

Hodan A. Mohamed – Wednesday, December 02, 2020

Hello WGEPAD,

My name is Hodan Mohamed, I am this year's OHCHR fellow for people of African descent from Canada. I am a researcher with a focus on policing, criminal justice system, immigration and employment equity.

I would like to bring to your attention two main concerns that have contributed to the disproportionate impact of racial profiling, state surveillance and criminalization of people of African descent in Canada: a) the absence of disaggregated race based data at the federal and provincial government; and b) the lack of accountability for police violence.

On January 30, 2018, Prime Minister Justin Trudeau announced that the Government of Canada would officially recognize the International Decade for People of African Descent, which was four years after the declaration. This declaration has been welcomed by the diverse Black communities of African descent across Canada. However, there have been little actionable commitment by the government in some of the core measures addressed by the UN Declaration of International Decades for People of African Descent:

I. **Recognition - [Canada Does Not Collect Disaggregated Race Based Data](#)**

Canada has yet to comply with the requirement to collect disaggregated race based data at the provincial and federal level. However, the Municipal government in the City of Toronto has implemented the collection of disaggregated race based data in the healthcare field, as well as policing. For instance, Toronto Public Health recently published disaggregated race based health data that have shown people of African descent are [disproportionately affected by COVID-19](#) in comparison to other communities. One of the contributing factors to the high risk of COVID-19 is that many people of African descent are frontline workers, often working under unsafe conditions. In fact, Toronto Public Health have declared anti Black racism to be [a public health crisis](#), calling on the City to "reprioritize" its budget to address the pandemic and recovery planning by incorporating measures that speaks to the impact of anti Black racism on people of African descent.

As a co-chair of the Partnership and Accountability Circle (PAC) - an independent monitoring body consisting of [ten member experts of African descent](#) tasked to guide the full implementation of the Action Plan to Confront Anti Black Racism at the City of Toronto, we made similar recommendations. PAC have recommended to the municipal government to intentionally allocate the City budget to address the pandemic's disproportionate impact on people of African descent, and the intensity of this year's Anti-Black Racism assault on the community. PAC also discussed with the municipal government the link between systematic racism/racial profiling and COVID-19 policy, which will enable and maintain disproportionate representation of Black people in the criminal justice system. PAC specifically spoke against the Provincial Emergency Action under Covid-19, which gave the police further power to stop and ticket individuals whom they deemed have violated the rules under lockdown and social distancing.

Hodan A. Mohamed – Wednesday, December 02, 2020

[Ontario Human Rights Commission](#) (OHRC) have published report around racial profiling by police officers, including the disproportional representation of people of African descent in the criminal justice system, yet the federal and provincial government have failed to device measures that would allow the government to be accountable and transparent in the ways in which it polices its population. Policing is mainly a provincial and municipal domain, nevertheless, the federal government has the authority to work with each province and territories to ensure the specific recommendations in the OHRC report are implemented, including the implementation of the International Decade for People of African Descent and the recommendation of the special rapporteur.

Despite the presence of vast police databases about people of African descent through decade long practices, such as carding, none of the governmental bodies, such as local police forces publish disaggregated race based data on those racially profiled and/or killed by officers. Neither does Statistics Canada, Ontario's Office of the Independent Police Review Director, nor Toronto's Special Investigations Unit provide such a report to the public (similar bodies exist across provinces and territories). Despite the specific recommendations to collect disaggregated race base data by the OHRC and by the Honourable Michael H. Tulloch, the Canadian government failed to act on and implement any measures. The absence of publicly accessible data, in particular a disaggregated race based data have institutionalized the invisibility and the inhumane treatment of people of African descent. This in turn led to government at all levels abdicating their legal responsibility towards the subjects within its border. The vacuum in accountability measures such as disaggregated race based data led to the disillusionment and loss of trust in many of these Canadian institutions.

II. **Justice – The Canadian government failure to address Police Violence**

Current Canadian measures in addressing police abuses, including the killings of civilians lack enforcement mechanism. The impunity in which police officers are afforded under the law have institutionalized police brutality against people of African descent in Canada. In the past ten years, high profile deaths have included the killings of Abdirahman Abdi, Andrew Loku, Alex Wettlaufer, Eric Osawe, Frank Anthony Berry, Ian Pryce, Junior Alexander Manon, Kwasi Skene-Peters, Michael Eligon, Reyal Jardine-Douglas, Abdurahman Ibrahim Hassan, Mark Ekamba, D'Andre Campbell, Jermaine Carby, Jean-Pierre Bony, among many more. Recently, the police officer who beat Abdirahman Abdi to death was acquitted by a judge in Ottawa, while in Whitbey, Ontario, two police officers who beat a young Black man (so severely he lost one of his eyesight), Dafonte Millier, received a nine month sentence. All of these tragic deaths and the absence of any institutional accountability measures reinforces the long held belief that the law will always protect police officers who abuse, assault and kill people of African descent in Canada.

The federal, provincial and municipal governments inability to implement functioning mechanisms that punishes those police officers that infringe on the human rights of people of African descent, have violated all treaties and covenant Canada have either signed or ratified,

Hodan A. Mohamed – Wednesday, December 02, 2020

including CERD - General recommendation n. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and CERD - General recommendation n. 36 : Preventing and Combating Racial Profiling by Law Enforcement Officials. Consequently, the institutional failure to acknowledge and address racial profiling and police violence further adds to the lack of trust felt by communities of African descent towards the systems that govern them.

We request that the WGEPAD recommend to the Canadian federal government, be intentional in its commitment to address racial profiling and police violence by establishing accountability mechanism and strengthening national institutions that have direct and indirect impacts on people of African descent.

We also suggest that the Working Group call on the Canadian government to begin instituting disaggregated race based data across provinces and territories, whether it pertains to municipal and provincial police forces, including the federal police, Royal Canadian Mounted Police (RCMP).

Thank you for giving me the opportunity to address the working group.

Hodan A. Mohamed