps to implement the most important recommendations of the Wortley Report. (see Letter 8 dated 10-28-19 - Street Checks Apology)
 - Failed to implement the ANSPS (Policing Strategy)
 - Failed to implement the ANSJI (Justice Institute)
 - Ignored community recommendations re the ANSJI and ANSPS while at the same time asking the Coalition to collaborate on an anti-racism program application to consult African Nova Scotians that would leave the resources and control in the hands of the Government of Nova Scotia. The ANSDPAD Coalition declined as the Coalition had already undertaken consultations and made recommendations for action. (See Letter 11 dated 01-08-20 on Anti-racism action program)
 - Despite being willing to meet separately with organizations and individuals has failed to implement new policy led by African Nova Scotians to meaningfully address anti-Black racism in the criminal justice system against Nova Scotians. (See Letter 14 dated 03-02-20 - letter from Deputy Minister of the DOJ)



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3. Information regarding specific incidents of alleged violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent

- On January 15, 2020 a single Black mother was brutally assaulted by HRP in front of her two young children in a Walmart department store. Although she had already paid for several items in the store and had her receipt as proof, she was accused of shoplifting even though she had never left the store. Instead of calmly de-escalating the situation she was tackled to the ground by 4 police officers. (See video)⁴ During the assault she suffered a concussion, broken arm and was charged with assault on a police officer and resisting arrest. The charges were later dropped and she is suing police for police brutality.
 - A report by the (SiRT) a Nova Scotia police watchdog found no wrongdoing by police and found police used reasonable force; however a member of the African Nova Scotian community hired to observe the investigation disagreed with SiRT's conclusion.⁵
 - African Nova Scotians and others rallied against the police abuse and the Walmart department store and even arranged a boycott.
- On Feb. 21, 2020 a 15 year old Black male youth and his friend were sitting in a shopping centre in Bedford, Nova Scotia when they were asked to leave by mall security. Initially the youth refused as they had done nothing wrong, however they then decided to leave. Once outside the mall they youth were approached by police who had been called. Police confronted the teenager and threatened to arrest the youth as he began to argue with police. Police then assaulted the teen, tackling him to the ground, handcuffing him and injuring him as they arrested him. Video from the teens cell phone shows the teen asking why he is being arrested.⁶
 - The youth was released later without being charged.
 - The police officer has been charged with assault.
 - A protest was arranged by community to support the youth and bring awareness into the police brutality.
- In July of 2020 a young Black woman alleges she was racially profiled in Dartmouth, Nova Scotia when she was pulled over on her way home, surrounded by several police officers. She was forcefully removed from the car and arrested. When asked why she was being arrested police failed to provide an answer. Police then accused her of driving at night with her lights

⁴ <https://www.youtube.com/watch?v=Z39hQUwE7YA>

⁵ <https://www.cbc.ca/news/canada/nova-scotia/tony-smith-sirt-investigation-santina-rao-halifax-police-1.5756087>

⁶ <https://globalnews.ca/news/7383594/halifax-police-charged-assault-bedford-place/>



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off and then accused her of not pulling over when their lights were flashing for several minutes behind her. Police then said that they were involved in a high speed chase with a white male in a Toyota. The victim is a Black female who was racially profiled and assaulted by police was driving a Dodge Avenger. Police then released her without issuing any tickets.⁷

- A complaint was filed the next day at police headquarters, however she was told there was no record of the alleged incident (her stop or the high speed chase)
 - She tried at another police division in the city and was told the same thing. (no record)
 - It was only after pressure from friends and community that a record of the incident was located and a complaint was filed
 - African Nova Scotians and others in the community held a protest against the police and racial profiling
- In August 2020 a white youth was seen swinging a noose at a Black father and son of an interracial family at a beach in Chester, Nova Scotia. The RCMP officers told the African Nova Scotians Community they could not charge the white youth as there is currently little legislation into hate crimes⁸; however RCMP charged the Black youth with vandalism as he threw a can at the white youth's trunk. RCMP have since dropped the charges against the Black youth⁹
- The local community organized a community picnic at the same beach where the incident took place
 - See Letter 17 dated 08-26-20 - Chester incident statement
- On November 20, 2019 a 45 year old Black and Indigenous woman with a history of mental health issues and no criminal record was jailed by Halifax Regional Police for failing to show up in court to testify against her abusive partner because she was afraid. When she failed to appear in court the fourteen different charges against her partner were dismissed and (although she was the victim) the crown requested and was granted a warrant for her arrest. She was subsequently arrested and thrown into jail. Suffering from a mental crisis in jail she harmed herself by bashing her head against a wall and she was placed in a restraint chair by seven officers (6 of whom were male). In a video of the incident¹⁰ she can be heard asking the police why she, the victim is being arrested and the police answering "if you have shown up at 1:30 today, I already told you, you would be arrested." After this altercation with police she (the victim) was charged with assault on a peace officer after she kicked an officer while being placed in the restraint chair. Her case was scheduled for November 2020.

⁷ <https://www.cbc.ca/news/canada/nova-scotia/dartmouth-woman-racially-profiled-police-1.5666577>

⁸ <https://sirt.novascotia.ca/sites/default/files/reports/Summary%20of%20Investigation%202020-001.pdf>

⁹ <https://www.thechronicleherald.ca/news/provincial/noose-swinging-incident-horrifies-chester-basin-campers-486545/>

¹⁰ <https://www.cbc.ca/news/canada/nova-scotia/domestic-assault-trial-excessive-force-jail-1.5790771>



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- After video was released of the incident and outcry from the community, women's advocacy groups and politicians the assault charges were dropped.¹¹
 - The Minister of Justice is now seeking a review of her case.¹²
- The ANSDPAD Coalition responded to these incidences by sending a letter to the government to express ongoing concerns and released a public statement (See Letter 12 dated 01-28-20 - To all justice entities and Letter 13 dated 02-24-20 - Policing of the ANS Communities)
- 4. Measures taken to ensure accountability, remedy and redress and address any impunity for human rights violations against Africans and people of African descent, particularly by law enforcement agencies; and the outcomes and effectiveness of such measures. Please also share information about the functioning of accountability mechanisms and associated decision-making processes addressing human rights violations, and identify any patterns or trends in the outcomes of these mechanisms and processes that show or suggest differential experience of Africans and people of African descent with respect to accountability for violations suffered by them. Please also identify or include related public reports in this regard.**
- The Coalition is currently working to hold the government and police accountable to the Police Act¹³, enforce legislation and hold Halifax Regional Police accountable for police wrongdoing
 - The Coalition has written multiple letters to the Nova Scotia Department of Justice, HRP, SIRT, BoPC and RCMP:
 - To call attention to police inability to use proper de-escalation techniques when interacting with ANS's (See Letter 12 01-28-20 -to all justice entities)
 - To call on government to implement the 2003 Kirk Johnson decision recommendations and the 2018 Wortley Report on Street Checks
 - To draw attention to the increasing complaints of police brutality toward African Nova Scotian people;
 - To remind them that over-incarceration and access to all equitable forms of justice for African Nova Scotians continues to be of grave concern with no apparent plan by the Nova Scotia Government and law enforcement to address this injustice.

¹¹

<https://www.cbc.ca/news/canada/nova-scotia/serrece-winter-domestic-violence-assault-charge-crown-dropped-1.5806241>

¹² <https://signalhfx.ca/we-have-a-lot-of-work-to-do-justice-minister-seeks-review-in-serrece-winter-case/>

¹³ <https://nslegislature.ca/sites/default/files/legc/statutes/police.pdf>



- Stop the purge of the historic street check data as it is a record of possible illegal police activity and how it disproportionately affected the Black Community. (See Letter 15 - 08-17-20 - Purging street check data)
 - HRP have agreed to not purge this data (Letter 16 - 10-26-20 - from HRP Chief of Police)
 - RCMP are still scheduled to destroy the data as of April, 2021
 - To call for government and police to work with community to address these issues collaboratively and build trust with community
5. **Information concerning laws, regulations, policies and other measures taken to prevent and address alleged human rights violations by law enforcement officials against Africans and people of African descent, as well as contribute to accountability, remedy and redress, and the outcomes and effectiveness of such measures.**
- The government of NS has responded with the following measures:
 - In September of 2019 the government of NS launched the Count Us In Action Plan (page 11 – 12)¹⁴ for the Decade for People of African Descent. This document outlines the actions the province will take to address systemic racism. The goals under the pillar of justice include addressing systemic racism, discrimination and inequities that exist in our justice system.
 - Goals of this pillar:
 - To have access to a fair and equitable justice system
 - To provide supportive and culturally relevant family and community services
 - To assist with conversations with ANS communities to redress historic injustice
 - The suggested actions will help bring the justice systems, African Nova Scotia people, and the ANS communities closer together, through shared understanding, to support justice-related initiatives for African Nova Scotians—specifically, to develop and provide culturally relevant and people-centred programs, services, and human resource (HR) practices, a theme identified in the Culture Action Plan.
 - Strengthen relationships within the justice system and ANS communities.
 - Develop an ANS justice plan in collaboration with African Nova Scotian Affairs and ANS.
 - Raise awareness among ANS's about how the justice system works and find solutions to better address the overrepresentation of ANS's in the criminal justice system.

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<https://novascotia.ca/international-decade-for-people-of-african-descent/Action-Plan-international-decade-for-people-of-african-descent.pdf>



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- Continue to increase representation of ANS's in the legal community, including the number of ANS judges, administrative tribunal decision makers, lawyers and members on the Department of Justice Agencies Boards and Commissions.
 - Develop and deliver educational activities to combat racism and promote cultural awareness for all levels of the justice system.
 - Consider how restorative approaches could be used for ANS's in conflict with the law.
 - Facilitate consideration of the impact of race and culture in connection with criminal justice proceedings.
 - Continue to increase the presence of ANS's in the NS Public Service, particularly in the justice system, to support better client and community services.
 - Partner with community groups to provide ANS's in correctional facilities with culturally appropriate education programs
- On September 29, 2020 the Premier of Nova Scotia publicly acknowledged and apologized to the ANS community for systemic racism in the justice system¹⁵
 - The Premier also announced the creation of a Design Team which will work to address ongoing issues of systemic racism.
 - This announcement was met with criticism as the government failed to consult with or involve the African Nova Scotian community in the creation process before the Design Team was created.¹⁶
 - See Letter 18 - Oct. 13 2020 - ANSDPAD to Premier McNeil regarding Design Team
- 6. Information concerning Government responses to anti-racism peaceful protests, within the meaning of resolution 43/1, including the alleged use of excessive force against protesters, bystanders and journalists, as well as applicable laws, regulations, policies, practices and other measures, and their impact and effectiveness.**
- Police have generally not used significant force against peaceful protesters, bystanders, journalists, and all protests have been peaceful. That being said, the community has criticized the increasing police presence and their apparent unwillingness to interact or talk with protestors, while at the same time circling protests in squad cars, and engaging in similar types of intimidation tactics.
- 7. Information regarding systems of collection by State authorities of disaggregated data based on race, colour, descent, or national or ethnic origin, and processes for the analysis of such data. In relation to the above-mentioned areas, please provide data disaggregated by**

¹⁵ <https://novascotia.ca/news/release/?id=20200929002>

¹⁶ <https://atlantic.ctvnews.ca/n-s-premier-s-plans-to-reform-justice-system-met-with-optimism-anger-1.5127043>



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race, colour, descent, or national or ethnic origin; as well as additionally by sex, age, economic and social situation, disability, sexual orientation and gender identity, incarceration and other status, where available. Where such information is not available, please indicate reasons why.

- Several reports (Kirk Johnson inquiry - 2003¹⁷, Wortley Report on Street Checks – 2018) have both for the government to keep and release disaggregated data.
 - The Coalition has made multiple requests for the government to release disaggregated data on traffic stops from the 2003 Kirk Johnson decision, however the government has failed to do this.
 - The Department of Justice has created a provincial committee with the HRP, RCMP and the ANS community to create a process for gathering disaggregated data, however are reluctant commit to mandate the process.
- 8. Mechanisms in place to ensure that Africans and people of African descent and their representatives are appropriately, adequately and sufficiently represented in processes to identify, remove and reform any structures, policies and practices of racial discrimination in institutions of law enforcement and the related administration of criminal justice.**
- There are currently no mechanisms in place for people of African descent to sufficiently and adequately be represented in a process to improve structure, policies and practices
 - The Coalition has suggested the creation of an African Nova Scotian Justice Institute to address and implement policy, practices and programs to support the Black community, however, the government has little interest in working with us
- 9. Good practices, challenges and lessons learned regarding measures taken to: (i) combat systemic racism at the national, state/regional and local levels, including as informed by structural and institutional factors; (ii) prevent and address alleged human rights violations against Africans and people of African descent by law enforcement officials; (iii) ensure accountability for human rights violations against Africans and people of African descent and access to effective remedies and redress for such victims of contemporary and associated historical human rights violations; and (iv) ensure appropriate Government responses to anti-racism peaceful protests. Please also identify or include related public reports in this regard.**
- The Coalition has been working with the African Nova Scotian people and communities throughout the province to create municipal action plans for the Decade for people of African descent.
 - Challenges are helping municipal governments understand systemic racism and white privilege and how it effects the Black community

¹⁷ <https://humanrights.novascotia.ca/sites/default/files/2003-Johnson.pdf>



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- The Coalition has created a national reparations petition which was presented in the Canadian House of Commons.

Thank you for your commitment to explore the “**promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers**” across the globe and to inform the United Nations Human Rights Council of the findings and recommendations that arise from your information-gathering efforts. I hope that our submission and information will help to bring these harmful practices to an end worldwide.

If we can provide any further assistance, please contact Vanessa Fells, Director of Operations, for the Coalition at director@ansdpad.ca.