

Toward Transformative Change:

an Implementation Plan for Canada's Black Justice Strategy



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

The cover artwork was designed by Justice Canada in collaboration with Robert Small.

Small is an Order of Canada recipient and a celebrated Canadian artist known for his artwork that highlights the contributions and experiences of African-Canadians. His artistic approach is deeply rooted in his commitment to using art as a tool to educate, inspire, and provoke thought about the African-Canadian experience.

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Message from the Minister of Justice and Attorney General of Canada

We have the privilege of living in a country that values and advances human rights at home and abroad. Among these rights, equality is one of the most fundamental Canadian values. It is enshrined in the *Canadian Charter of Rights and Freedoms* and guaranteed for all.

At the same time, we have to acknowledge that equality was not a founding value for our country, but rather developed over time, culminating in the enactment of the *Canadian Charter of Rights and Freedoms* in 1982. Our country, much like other former colonies, was founded just after the end of legalized slavery, which existed until only 35 years before Confederation. Even after the end of slavery in Canada, segregation of Black people existed in areas of Canada until 1983, a year after the enactment of the *Canadian Charter of Rights and Freedoms*, resulting in a legacy of economic marginalization and socioeconomic disadvantage.

As a direct result of our history, in 2025, anti-Black racism and systemic discrimination remain embedded in our institutions. Their legacy continues to be a daily, lived reality for Black people in Canada, preventing our country from attaining the goal of equality for all. Anti-Black racism is harming families and communities and is costing Canada the valuable

contributions of Black people across our nation. That is why we must work together to eradicate anti-Black racism; to ensure the wellbeing and prosperity of Black people in Canada, and that the hearts and minds of all people in Canada remain open, and hopes and dreams remain limitless.

I echo the words of the Prime Minister in a speech given for a Black History Month reception in February in 2018: “It is time that we recognize that anti-Black racism and unconscious bias do exist...it is time we take action to ensure equal opportunity and equal treatment of Black Canadians...” Since formally recognizing the United Nations International Decade for People of African Descent in 2018, the Government of Canada has begun the hard work to eradicate anti-Black racism and systemic discrimination from our institutions and from our society. We have created *Canada’s Anti-Racism Strategy* to remove barriers faced by Black and other racialized communities, Indigenous peoples and religious minorities, and to promote a country where every person is able to fully participate and have an equal opportunity to succeed. In the Prime Minister’s mandate letter to the Minister of Justice in 2021, he took these ideas further by calling on the Minister to create Canada’s Black Justice Strategy.¹

Black people continue to experience negative outcomes in the criminal justice system at a higher rate than all other people in Canada, except Indigenous people, and have been calling for changes for decades. I have had the privilege of talking to Black people across the country about reforming our criminal justice system to make it more equal and effective. One thing has been clear from those conversations: it is the advocacy of Black communities that has led us to this historic moment.

I would like to express my appreciation and gratitude to the external Steering Group for Canada's Black Justice Strategy for their diligence, leadership, and dedication to the development of Canada's Black Justice Strategy. In delivering their report, [*A Roadmap for Transformative Change: Canada's Black Justice Strategy*](#), the Steering Group has provided recommendations for transformative change in the criminal justice system. I would also like to thank all of those who participated in the Fall 2023 Black community-based organization-led engagements and consultations held across Canada. Your contributions have been integral to the development of Canada's Black Justice Strategy, and the actions we implement must always reflect your voices.

Eradicating anti-Black racism and systemic discrimination in the criminal justice system is no small task. It will take time and consistent effort. There must also be an ongoing commitment to address the myriad socioeconomic factors that increase the risk of involvement with the criminal justice system. Changes must be based on evidence, including data that has been disaggregated by race and identity, that we will now move forward to collect. With this Implementation Plan, the Government of Canada is making a 10-year commitment toward the necessary, on-the-ground transformative change to reduce the overrepresentation of Black people in the criminal justice system, including as victims of crime. This will begin with a series of new investments that are outlined under each of the Pillars of the Steering Group report.

This strategy builds upon decades of work underway in Black communities across Canada to ensure that all people in Canada are afforded equal opportunity, equal treatment, and equal protection before and under the law. Together we can make a better tomorrow, fulfill the promise of the Charter and strengthen the fight against anti-Black racism in Canada.

The Honourable Arif Virani
Minister of Justice and Attorney General of Canada
February 2025



Overview: responding to *A Roadmap for Transformative Change: Canada's Black Justice Strategy*

This Implementation Plan ("the Plan") is the Government of Canada's response to the report of the external Steering Group (the "Steering Group") for Canada's Black Justice Strategy, [*A Roadmap for Transformative Change: Canada's Black Justice Strategy*](#) ("the Report"). The Report is an historic and important document that sets out recommendations to combat anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the criminal justice system, including as victims of crime.

It is important to understand what is in the Report in order to put the Plan in proper context.

The Report recommends changes that involve a fundamental shift in how we see criminal justice in Canada. One that recognizes how challenges in other social systems increase the risk of criminal justice system involvement. This shift also recognizes that a holistic approach is necessary to prevent and reduce crime and to ensure that the criminal justice system can effectively respond to crime, to better protect all people in our society.

The Report sets out Principles and Priority Areas to guide the work toward change. The Report makes 114 recommendations in total. Eight of them provide mechanisms so that Black communities can keep the Government of Canada accountable. The remaining recommendations are categorized under five pillars that inform Black people's experiences with the criminal justice system:

- Pillar 1: social determinants of justice (recommendations 9 to 33) addresses employment and income, housing, education, health and mental health, child welfare, and immigration and settlement
- Pillar 2: policing (recommendations 34 to 42) focuses on areas such as racial profiling, diversion, education and training, and oversight and accountability mechanisms
- Pillar 3: courts and legislation (recommendations 43 to 85) includes legislative changes to the *Criminal Code*, *Youth Criminal Justice Act*, *Controlled Drugs and Substances Act*, and the *Immigration and Refugee Protection Act*, anti-Black racism training, representation, access to justice, as well as additional diversion programming and a courtworker program

- Pillar 4: corrections (recommendations 86 to 103) primarily focuses on Black-specific programming, practices and policies, and oversight and accountability mechanisms
- Pillar 5: parole, re-entry and reintegration (recommendations 104 to 114) addresses the need for additional and targeted supports, as well as the involvement of community-based organizations in the reintegration process

With its Plan, the Government of Canada is leading efforts to combat anti-Black racism and systemic discrimination in the criminal justice system. It proposes concrete actions through a 10-year commitment that is informed by data, involves Black communities and other levels of government, and recognizes that inaction will result in increased human and economic costs for Canadians. The Plan proposes a number of new and enhanced investments in programs, training, and data disaggregation initiatives which will help reduce the impact of anti-Black racism on Black people's experiences in the criminal justice system by strengthening institutional knowledge of anti-Black racism and outreach to Black communities. In addition, the Plan supports increased access to Black-specific programs and services, including for Black victims and survivors of crime.

Here are the highlights:

Pillar 1 to improve the social determinants of justice for Black people in Canada (p. 10-11)

- Enhancements to business support services and access to capital for Black entrepreneurs and business owners, and improve data on Black entrepreneurship in Canada
- Pilot projects to support Black people experiencing substance use and addictions issues
- Partnerships with community organizations to support the provision of culturally responsive mental health and substance use services for Black people
- The collection of disaggregated race and identity-based data
- Anti-Black racism education and training, including investments to develop new anti-Black racism training for federal public servants to drive culture change

Pillar 2 to address the state of policing (p. 12)

- Review of RCMP operational policies and practices on crisis intervention and de-escalation to make improvements to national standards in policies and practices
- Improving post-incident reviews

Pillar 3 to change the Canadian justice system

(p. 12)

- Development of Black-specific diversion projects to assist Black youth
- Development of court worker and navigation services to help Black people in contact with the criminal justice system
- Development of supports for Black victims and survivors of crime
- Expansion of the use of Impact of Race and Culture Assessments (IRCAs) at other decision points in the criminal justice system other than sentencing

IRCAs are reports that help sentencing judges to better understand how the effects of poverty, marginalization, systemic racism, and social exclusion may have contributed to the life experience of a Black and other racialized individuals' interactions with the criminal justice system.

Pillar 4 to reform Canada's correctional system

(p. 13-14)

- The Black Offender Strategy will better support the specific needs of Black offenders and facilitate their successful rehabilitation, including investments to support the development of culturally responsive services and interventions during incarceration or on conditional release

Pillar 5 to reduce recidivism and strengthen successful community reintegration (p. 14-15)

- Measures to better support the successful reintegration of Black offenders into society, including investments for community-based organizations to develop culturally- and gender-responsive services, as well as assist with applications for record suspensions (formerly known as pardons)



The Implementation Plan in detail: a foundation and first step

I. Government of Canada commitments to combatting anti-Black racism in the criminal justice system

“Racism is a refuge for the ignorant. It seeks to divide and to destroy. It is the enemy of freedom, and deserves to be met head-on and stamped out.”

(Pierre Berton, author)

A 10-year plan toward a better future

The Government of Canada commits to combatting anti-Black racism and systemic discrimination in the criminal justice system to reduce the overrepresentation of Black people, including as victims of crime.

Race is a social construct, but the experience of racism is very real. Research is clear that racism has a negative impact on people’s abilities to fully participate and contribute to society. This is contrary to Canadian values and cannot continue to be the reality for some Canadians. We have the privilege of living in a country that takes pride in our global reputation as champions of human rights and equal opportunity. Effective policymaking should consider the intersecting identity and social factors of all people impacted by policies and programs. As the Report concludes, change is needed across many systems. This 10-year plan is a

phased response that recognizes that these changes cannot be made all at once, that concrete actions must begin now, and that consistent and sustained effort and monitoring over time will be required. This commitment recognizes one of the five Guiding Principles of the Report – reparative justice, or recognizing the long-term impact of historical injustices on Black people and creating pathways to repair those harms.

The 10-year plan will involve the following phases:

- Phase 1: the release of this Implementation Plan with its proposed new and initial initiatives
- Phase 2: development of responses to the remaining recommendations identified by the Steering Group as short-term, in consultation with Black experts and leaders on the Steering Group, federal partners, and provinces and territories
- Phase 3: report on the outcomes of the initiatives included in this first Plan, and in particular, on the data initiatives
- Phase 4: development of responses to the remaining recommendations identified by the Steering Group as medium-term and long-term, and those identified as requiring data or further policy development
- Phase 5: report on the outcomes of the initiatives included in the earlier phases, and in particular, their impact on the reduction of overrepresentation of Black people in the criminal justice system

Informed by evidence

The Government of Canada commits to collecting disaggregated data by race to better understand how unequal outcomes experienced by Black people in other systems, such as education, health, housing and employment, impacts on the risks of criminal justice system involvement, as well as the unequal outcomes of Black people within the criminal justice system.

Disaggregated data, that is breaking down large-scale datasets into sub-categories such as race, ethnicity, gender, or region or a combination of these sub-categories,² allows governments to identify and address systemic issues that impact specific populations differently to design effective interventions. Currently, however, disaggregated race-based data is not widely collected in Canada. Collecting such data will increase understanding of disparities in treatment and outcomes based on race and help design better interventions to reduce overrepresentation. It will also help governments understand where targeted resources should be allocated, monitor whether changes in legislation, policies and programs are effective, and identify where further changes are needed. We know that Black people are overrepresented in the criminal justice system, including as victims of crime, but our understanding of the extent of the barriers and disparities that Black people face is incomplete. Thus, a harmonized and consistent approach to the collection of disaggregated race-based data is necessary to be effective. This commitment recognizes another two of the five Guiding Principles of the Report, *Sankofa*, or learning from the past to guide the future, and evidence-based decision-making.

Demonstrating federal leadership, and continuing to work with Black communities and all levels of government

The Government of Canada commits to leading efforts to remove systemic barriers caused by anti-Black racism and systemic discrimination, by working with Black communities and other governments to make substantive changes to the criminal justice system.

In Canada, the criminal law is a shared responsibility between the federal government and the provinces and territories. The federal government is responsible for enacting criminal legislation and determining procedures in criminal matters. Provincial governments are responsible for administering justice and play the leading role in arranging the systems in and by which crimes are investigated and tried. This shared responsibility means that all levels of government can learn from one another and benefit from the valuable insights of members of Black communities about the issues in the criminal justice system that need to change. Notably, some provincial governments have taken action that we can learn from and build upon:

- Nova Scotia is developing an African Nova Scotian Justice Action Plan^{3,4}, in collaboration with African Nova Scotians, to address systemic racism in the justice system
- Ontario's Anti-Black Racism Strategy targets systemic racism in government policies, decisions and programs
- Alberta established an advisory council comprised of Black leaders and experts to provide advice to the government on how to address racism and systemic barriers faced by Alberta's Black population

This commitment recognizes one of the five Guiding Principles of the Report, *Africentrism*, or the active involvement of Black communities in all processes that affect them. It also recognizes one of the five Priority Areas identified by the Steering Group, that of close collaboration with provincial, territorial and municipal governments to effect change.

Recognizing that the human and economic costs of inaction will only increase

The Government of Canada commits to developing effective and efficient legislation, policies, and programs, that promote restorative justice, diversion and alternatives to incarceration where appropriate, while protecting the interests of victims and survivors, and our broader society, with the goal of reducing the overrepresentation of Black people in the criminal justice system, including as victims of crime.

The costs of the Canadian criminal justice system continue to rise, with policing services accounting for most of that spending, followed by corrections, courts, prosecutions, and legal aid.⁵ Investments in keeping people out of the justice system gives people a sense of purpose and allows them to fully contribute to society. This means investing in employment and skills training, and community-building initiatives that connect people and expand their horizons and the realm of possibilities. Such investments also help to keep families together, strengthen community safety and wellbeing, and reinforce trust in our institutions. They make good economic sense; and help avoid the downstream costs of the criminal justice system. This commitment recognizes one of the five Guiding Principles of the Report, the Principle of Restraint, or that the criminal justice system should be used as a last resort.

II. Establishing Canada's Black Justice Strategy

In the December [2024 Fall Economic Statement](#), the Government of Canada proposed an investment of \$276.4 million as part of the establishment of Canada's Black Justice Strategy – a cross-governmental approach to addressing the overrepresentation of Black people in the criminal justice system, including as victims of crime. The Government of Canada intends to invest in data and training measures, key overarching recommendations in the Report, as well as investments in each of the five pillars of the Report, including renewing the Black Entrepreneurship Program.

The Steering Group's Report is an historic and important document that outlines the work needed to address the anti-Black racism entrenched in our criminal justice system. The recommended changes in the Report involve fundamental shifts in how the criminal justice system responds to crime, to better protect all people in our society, by addressing the risk factors for criminal justice system involvement. These recommendations challenge criminal justice officials and officials in all of Canada's social institutions to do better to design earlier interventions to keep individuals out of the criminal justice system wherever possible, so that people who are struggling because of barriers in other systems do not end up at greater risk of criminal justice system involvement because of the impact of those barriers. Many of these recommendations have been made before in reports since the 1989 Report on *Discrimination Against Blacks in Nova Scotia: The Criminal Justice System*, that was prepared as part of the Royal Commission on the Donald Marshall, Jr., Prosecution.

The January 2024 *Halifax Declaration: Manifesto for the Eradication of Racial Discrimination* ("the Declaration") published by the Michaëlle Jean Foundation, also sets out important considerations that the Government of Canada must take into account in addressing the recommendations in the Steering Group Report.⁶ The Declaration calls for Canada's Black Justice Strategy to acknowledge "the various factors related to all aspects of our condition and needs, especially the barriers we encounter in the criminal justice system", and for all levels of government to work together with Black communities to address the overrepresentation of Black people in the criminal justice system, with a specific focus on prevention and intervention efforts led by Black associations and community-based organizations, and investments in community development, housing, employment, education, and health.

Pillar 1: social determinants of justice (recommendations 9 to 33)

["Many studies demonstrate that women, Aboriginal people, visible minorities and immigrants are vulnerable to socio-economic disadvantages such as unemployment, underemployment, low incomes and social segregation. ... A strategy to improve the quality of life and socio-economic outcomes of all citizens requires the full engagement of government and civil society."](#)

(Canada's Action Plan Against Racism, 2005)

“Young men being sent back ‘home’ have learned the wrongdoings here not back ‘home’, and so, if they are a problem, they are a Canadian problem.”

(Words of a participant commenting on deportation, Network for the Advancement of Black Communities (NABC) Report of Community engagement and consultation held in Ontario for Canada’s Black Justice Strategy, (2023))

The social determinants of justice (employment, income, housing, education, and health) are factors where negative outcomes can increase risk of involvement with the criminal justice system.⁷ The Report recommends early investments in these areas to address disparities in outcomes that Black people experience and to help decrease the risk of criminal justice system involvement.

The *2024 Fall Economic Statement* proposed new investments of:

- \$1 million over two years, starting in 2025-26, for Statistics Canada to fill in key data gaps and better understand outcome disparities for Black Canadians
- \$8.8 million over two years, starting in 2025-26, for Health Canada to expand culturally-appropriate mental health supports and substance use and addictions programming for Black Canadians
- \$9.5 million over two years, starting in 2025-26, for Employment and Social Development Canada to help Black youth overcome employment barriers through the Youth Employment and Skills Strategy Program

- \$189 million over five years, starting in 2025-26, to Innovation, Science, and Economic Development Canada for the Black Entrepreneurship Program to help Black entrepreneurs and business owners thrive

- o Specifically, the Program provides access to capital, mentorship, financial planning services, and more

- \$1.8 million over two years, starting in 2025-26, for the Canada School of Public Service to develop anti-Black racism education and training for the federal public service

The criminal justice system does not operate in a vacuum, and as such, addressing overrepresentation requires transformative change in other systems. Filling data gaps and providing education and training to those who are responsible for developing laws, policies, programs and services, is a necessary first step to designing effective interventions. The Youth Employment and Skills Strategy Program and the Black Entrepreneurship Program have successfully removed systemic barriers and have proven to promote financial self-sustainability. Investing in preventive initiatives such as these means there is a lower risk of contact and involvement with the criminal justice system, reducing the need or demand for services and programming throughout the criminal justice system to reintegrate into society. Similarly, health care services that integrate trauma-informed and culturally-safe approaches across the continuum of care, including prevention, treatment, recovery, and harm reduction, have been shown to reduce contact with the criminal justice system by providing better outcomes for individuals, communities and systems.

Pillar 2: policing (recommendations 34 to 42)

“When racial bias transpires during police interactions, the confidence and trust of the public in our services is shaken, and these are the cornerstones of our profession. To stop systemic racism requires a whole of society approach.”

(Bryan Larkin, RCMP Deputy Commissioner and former Chief of the Waterloo Regional Police Service)

The Report emphasizes that there is work that needs to be done to build trust and confidence between Black people and police. Research shows that Black people in Canada are more likely to be stopped, searched, and charged by police, experience higher levels of police surveillance, and are overrepresented in police use of force, officer-involved shootings, and police-related deaths. This impacts Black people’s trust and confidence in the police. To address this reality, the Report recommends an ongoing review of police practices and standards, mandatory anti-Black racism and cultural competency training in police curriculum, and a whole of justice system approach to collecting, analyzing, and reporting on race and identity-based data for police interactions.

The *2024 Fall Economic Statement* proposed a new investment of \$18.2 million over two years, starting in 2025-26, to the Royal Canadian Mounted Police that is intended for:

- an Anti-Racism Unit
- evidence-based improvements of national standards, policies, and practices to address the overrepresentation of Black people in the criminal justice system

Pillar 3: courts and legislation (recommendations 43 to 85)

“I have very little faith in the system’s responsiveness to the needs of Black victims and its ability to be fair and just to accused Black people.”

(Words of a participant, Jaku Konbit Report of Community engagement and consultation held in Ontario for Canada’s Black Justice Strategy, (2023))

“Usually, Black people get stiffer sentences and experience less leniency by the courts.”

(Words of a participant, ISSAMBA Centre Report of Community engagement and consultation held in British Columbia for Canada’s Black Justice Strategy, (2023))

“I took a plea deal for 10 years for a crime I did not commit because I feared that the jurors couldn’t relate to me and I didn’t want to put my life in their hands. There were no Black jurors and people tend to look at themselves as family and others as not.”

(Words of a participant, Think Twice Report of Community engagement and consultation held in Ontario for Canada’s Black Justice Strategy, (2023))

The Report recommends amendments to the criminal law to address the disparate outcomes that Black people experience at all stages of the criminal court process, targeted programming to help Black people navigate through and out of the system, and the expansion of the availability of Impact of Race and Culture Assessment (IRCA) reports across Canada to help sentencing judges consider how anti-Black racism and systemic discrimination contribute to a Black person’s interaction with the justice system, as well as the expansion of the use of IRCAs at other decision points in the criminal justice system, such as bail and parole hearings.

The 2024 Fall Economic Statement proposed \$23.6 million over two years, starting in 2025-26, for the Department of Justice Canada to:

- extend the external Steering Group to provide expert advice on implementation
- develop Black-specific court worker and navigation services
- expand the use of Impact of Race and Culture Assessment reports at other decision points in the criminal justice system other than sentencing
- develop supports for Black victims and survivors of crime
- develop Black-specific diversion, conferencing, and bail supervision projects for Black youth

Diversion is a way of holding the accused accountable outside the court process.

Conferences are gatherings involving various professionals and stakeholders, including the young person concerned and their family, where recommendations concerning the youth's case (for example, sentencing, conditions of release, rehabilitation, etc.) are discussed.

These proposed investments will help contribute to a more equal, fair and just system by connecting individuals to available services that account for their specific needs and experiences. This will also assist courts by ensuring they have appropriate information and are aware of available resources when making decisions.

Pillar 4: corrections (recommendations 86 to 103)

"... I am very disappointed to report that the same systemic concerns and barriers identified nearly a decade ago, including discrimination, stereotyping, racial bias and labeling of Black prisoners, remain as pervasive and persistent as before."

(Office of the Correctional Investigator (2022))

"CSC [Correctional Service Canada] recognizes culturally sensitive programs should be a part of your correctional plan but don't have any available."

(Words of a participant, Think Twice Report of Community engagement and consultation held in Ontario for Canada's Black Justice Strategy, (2023))

"STG [Security Threat Groups] label was made for Black people."

(Words of a participant, Think Twice Report of Community engagement and consultation held in Ontario for Canada's Black Justice Strategy, (2023))

The Report emphasizes the negative outcomes that Black offenders experience while incarcerated, including higher security classifications, lower levels of access to programming and employment opportunities, and higher levels of use of force, and institutional discipline. The Report recommends reviews of practices and policies where there is overrepresentation of Black offenders and new programming to meet the specific needs of Black offenders.

The 2024 Fall Economic Statement proposed a new investment of \$7.9 million over 2 years, starting in 2025-26, for Correctional Service Canada's Black Offender Strategy, that is intended to help support successful rehabilitation during incarceration by delivering culturally- and gender-appropriate programming and specialized services and supports. Black-specific services would include Afri-Centric initiatives like the Black Social History assessment, Black Community Liaison and Reintegration Officers, and the Black Mentorship Program.

Pillar 5: parole, re-entry, and reintegration (recommendations 104 to 114)

"There is often not someone to guide them in the direction of education opportunities, expungement of records, getting them access to other supports in the community. I can imagine when that person comes out of incarceration or the facility, it's scary."

(Words of a participant, ISSAMBA Centre Report of Community engagement and consultation held in British Columbia for Canada's Black Justice Strategy, (2023))

"Sometimes it feels people are left out of the system and set up to fail. There isn't much support available to people. They are shunned from society. They need mental health support and access to skills training programs [...]. Mental health is still a taboo in the community and funding needs to go to community programs that offer culturally relevant and responsive mental health services."

(Words of a participant, African Canadian Civic Engagement Council Report of Community engagement and consultation held in Alberta for Canada's Black Justice Strategy, (2023))

The Report highlights the disparities that Black people experience in accessing parole and reintegrating into society. These disparities are linked to anti-Black racism and the unequal outcomes that Black people experience across the social determinants. The Report recommends the provision of targeted services with the support of Black communities and community-based organizations that provide reintegration services.

The 2024 Fall Economic Statement proposed a new investment of \$16.7 million over two years, starting in 2025-26, for Public Safety Canada to work with Black-led organizations, or organizations that serve primarily Black populations, to develop responsive services, as well as assist with applications for record suspensions (formerly known as pardons). Public Safety will also conduct research on re-contact to better understand the unique intersections between social, economic, and systemic factors that contribute to the overrepresentation of Black people in the criminal justice system. The study will cross-reference re-contact data with social domain information in alignment with the [Federal Framework to Reduce Recidivism](#), which offers a multidimensional perspective on factors that may impact recidivism.

A record suspension allows people who were convicted of a criminal offence, but have completed their sentence and demonstrated that they are law-abiding citizens for a prescribed number of years, to have their criminal record kept separate and apart from other criminal records. A record suspension helps take away the stigma of a criminal record, and opens doors to job, educational, and volunteer opportunities. A record suspension does not erase a criminal record, but sets it aside (sexual offences continue to be flagged in vulnerable sector checks). The record suspension can be revoked or cease to have effect if a person is:

- convicted of a new indictable offence, or, in some cases, a summary offence
- found to no longer be of good conduct
- found to have made a false or misleading statement, or hidden information when they applied
- found to have been ineligible for a record suspension at the time the record suspension was ordered

Re-contact is subsequent contact with police, courts, or corrections.

III. Tracking progress: an accountability framework

Black people have been advocating for systemic changes to the criminal justice system for decades. As part of the commitment of the Government of Canada to combatting anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the criminal justice system, including as victims of crime, we recognize the need for solutions that include Black people and communities and reflect their voices. We equally recognize that these questions are not the sole responsibility of Black communities, and that part of the role and responsibility of governments is to bridge the gap between the high levels of awareness and discussions about the human costs of anti-Black racism and the urgent need for change that is happening in Black communities, and lower levels of awareness and action in broader parts of Canadian society.

Transformative change cannot be accomplished in one step. Some changes will require more disaggregated data to design effective new initiatives, others will require cooperative efforts with other levels of governments, and yet others will require models to be built with community-based organizations. As a result, there will be a need for mechanisms so that Black communities can keep governments accountable on their progress.

The work needed is extensive and cannot be completed in one phase or initiative. It requires change in many interrelated societal systems, from education, through housing and health to justice, including the need for disaggregated data in all these systems, and for awareness, training, and cultural competence in all these systems as well. As a result, this Plan is a first step, building on a great deal of earlier work, toward the needed changes. Other phases of the work will need to follow, and to ensure that they do, there will be a need for mechanisms to keep the Government of Canada accountable to Black communities on progress and outcomes. We will also work with other levels of government to address this issue, particularly on areas under their responsibility and to build on work that is already underway in their jurisdictions. Some of the initiatives underway in the Government of Canada are highlighted at the end of this Plan.

In response to the recommendations for accountability mechanisms in the Report, the Plan includes the continuation of the external Steering Group for Canada's Black Justice Strategy for two years, as proposed with investments from the *2024 Fall Economic Statement*. When the implementation of the recommendations begins, the external Steering Group will continue providing strategic advice to the Government of Canada on the next phase of work that is needed to achieve transformative change.

The Plan recognizes an earlier announcement by the Minister of Diversity, Inclusion and Persons with Disabilities as an accountability mechanism.

On August 30, 2024, the Government of Canada announced that a total of \$7.25 million would be provided over three years to the Caribbean African Canadian Social Services to establish the first-ever Canadian Institute of People of Afrikan Ancestry (CIPAA)⁸ to work on issues affecting Black communities. The objectives of the Institute include:

- informing and influencing policy and the creation of programs of all orders of government from a Black-centric perspective
- undertaking applied research, collecting and analysing knowledge, information sharing, engaging with communities and building networks and connections
- improving overall outcomes for people of African descent in Canada

IV. The context: how did we get here?

“It should be apparent that a democratic society faces a cruel dilemma when it promises equal opportunity to all and yet a considerable portion of its population suffers from blatant discrimination based on its racial classification.”

(Discrimination Against Blacks in Nova Scotia: The Criminal Justice System, Dr. Wilson Head and Professor Don Clairmont, Prepared for the Royal Commission on the Donald Marshall, Jr., Prosecution, February 1989, 66.)

Section 15 of the *Canadian Charter of Rights and Freedoms* guarantees equality rights to all and sets out that every person in Canada is equal before and under the law and has the right to equal protection and benefit of the law, without discrimination. As we approach the 40th anniversary of the enactment of this important right and Canadian value, the Government of Canada affirms its commitment to combatting anti-Black racism and systemic discrimination in its various forms.

This is an important part of our path toward substantive equality. Our collective future depends on targeted commitments to improve the well-being of all Canadians, including those to address anti-Black racism, systemic discrimination, and inequality. As noted in the Steering Group Report, these changes:

“...require Canadians to think of justice differently; to move away from narratives of punishment to ones of accountability, reparations, and crime prevention. These changes will redirect resources to communities, to address the root causes of crime by healing trauma and increasing opportunity.”

The ongoing work toward a more equal society requires the participation of all of us and begins by recognizing and acknowledging the diverse histories and lived experiences of all people in Canada. How much do we, as Canadians, know about when the unequal treatment of Black people began and why it continues? Anti-Black racism cannot be changed without first acknowledging that it exists and understanding its roots.

Origins of anti-Black racism in Canada

"You say that by baptism I shall be like you: I am black and you are white, I must have my skin taken off then in order to be like you."

(Olivier Le Jeune, enslaved child, New France, 1632)

"Black slaves are certainly the only people to be depended upon ... pray therefore if possible procure for me two Stout Young Fellows ... [and] buy for each a clean young wife, who can wash and do the female offices about a farm. I shall begrudge no price."

(James Murray, Governor of Quebec, 1763)

"Slavery...is the mother of racism."

(Dr. Carrie Best, Quoted by Chief Justice T Alexander Hickman (Chair), Royal Commission on the Donald Marshall, Jr., Prosecution, vol 7 (Halifax: Province of Nova Scotia, 1988) at 94)

Our collective history and our future as Canadians require understanding the origins of the legacy of colonialism, slavery, racial segregation, and restrictive immigration practices that were rooted

in anti-Black racism. Many people in Canada are unaware of the parts of our history that have resulted in the systemic discrimination of Black people that persists in our society today. Anti-Black racism is rooted in the ideology that Black people are inferior, infantile, and inhuman.⁹ This ideology was not unique to Canada but was the foundation for the forced migration of African people through the transatlantic slave trade. It was also part of the motivation for the colonization of Africa.

It is an uncomfortable reality to face, and one that is not always taught in schools, but Canada permitted the enslavement of Black people and of Indigenous peoples. Between 1629 and 1834, more than 4,000 people of African descent were enslaved in the British and French colonies that became Quebec, Ontario, Nova Scotia, Prince Edward Island, and New Brunswick.¹⁰ The enslavement and dehumanization of Black people in the colonies was justified for economic development and enforced through laws that defined slaves as property without rights. An enslaved child, Olivier Le Jeune, is the first Black person recorded to have lived in New France, arriving sometime between 1629 and 1632, when he was sold to a white clerk in Quebec City.¹¹

Historians have linked the attempts of enslaved people to free themselves to extreme consequences. In 1734, a fire caused significant damage to Montreal. Marie-Joseph Angelique, an enslaved Black woman who had attempted to escape prior to the fire, was accused of setting it.¹² Angelique maintained her innocence but was found guilty of arson and sentenced to death. Before her execution, Angelique was tortured and allegedly confessed to the crime. She was subsequently hung to death.

The violence and injustice of slavery motivated enslaved people to continue to seek opportunities for freedom. Enslaved people who fought for the British during the American War of Independence were promised freedom and land for their efforts and came to be known as "Black Loyalists".¹³ After the war, Black Loyalists settled in Nova Scotia, New Brunswick and Upper Canada (later known as Ontario). However, these soldiers experienced discrimination despite their contributions during the war. The land grant process for these soldiers was much slower than for white Loyalists, and many received small plots of land that were not ideal for farming or no land at all. While waiting, Black people were barred from earning a living and were only allowed to find positions as domestic servants or labourers.¹⁴ These conditions led some Black Loyalists to return to the United States, and others to resettle in Sierra Leone in Africa, searching for equality.

Black people resisted enslavement, including by using the law to inspire change. In 1793, Peter Martin, a free Black man, petitioned the Executive Council of Upper Canada to act after witnessing the violent removal back to the United States of Chloe Cooley,¹⁵ an enslaved Black woman who had escaped to freedom in Canada. The Upper Canada legislature subsequently passed legislation that restricted new enslavement in Upper Canada and granted freedom to any enslaved person arriving in the province. Unfortunately, it did not free those in Canada who were already enslaved, although it

provided that their children would be freed at age 25.¹⁶ As a result of this law, over 30,000 people fled slavery in the American South and came to Canada through the Underground Railroad, primarily assisted by other free Black people. Most settled in southern Ontario, but some also settled in Quebec, New Brunswick, and Nova Scotia.

The *Slavery Abolition Act* of 1833 abolished slavery in the British Empire on August 1, 1834, but for most enslaved people in Canada, the Act resulted only in partial liberation. Children under the age of six were freed, but those over the age of six were required to continue serving their former owners for four to six years as unpaid apprentices, as compensation to their former owners.

Nevertheless, Canada continued to be seen as a haven for enslaved Black Americans seeking refuge, and thousands arrived on Canadian soil between 1834 and the early 1860s. As the number of former slaves entering Canada significantly increased with the passage of the *Fugitive Slave Act*¹⁷ in the United States in 1850, making the Northern States no longer a safe haven, concerns increased. This led to a petition in Canada to close the border to Black immigrants during the American Civil War, and in 1911, an Order-in-Council was issued, although repealed several months later, banning "any immigrants belonging to the Negro race, which is deemed unsuitable to the climate and requirements of Canada."¹⁸

After slavery, racial segregation practices relegated Black people to the margins of society as second-class citizens, both socially and economically.¹⁹ These racial segregation practices existed in every aspect of life. Through the 1800s and into the 1900s, Black people in Canada were restricted from purchasing land and owning a home within established towns and cities, which led to the establishment of communities like Africville, which was set up outside of Halifax on land deemed to be otherwise unusable, and so suitable for settlement of “displaced people”.²⁰ Similar communities were formed in Ontario, such as Wilberforce, Priceville, the Dawn Settlement and the Elgin Settlement, including the Buxton Mission.²¹ Schools were segregated and establishments that were open to the public, such as theaters, restaurants,²² swimming pools²³ and others, refused to serve Black people. Hospitals could refuse Black patients, and Black physicians. Black people were excluded from employment opportunities that they were qualified for. Although these discriminatory practices gradually became illegal when federal and provincial Human Rights Acts were enacted from the mid-1940s to the 1970s, some 140 years after the abolition of slavery, the last segregated Black school in Canada did not close until 1983 in Nova Scotia.²⁴

Despite resistance to their existence in Canada, Black people continued to fight against anti-Black racism and discrimination to improve the well-being of their communities. Trailblazers like Henry and Mary Bibb established schools to improve the education of Black children and adults and developed the first Black newspaper in Canada to advocate for human liberty and abolition of slavery.

Mary Ann Shadd Cary, the daughter of the first Black man to be elected in Canada, Abraham Shadd (1859), began a second newspaper several years later. Thornton and Lucie Blackburn established Toronto’s first taxi-cab company and built homes they rented to newcomers. Active participation by Black people in Canada and active resistance to anti-Black racism continue today.

The Black Canadian experience: being Black in Canada

“For me, being Black in Canada, it’s being strong and being the best you can. But at the same time, it’s being misunderstood. Displaced at times. And yeah, you use that strength and courage to fight and to exist.”

(Words of a participant, DESTA Black Community Network Report of Community engagement and consultation held in Quebec for Canada’s Black Justice Strategy, (2023))

“Being Black in Canada is a struggle. But I would prefer that being Black would just be rich and full of possibility.”

(Words of a participant, DESTA Black Community Network Report of Community engagement and consultation held in Quebec for Canada’s Black Justice Strategy, (2023))

“...I remember having my two sons go to the dépanneur, and for the first time, seeing them walking off without mommy going to the store. And I was like, oh great. And then I looked at the stride they took and the confidence and that male strut. And I immediately went to fear. My 13-year-old is almost my height, right? So that’s fairly tall and he’s not a slim child, he’s more heavy set. And that fear is so, it’s like gut wrenching, you know what I mean? And then there’s conversations. I mean, I’ve spoken to them before, but I’m like, now we really, really, really have to have these conversations, right? And it’s so sad because you’re addressing this stuff with them and you have to say, ‘this puts you in a different light, yes, you’re a child, but please function as an adult, please function as an able-bodied, able-mind person that makes proper decisions.’ And it’s such a hard conversation to have.”

(Words of a participant, DESTA Black Community Network Report of Community engagement and consultation held in Quebec for Canada’s Black Justice Strategy, (2023))

The Black population in Canada is one of the youngest, most diverse, and rapidly growing populations in Canada. Between 1996 and 2016, the Black population doubled in size, from just under 600,000 people in 1996 to close to 1.2 million people in 2016. The Black population now accounts for 4.3% of Canada’s total population (more than 1.5 million people)²⁵ and is projected to reach upwards of 5.6% of Canada’s total population by 2036. The Black population is also younger than the overall population in Canada, with a median age of 30.2 years compared to 41.2 years for the total population.

Black people have diverse origins. Many trace their heritage to families that have been in Canada for generations, while others have more recently immigrated from countries around the world. In the last Census, Black people reported more than 300 ethnic or cultural origins and more than 450 languages. Most Black people in Canada were either born in Canada (40.9%), in Africa (32.6%), or in the Caribbean and Bermuda (21.0%).²⁶

Between the 1960s and 1990s, earlier generations of Black people primarily immigrated to Canada from the Caribbean. Since 2001, recent immigrants are predominantly from Africa. The African-born immigrant population is highly educated, with 46% holding a bachelor’s degree or higher.²⁷

Despite their level of educational attainment, the Black population has lower rates of employment and earnings than other non-Indigenous, non-white populations, even when differences in age and education are considered.²⁸ While the proportion of the Black population that has attained a bachelor’s degree or higher (32.4%) is comparable to that of the total population (32.9%),²⁹ the median income for Black people with a bachelor’s degree or higher is \$50,000 compared to \$70,000 for the non-Indigenous, non-white population overall.³⁰ Black people born in Canada are more likely to be employed in lower-skilled jobs compared to their level of education, and to other non-Indigenous, non-white populations born in Canada.³¹

Black people are more likely than the total population to experience food insecurity, which is strongly linked to poverty and associated with poorer health outcomes including poorer mental health³² and premature mortality.³³ Black lone mother families experience higher rates of food insecurity compared to non-Indigenous, non-white lone mother populations.³⁴

Homeownership is often considered as the main marker of wealth accumulation in Canada. Although homeownership is increasingly challenging for all Canadians, housing insecurity and accessibility has been a challenge for Black Canadians for many years. Studies show that Black people have the lowest homeownership rate in Canada, are more likely to live in inadequately sized housing, and spend more of their total income on housing.³⁵ In 2022, 51% of Black people reported that they would not be able to cover an unexpected expense of \$500 compared to 26% of the total population.³⁶ In a recent study, Black people were overrepresented among people experiencing homelessness.³⁷ Among the Black population that has reported experiencing homelessness, Black women have the highest rate of homelessness.³⁸

“Well, for me, growing up in Montreal, it really started with hanging out with my group of friends. You play at the park, and you get labeled. You’re too loud. You make a lot of noise. They put up a gate around the basketball court. At some point, they put a lock on that gate as well. So, we had to climb up the fence to go play basketball. And then the police came, they said, you’re not allowed to play basketball before noon. And we had to play from noon to 8 PM. So, I would say, you can say a lot of factors. You could say poverty. You could say your economic situation.

So, I would say for me, it started out just existing in my neighborhood. That’s what it was, unfortunately and fortunately. Because we exist, we here. And we need to be

confident enough to occupy the physical space. But in order to have that confidence, you need to know that you’re securing your environment. And growing up, I never really felt secure. And I would say too, that’s how a lot of my friends, their hatred started for the police. And that’s how they ended up going on the other side of society, quote unquote.”

(Words of a participant, DESTA Black Community Network Report of Community engagement and consultation held in Quebec for Canada’s Black Justice Strategy, (2023))

Examples of these socioeconomic challenges were heard throughout the engagement and consultations with Black communities in Canada. Participants shared the impact of:

- underemployment and poverty
- racial abuse and mistreatment from teachers and the impact on Black students’ sense of belonging
- dropping out of school
- adverse childhood experiences and untreated traumas
- a lack of stable and affordable housing
- below-standard living conditions
- the prevalence of public housing in high-crime neighbourhoods

Participants also shared challenges navigating the criminal justice system:

1. Interactions with police were characterized by many participants as negative. There were stories of heavy police presence within Black communities, lack of police support for victims of crime, and racial profiling by police that resulted in people feeling demeaned and marginalized.

Racial profiling is any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment.

2. Poor outcomes for Black people at all stages of the criminal court process was described as rooted in anti-Black racism. Participants noted harsher sentences and tougher approaches in bail hearings for Black people compared to other racial groups. Participants also expressed frustration about the lack of supports to help people navigate through the system, as well as the lack of representation of Black people amongst judges, lawyers, and jurors.

3. Anti-Black racism and discrimination in correctional institutions was characterized as worse due to a lack of oversight of correctional institutions and limited accountability for correctional officers. There was particular concern about improper gang labelling, higher security classifications for Black people, and inconsistent application of rules within institutions, which were linked to racial bias and stereotypes. Participants in custody also shared a strong need for programming and employment opportunities while in custody to assist in rehabilitation.
4. The challenge of reintegrating due to the stigma associated with a criminal record was compounded by anti-Black racism, the mental and physical trauma of incarceration, and gaps in programming and resourcing offered within correctional institutions prior to release.

Despite these challenges, Black people remain resilient and more hopeful than average about their future.³⁹ For our shared wellbeing as a nation, we must nurture that hope and ensure that we continue to create opportunities for people to follow in the footsteps of heroic Canadians like William Hall, VC, and trailblazers like Viola Desmond,⁴⁰ Elijah McCoy,⁴¹ Carrie M. Best, OC, OND, Hugh Burnett, Dr. Wilson Head, the Honourable Michaëlle Jean, Member of the Queen's Privy Council for Canada (C.P.), Companion of the Order of Canada (C.C.), Commander of the Order of Military Merit (C.M.M.), Commander of the Order of Merit of the Police Forces (C.O.M.) and the Canadian Forces Decoration (C.D.), and Fellow of the Royal College of Physicians and Surgeons of Canada (F.R.C.P.S.C.), former Governor General of Canada, the Honourable Judge Corinne Sparks, former Nova Scotia judge, the Honourable Michael Tulloch, Chief Justice of Ontario, and many others.

Black Canadian leadership at the United Nations

“Canada’s history of enslavement, racial segregation and marginalization of African Canadians has left a legacy of anti-Black racism and had a deleterious impact on people of African descent, which must be addressed in partnership with the affected communities.”

(2017 Report of the United Nations (UN) Working Group of Experts on People of African Descent on its mission to Canada)

“The Decade is a unique platform that emphasises the important contribution made by People of African descent to every society, and promotes concrete measures to stop discrimination and promote their full inclusion.”⁴²

(Michelle Bachelet, former UN High Commissioner for Human Rights)

“The biological fact of race and the myth of ‘race’ should be distinguished. For all practical social purposes, ‘race’ is not so much a biological phenomenon as a social myth. The myth of ‘race’ has created an enormous amount of human and social damage. In recent years, it has taken a heavy toll on human lives and caused untold suffering.”

(UNESCO antiracism statement, 1950, The Race Question)

In December 2013, the UN General Assembly adopted resolution 68/237, which proclaimed 2015 to 2024 as the International Decade for People of African Descent (UNDPAD), with the theme “People of African descent: recognition, justice and development.” The UNDPAD aims to highlight the contributions of people of African descent to societies and recognizes that “People of African descent have long been denied the full realization of their human rights and experience common issues, such as structural and institutional racial discrimination, that must be addressed.”⁴³

In August 2016, at the invitation of the Government of Canada and advocates from Black communities, the UN Working Group of Experts on People of African Descent visited Ottawa, Toronto, Halifax, and Montreal to learn more about the experiences of people of African descent in Canada. At the conclusion of their mission, the three-member United Nations delegation submitted the 2017 *Report of the Working Group of Experts on People of African Descent on its mission to Canada*, presenting recommendations to assist Canada in its efforts to combat all forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance.

Afrophobia is a term used to describe racism that targets people of African descent.

The report included a recommendation for the Government of Canada to “develop and implement an African Canadian justice strategy to address the anti-Black racism and discrimination within the criminal justice system.” This recommendation was rooted in decades of advocacy and calls for action from Black communities to address systemic racism and discrimination in the justice system. Then, in 2021, the Minister of Justice and Attorney General of Canada was mandated to develop Canada’s Black Justice Strategy, in consultation and cooperation with Black communities and provinces and territories and with the support of the Minister of Diversity and Inclusion and the Minister of Public Safety. The Strategy aimed to address anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the Canadian criminal justice system, including as victims of crime.

In 2018, the Government of Canada was the first of the 35 member countries of the Organization for Economic Co-operation and Development to recognize the United Nations International Decade for People of African Descent, and to demonstrate a clear commitment toward fighting anti-Black racism. The International Decade ran from 2015 to 2024, with three themes – Recognition, Justice and Development. Canada’s Black Justice Strategy is the Government of Canada’s contribution to the second theme of “Justice”. On February 7, 2024, the Prime Minister announced an extension until 2028 of the federal government’s efforts under the International Decade to build initiatives to combat anti-Black racism and systemic discrimination faced by Black people in Canada, and to promote equality for all.⁴⁴ The Second International Decade for People

of African Descent (2025-2034), co-sponsored by Canada, was adopted by the United Nations General Assembly on December 17, 2024. Under the International Decade, Government of Canada initiatives have focused on supporting the leadership of Black Canadians in business, social justice, and Black communities through programs including the Black Entrepreneurship Program, the Supporting Black Canadian Communities Initiative, the Black-led Philanthropic Endowment Fund and the Mental Health of Black Canadians Fund. As the second International Decade begins, the Government of Canada will continue to build on these efforts, fostering a country where all Canadians can succeed and where Black Canadians can thrive and meaningfully participate in all aspects of society.

As states implement measures in support of the UNDPAD, the UN Office of the High Commissioner for Human Rights (OHCHR) recently expressed interest in initiatives that consider the circumstances of women, girls and young males, and measures to address access to justice, education, employment, health, and housing, as well as measures against poverty.⁴⁵

Through appearances at the UN Permanent Forum for People of African Descent, Black Canadian civil society leaders, including some members of the external Steering Group for Canada’s Black Justice Strategy, are influencing policies and practices affecting people of African descent worldwide, and encouraging the Government of Canada to demonstrate leadership in global efforts to eradicate anti-Black racism.



Conclusion

“Until all of us have made it, none of us have made it.”

(Rosemary Brown, social worker and politician)

The Steering Group has proposed a way forward to combat the anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in our criminal justice system, including as victims and survivors of crime. We know that this is possible, and this Plan takes a first step toward achieving the structural and systemic changes necessary to stop the overrepresentation of Black people in the criminal justice system and eradicating anti-Black racism and systemic discrimination from all of Canada’s institutions.

In addition to the new investments in this Plan, the Government of Canada has taken earlier action related to some of the recommendations in the Report, as some are similar to recommendations in earlier reports, such as the report of the House of Commons Standing Committee on Systemic Racism in Policing. These recent initiatives taken by the Government of Canada to combat anti-Black racism and systemic discrimination can be found in Annex 1.

Notably, the Report includes many immigration related recommendations, including specific amendments to the *Immigration and Refugee Protection Act* and its Regulations led by the Canada Border Services Agency. Annex 1 also includes initiatives at Immigration, Refugees and Citizenship Canada that seek to address areas of the immigration system that may contribute to systemic discrimination. This work will continue to ensure that the immigration system is also free from anti-Black racism and systemic discrimination.

Our future as Canadians is full of hope and possibility. We hope for and will work toward a future free of all forms of discrimination and we are committed to taking concrete actions to create that reality. We know that this will only be possible if we all join in the fight to eradicate anti-Black racism and systemic discrimination. We invite all people in Canada to join in this path forward to a more equal society and contribute to the changes needed to ensure that all can experience the possibilities that this country affords.



Annex 1: Recent Government of Canada initiatives to address anti-Black racism and systemic discrimination

Since 2018, the federal government has committed up to \$872 million to initiatives that support Black communities. These programs and earlier investments include:

- Up to \$265 million, including \$130 million from the Business Development Bank of Canada (BDC), for the Black Entrepreneurship Program to help Black business owners and entrepreneurs grow their businesses and succeed now and into the future through access to loans, mentorship, financial planning services, and business training, as well as advancing research on Black entrepreneurship in Canada
- \$200 million to the Supporting Black Canadian Communities Initiative which is mandated to celebrate, share knowledge, and build capacity in Black communities in Canada, including taking concrete actions to address long-standing systemic barriers faced by Black persons in Canada and the community organizations serving them
- \$200 million to establish the Black-led Philanthropic Endowment Fund, which serves as a sustainable source of funding for community-led projects that help combat anti-Black racism and improve social and economic outcomes in Black communities
- \$60.5 million in support for targeted scholarships and fellowships for promising Black researchers
- \$49.6 million to establish mental health supports for Black public servants and dedicated career development programs, including to support career advancement of Black public service leaders in executive positions
- \$10 million for community-based mental health initiatives through the Mental Health of Black Canadians Fund

Pillar 1: social determinants of justice

The Government of Canada has announced initiatives and made additional investments in recent years to address the social determinants of justice, to combat racism and hate, and to support the full participation of Black people in Canadian society. Key investments and initiatives include:

i) Black-specific initiatives

Employment and Social Development Canada – Supporting Black Canadian Communities Initiative

The Supporting Black Canadian Communities Initiative (SBCCI) is a federal grants and contributions initiative. The SBCCI was created in 2019 to:

- empower Black Canadians and Black-led community organizations
- address systemic barriers and anti-Black racism
- advance the full social and economic inclusion of Black Canadians into Canadian society

SBCCI provides funding to help Black-led organizations build foundational infrastructure within Black communities. SBCCI helps address the emerging priorities of Black communities and organizations in Canada by funding activities and projects, led by Black community stakeholders, that meet specific needs they have identified.

Since 2019, over \$200 million has been invested through the Supporting Black Canadian Communities Initiative to celebrate, share knowledge and build capacity in Canada's vibrant Black Canadian communities, including \$25 million in 2024-25, announced through Budget 2023, and \$36 million in 2025-26, announced in the *2024 Fall Economic Statement*.

Employment and Social Development Canada – Federal Leadership on the United Nations International Decade for People of African Descent

In 2018, the Prime Minister formally recognized the United Nations International Decade for People of African Descent (UNDPAD). The Supporting Black Communities Directorate at Employment and Social Development Canada has been mandated as the policy lead on the UNDPAD to coordinate actions and track progress on Canada's commitments under the UNDPAD.

Employment and Social Development Canada – Black-led Philanthropic Endowment Fund

The Government of Canada has committed \$200 million to establish the Black-led Philanthropic Endowment Fund dedicated to supporting Black-led charities and organizations serving youth and social initiatives. Led by Black Canadians for Black Canadians, the Fund will create a sustainable source of funding to improve social and economic outcomes in Black communities.

Public Health Agency of Canada – Promoting Health Equity: Mental Health of Black Canadians Fund

Budget 2024 provided an additional \$4 million over two years, starting in 2024-25, to the Public Health Agency of Canada for the Mental Health of Black Canadians Fund. This Fund supports the mental health of Black individuals and communities, with the aim of supporting more culturally focused knowledge, capacity, and programs that address mental health and its determinants for Black Canadians, including a focus on youth.

Treasury Board of Canada Secretariat – Mental Health Fund for Black Public Servants

Budget 2023 provided \$45.9 million over three years, starting in 2023-24, to the Treasury Board of Canada Secretariat to create a Mental Health Fund for Black public servants and establish dedicated career development programs, including to prepare Black public service leaders for executive positions.

Canada Mortgage and Housing Corporation – Affordable Housing Fund

A \$50 million carve-out for Black households within the Affordable Housing Fund supports Black-led organizations to build more affordable housing for Black renter households in Canada, and support homeownership for Black families across the country.

The Affordable Housing Fund is supporting affordable homeownership for Black households through a joint \$40 million investment with Habitat for Humanity Canada to build 200 homeownership opportunities for Black households. As of May 31, 2023, 115 Habitat homes have been built or are under construction with local Habitat for Humanity organizations in Alberta, Ontario, Manitoba, New Brunswick, and Quebec.

Innovation, Science and Economic Development – The Black Entrepreneurship Program

The Black Entrepreneurship Program is a partnership between the Government of Canada, Black-led business organizations, post-secondary or other accredited educational institutions, and financial institutions. It has three components:

- The \$100 million National Ecosystem Fund, which has funded 43 not-for-profit organizations across the country that are now delivering mentorship, business training and financial planning services to businesses.

- The \$160 million Black Entrepreneurship Loan Fund, delivered by the Federation of African Canadian Economics (FACE), provides loans of up to \$250,000 to Black business owners and entrepreneurs.
- The \$5 million Black Entrepreneurship Knowledge Hub conducts qualitative and quantitative research and collects data on the state of Black entrepreneurship in Canada to help identify Black entrepreneurs' barriers to success as well as opportunities for growth. Carleton University and the Dream Legacy Foundation have partnered to establish the Knowledge Hub.

Innovation, Science and Economic Development – Futurpreneur Canada

To empower young entrepreneurs, Budget 2024 provided \$60 million over five years, starting in 2024-25, for Futurpreneur Canada. Futurpreneur Canada will match this federal investment with funding received from other orders of government and private sector partners. In addition to Innovation, Science and Economic Development's (ISED) Black Entrepreneurship Program, Futurpreneur Canada, in concert with the Royal Bank of Canada and the Business Development Bank of Canada, also supports young Black entrepreneurs through its Black Entrepreneur Startup Program.

Public Services and Procurement Canada – Black Business Procurement Pilot

In 2021, the Black Business Procurement Pilot was launched to expand procurement opportunities for Black-owned or operated businesses across Canada. In addition, a Request for Information sought to gather information on Black-owned or Black-led businesses and their experiences with federal procurement.

Canada Mortgage and Housing Corporation – Homeownership Bridge Program

In 2022, the Homeownership Bridge Program received \$10 million in federal funding, through Canada Mortgage and Housing Corporation's Shared Equity Mortgage Providers Fund, to provide shared equity mortgages to first-time homeowner Black families in the Greater Toronto Area. The Homeownership Bridge Program was led by BlackNorth Initiative in partnership with Habitat for Humanity Toronto.

Canada Mortgage and Housing Corporation – Black Community Technical Housing Resource Centre

To support Black-led and Black-serving organizations interested in the field of housing, the Government of Canada has committed \$500,000 from the National Housing Strategy toward the establishment of a Black Community Technical Housing Resource Centre (BCHC) to provide advice and assistance for organizations interested in building housing for Black communities. The initiative is also supported through \$150,000 from the Province of Nova Scotia. In partnership with the Community Housing Resource Centre, the BCHC will be led by individuals from the Black community and will serve as a valuable resource hub. Engagements with stakeholders to establish the advisory and

steering committees through regional meetings have taken place across the country. Ongoing work with the Advisory and Steering Committees will help establish the BCHC's Governance structure, prioritizing intersectionality, and equity across the country in the selection process.

Canada Mortgage and Housing Corporation – Buying while Black: Barriers to Black Homeownership

Funded under the National Housing Strategy Research and Planning Fund, the Buying while Black: Barriers to Black Homeownership project examines barriers facing Black Canadians when pursuing homeownership in the Greater Toronto and Hamilton Area (GTHA). The first phase of primary data gathering (through key informant interviews with real estate professionals) is complete. A final research report will be made public. Initial findings highlight factors affecting homebuying practices within Black communities and barriers that Black individuals encounter in the homebuying process.

Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council, Social Sciences and Humanities Research Council – Support for Black students and post-doctoral researchers

Budget 2022 provided \$40.9 million over five years and \$9.7 million ongoing to increase the number of awards available to highly qualified Black scholars. These funds will be offered through the federal research agencies to support targeted scholarships and fellowships for promising Black student researchers, to be delivered through existing programs. The funds will contribute to making Canada's research culture more equitable, diverse, and inclusive, and will augment Canada's innovation potential.

Canadian Heritage – Community Support for Black Canadian Youth

Budget 2018 invested \$9 million to enhance local and community support for Black Canadian youth, including funding for 56 projects; a National Anti-Black Racism Education and Awareness Campaign called Say it Loud, which mobilized over 10,000 Black youth from coast to coast to coast; and support for outreach and engagement activities.

ii) Broader initiatives that support Black communities and other communities

Canadian Heritage – Canada’s Anti-Racism Strategy

Launched on June 8, 2024, “Changing Systems, Transforming Lives: Canada’s Anti-Racism Strategy” will span from 2024 to 2028 and includes a \$110.4 million investment aimed at driving action in employment, justice and law enforcement, housing, healthcare, and immigration systems. It includes over 70 federal initiatives designed to ensure that federal policies, programs and services reflect the Canada it serves, while also working in partnership with communities by investing over \$70 million in local initiatives across the country.

Canadian Heritage – Canada’s Action Plan on Combatting Hate

The Government of Canada signaled its commitment to tackle hate by calling for the first ever Action Plan on Combatting Hate in Budget 2022 to give a voice to those with lived experience of hate, including racialized and religious minority communities in Canada and their intersections. In support of these efforts, Budget 2024 announced \$273.6 million over six years, starting in 2024-25,

with \$29.3 million ongoing, for Canada’s Action Plan on Combatting Hate, which was unveiled on September 24, 2024, to support community outreach and law enforcement reform, tackle the rise in hate crimes, enhance community security, counter radicalization, and increase support for victims. This is complimented by a previous investment of \$110.4 million for Canada’s Anti-Racism Strategy – aimed at driving action in employment, justice and law enforcement, housing, healthcare and immigration systems. The Action Plan, including program funding for communities, will be a key lever in confronting anti-Black hate across Canada – an imperative need given that Black persons in Canada continue to be targets of the greatest number of police-reported hate crimes motivated by race in the country.

Canadian Heritage – Multiculturalism and Anti-Racism Program

The Multiculturalism and Anti-Racism Program supports the mandate of the Department of Canadian Heritage by building on Canada’s strength as a diverse and inclusive society.

The Program’s objectives are to support communities to:

- advance anti-racism, foster ethnocultural diversity and inclusion, and promote intercultural and interfaith understanding
- provide equitable opportunities for equity-deserving populations and community organizations to participate fully in all aspects of Canadian society

- promote dialogue on multiculturalism, anti-racism, racial equity, diversity, and inclusion to advance institutional and systemic change so that Canada becomes a more inclusive society, free from racism and hate-motivated actions
- support research and evidence to build understanding of the disparities and challenges faced by equity-deserving populations

Canadian Heritage is implementing enhanced protocols and processes for funding programs that support Canada's Anti-Racism Strategy to help ensure that organizations and individuals that espouse racist, antisemitic, Islamophobic and other forms of hateful content will not be eligible to receive government funding. The Program has three funding components: Events, Projects and Organizational Capacity Building.

Canadian Heritage – Community Sport for All Initiative

In February 2024, the Government of Canada announced more than \$16.7 million in funding through the Community Sport for All Initiative to provide more Canadians with opportunities to experience the transformative power of sport. Through this investment, 39 National Sport Organizations (NSO) will be able to give Canadians access to and stay involved in sport in communities from coast to coast to coast. The Community Sport for All initiative supports NSOs in establishing more accessible and locally organized sport programs aimed at reducing barriers to participation, particularly among Black, Indigenous and racialized communities as well as 2SLGBTQI+ individuals, persons with disabilities, people with low incomes and newcomers.

Employment and Social Development Canada - Employment Equity Act Review (Labour Program)

In 2021, the Government of Canada established the *Employment Equity Act Review Task Force* to conduct an independent and comprehensive review of Canada's *Employment Equity Act* to improve equity, diversity, and inclusion in federally regulated workplaces and to keep pace with the economic, demographic, and social changes in recent decades. The report was released on December 11, 2023.

Through the Task Force's extensive research and engagement with Canadians, one of their recommendations is #3.17, which states that 'Black workers should constitute a separate employment equity group for the purposes of the *Employment Equity Act* framework.' The realities of Black workers include facing the highest overqualification rate of any Canadian-educated racialized group, 16% in comparison to 11% for the total population. The proposed addition to the *Employment Equity Act* received significant support from Black communities. The Task Force noted that Black people would like specific recognition of their experiences and barriers which are legacies of the transatlantic slave trade; and that their employment outcomes are worse in comparison to other racialized communities.

On December 11, 2023, Minister O'Regan, Minister of Labour announced the Government's initial commitments to modernize the *Employment Equity Act*, including making Black people a new designated group. Following the recommendations of the Task Force, Budget 2024 announced the government's intention to propose legislative amendments to modernize the *Employment Equity Act*, including by expanding designated equity groups.

Health Canada – The Renewed Canadian Drugs and Substances Strategy

On October 30, 2023, the Minister of Mental Health and Addictions and Associate Minister of Health launched the Renewed Canadian Drugs and Substances Strategy (CDSS). The renewed CDSS guides the Government of Canada's response to substance use related harms and the overdose crisis. The CDSS is led by Health Canada and is implemented in collaboration with over 15 federal government departments and agencies. The goal of the CDSS is to minimize substance-related harms for individuals, families, and communities by taking action in four integrated priority areas called foundational elements: prevention and education, substance use services and supports, including treatment, harm reduction and recovery, evidence, and substance controls.

The renewed CDSS introduced the new principle of equity, along side of compassion, comprehensiveness and collaboration to guide its actions. The principle of equity recognizes "the distinct impacts that substance use policies and interventions can have on Indigenous Peoples, African, Caribbean, Black and other racialized and marginalized populations."

Public Health Agency of Canada – 9-8-8 Suicide Crisis Helpline

The 9-8-8 Suicide Crisis Helpline offers 24/7/365, bilingual, trauma-informed, and culturally appropriate suicide prevention crisis support by phone and text message for everyone living in Canada. Depending on where they live, callers can select an option to receive specialized support for youth or Indigenous communities.

Public Safety Canada – National Crime Prevention Strategy

The National Crime Prevention Strategy is the policy framework for the implementation of crime prevention interventions in Canada and provides funding to strategically selected projects that contribute to preventing and reducing crime in Canada and to increasing knowledge about what works in crime prevention. The 2018 and 2021 calls for applications for the Crime Prevention Action Fund focused on supporting multi-sectoral community-driven direct intervention and research projects prioritizing Black and Indigenous youth. Since 2019, Public Safety has funded 18 projects that focus on serving Black youth, valued at \$58 million.

Immigration, Refugees and Citizenship Canada – Settlement and Resettlement Program – Supporting Targeted Programming for Equality-deserving Populations

As part of Immigration, Refugees and Citizenship Canada's Settlement and Resettlement Program's Call for Proposals (CFP) in 2024, the Department encouraged proposals for targeted programming to address barriers to integration for specific newcomer populations, including refugees, youth, women seniors, 2SLGBTQI+ populations, persons with disabilities, and Black and other racialized newcomers. Submitted CFP 2024 proposals will receive an Equity, Diversity and Inclusion score based on incorporation of GBA (Gender-based Analysis) Plus, targeted programming for specific equality-deserving client populations, and Truth and Reconciliation in the design of projects. As part of CFP 2024, the Department has created a new Equity Stream that will fund the settlement sector in building the capacity of not-currently funded, grassroots community organizations that serve and are led by equality-deserving populations to participate in the settlement and integration of diverse newcomers as service provider organizations.

Immigration, Refugees and Citizenship Canada – Employee training on anti-racism

Immigration, Refugees and Citizenship Canada has implemented mandatory training courses for employees, delivered through the Canada School of Public Service, which include courses on adopting an inclusive mindset, moving from Bias to Inclusion, and establishing inclusive hiring practices for a diverse workforce, as well as other management-oriented, department-specific course offerings on Anti-Racism Training. Further, the Department's decision makers are provided with training to address bias in decision making and equitable decision making, and the Department's Anti-Racism Task Force offers updated learning resources available to all employees.

Immigration, Refugees and Citizenship Canada – Institutional Bias and Racism Identification Method

The Institutional Bias and Racism Identification Method is a comparative, analytical methodology that consolidates statistical findings, immigration and risk trends, policy and program outcomes and socio-economic drivers to identify and analyze varying outcomes for racialized populations. This produces comparative case studies and recommendations to better improve program outcomes for Black populations. A case study of the Nigerian caseload was completed in October 2022. Application to additional caseloads was to be completed in Summer 2023. An Action Plan for recommendations on facilitative pathways and risk-informed, data driven application triaging was developed in parallel with consultations in Fall 2023.

Agriculture and Agri-Food Canada – Local Food Infrastructure Fund

Recognizing the disproportionate barriers to achieving food security Black communities face, Budget 2024 proposes to provide \$62.9 million over three years, starting in 2024-25, to renew and expand the Local Food Infrastructure Fund to support community organizations across Canada to invest in local food infrastructure, with priority to be given to Indigenous and Black communities, as well as other marginalized groups.

Pillar 2: policing

The Government of Canada has announced initiatives and made investments in recent years to combat systemic racism in policing, increase representation, police accountability and civilian oversight, and fill in data gaps on encounters with police. Key investments and initiatives include:

i) Black-specific initiatives

Royal Canadian Mounted Police – African Canadian Experience Workshop

This workshop was initially developed by Black RCMP officers for RCMP employees in Nova Scotia after a report recommended more education to help officers better serve diverse communities. The course aims to raise awareness about diversity in the workplace, equip employees with the knowledge and skills to support an environment that's inclusive, diverse and free of discrimination, and promote an understanding of the obstacles faced by Black Canadians.

ii) Broader initiatives that support Black communities and other communities

Public Safety Canada – Government Response to the Mass Casualty Commission Final Report

The Government Response to the Mass Casualty Commission Final Report, which included 130 recommendations to all orders of government and civil society in the areas of policing, community safety and violence prevention, included new investments to support the RCMP's Management Advisory Board, and the RCMP's new Reform, Accountability and Culture sector, among others. The new sector will examine and implement recommendations from the Final Report and other reports to support fundamental culture shifts across the RCMP. The Response also includes a commitment from the Government of Canada to continue providing national leadership and coordination to address MCC recommendations, including alignment, where appropriate, with the findings of other similar reports and inquiries. Progress will be monitored and reported on publicly through the independent Progress Monitoring Committee, established by the Governments of Canada and Nova Scotia, to ensure accountability and transparency.

Public Safety Canada – Response to House of Commons Standing Committee on Public Safety and National Security report on Systemic Racism in Policing in Canada

Public Safety Canada tabled a response to the Standing Committee on Public Safety and National Security report on *Systemic Racism in Policing in Canada* on May 31, 2022. Public Safety expressed support for most of the recommendations in the report and committed to taking steps to implement them. The proposed creation, in Bill C-20, of the Public Complaints and Review Commission was noted as a recent initiative in response to some of the issues raised in the report.

Public Safety Canada – Response to the House of Commons Standing Committee on Public Safety and National Security report on Gun and Gang Violence in Canada

Public Safety Canada tabled a response to the Standing Committee on Public Safety and National Security report, *A Path Forward: Reducing Gun and Gang Violence in Canada*, on September 15, 2022. The Response agreed in principle with the majority of the recommendations and highlighted actions taken to implement the recommendations such as gun and gang prevention, diversion, and exit programming for populations facing systemic barriers, including youth, young adults, Indigenous peoples, and racialized communities.

Public Safety Canada – Civilian Review and Complaints Commission for the RCMP

The Civilian Review and Complaints Commission for the RCMP is an independent agency. Created by Parliament in 1988, the Commission ensures that public complaints made about the conduct of RCMP members are examined fairly and impartially. The Commission receives complaints from the public and conducts reviews when complainants are not satisfied with the RCMP's handling of their complaints. The Commission is not part of the RCMP.

Royal Canadian Mounted Police – Response to the Wortley Report

The Civilian Review and Complaints Commission for the RCMP released the *Review of the RCMP's Policies and Procedures regarding Street Checks* in 2021 with several recommendations on the RCMP's policies and procedures regarding street checks. Since the release of the report, RCMP has been undergoing consultations with respect to modifications to the national street check policy. More recently, Nova Scotia's RCMP released a three-year action plan to build trust and positive relationships with, and to demonstrate accountability to, the Black community in Nova Scotia and continue to address systemic racism within the RCMP. On September 7, 2024, Nova Scotia RCMP issued a formal apology to African Nova Scotians and all people of African descent for the historic use of street checks and other harmful interactions in Nova Scotia.

Royal Canadian Mounted Police – Race-Based Data Collection Initiative

The Race-Based Data Collection Initiative aims to collect, analyze and report race-based data to better understand the experiences of Indigenous, Black and other racialized individuals and communities in their interactions with RCMP frontline officers. The collection of race-based data will help RCMP understand police-public interactions related to use of force, wellness checks, and arrests, and provide evidence-based information to help improve how the RCMP provides services to diverse communities. The Race-Based Data Collection (RBDC) pilot began in January 2024 in Whitehorse, Yukon (M Division); Wood Buffalo (Fort McMurray), Alberta (K Division); and Thompson, Manitoba (D Division). Since January 2024, the pilot has expanded to Burnaby, British Columbia (E Division) and plans are underway for RBDC in Nova Scotia (H Division). Piloting the Race-Based Data Collection Initiative will provide an opportunity for the RCMP to test processes and make improvements and adjustments before a national rollout.

Street Checks, sometimes called "carding", are instances where police stop and question individuals without a good reason or any evidence that they have committed a crime which is often an example of racial profiling.

Royal Canadian Mounted Police – Diverse and Inclusive Pre-Cadet Experience

The Diverse and Inclusive Pre-Cadet Experience (DICE) is a new RCMP recruitment and retention initiative focused on removing barriers that impact Black and other racialized groups who aspire to join the RCMP. The program accelerates the recruitment of Black and other racialized cadets to build a more representative RCMP. Candidates who complete the training experience will receive ongoing support and guidance from the DICE team as they go through the RCMP's police officer application process. By completing the DICE training, candidates will have completed some of the steps of the police officer application process, and their applicant files will reflect the completion of these steps.

Royal Canadian Mounted Police – Diversity and Retention and Employee Advancement Model

The Diversity and Retention and Employee Advancement Model (DREAM) is designed to aid in the retention and advancement of Indigenous, Black and other racialized cadets within the RCMP by providing mentorship, specialized training and assistance with career development and planning.

Royal Canadian Mounted Police – Training on Crisis Intervention and De-escalation

The RCMP has strengthened crisis intervention and de-escalation training for all its officers. Since 2016, an online training course on crisis intervention and de-escalation has been mandatory for all RCMP officers. This mandatory training helps police officers determine when and how to use crisis intervention and de-escalation techniques, and complements the training cadets receive at Depot, as well as other training offered in RCMP division and detachments. The purpose of the course is to ensure that RCMP officers will be able to use crisis intervention and de-escalation techniques, when tactically feasible, to effectively manage these situations, including incidents involving a person with a mental illness or a person in crisis. The course includes a module on some of the major mental illnesses and their observable behaviors, which can assist police officers in tailoring their approach to the person in crisis.

Since April 2021, crisis intervention and de-escalation training has been incorporated into annual Incident Management and Intervention Model recertification training. Scenarios involving crisis intervention and de-escalation training are also in place as part of regular, in-person, or mandatory operational training. The RCMP is also continuing to re-examine our current police intervention and de-escalation framework and move towards a refreshed model developed in consultation with Black, Indigenous, and racialized communities, as well as the provinces and territories.

Royal Canadian Mounted Police – Canadian Association of Chiefs of Police Use of Force Advisory Committee

The RCMP is continuing to work in partnership with the Canadian Association of Chiefs of Police Use of Force Advisory Committee and external academic partners to establish national minimum standards on the use of force and to conduct a review of de-escalation training (for example, identifying evidence-based best practices) across Canada.

Statistics Canada – Uniform Crime Reporting (UCR) Survey

Statistics Canada and the Canadian Association of Chiefs of Police are working collaboratively on the collection of Indigenous and racialized identity data of all accused and victims of criminal incidents through the Uniform Crime Reporting (UCR) Survey. This work responds to increasing demands for better disaggregated data that would speak to the disparate treatment and overrepresentation of Indigenous and racialized persons in the Canadian criminal justice system. A lack of national-level data has made it difficult to assess the extent of these issues accurately and to develop effective solutions (David & Mitchell, 2021; Millar & Owusu-Bempah, 2011; Samuels-Wortley, 2021; Truth and Reconciliation Commission of Canada, 2015; Wortley, 1999).

Although UCR Survey data are limited to criminal incidents, the collection of data on the Indigenous and racialized identity of all accused and victims of crime may prove critical in understanding and addressing disparities in the criminal justice system. As a first point of entry into the criminal justice system, UCR Survey data may also allow for further analyses of Indigenous and racialized groups' experiences with other aspects of the criminal justice system, through the linkage of policing, courts and corrections data.

Pillar 3: courts and legislation

The Government of Canada has announced initiatives and made investments in recent years to address racism and systemic discrimination in the criminal justice system, improve legislation and court processes, increase representation and diversity, and fill in gaps in information on criminal court outcomes. Key investments and initiatives include:

i) Black-specific initiatives

Justice Canada – Impact of Race and Culture Assessments

The Government of Canada has invested \$6.6 million over five years beginning in 2021-22, followed by \$1.6 million annually on an ongoing basis for the implementation of Impact of Race and Culture Assessments (IRCAs) across Canada. IRCAs are pre-sentencing reports that help sentencing judges to better understand the effect of poverty, marginalization, racism, and social exclusion on the offender and their life experience. IRCAs explain the relationship between the offender's lived experiences of racism and discrimination and how they inform the circumstances of the offender, the offence committed, and the offender's experience with the justice system. Budget 2024 committed an additional \$8 million over five years beginning in 2024-25 to allow for the expansion in IRCA implementation across Canada and to maintain current training projects for IRCA assessors and justice system professionals.

IRCAs inform sentencing judges of the disadvantages and systemic racism faced by Black and other racialized persons and may recommend alternatives to incarceration and/or culturally appropriate accountability measures within a sentence of incarceration. IRCAs have been used primarily for Black offenders, both adults and youth, at the sentencing stage of the criminal process.

The program is comprised of the following areas:

- provincial and territorial legal aid plan disbursement costs for IRCAs
- training for qualified individuals in the preparation of IRCAs
- continuing professional development courses on IRCAs for the legal profession, including information for the judiciary and other justice system actors

ii) Broader initiatives that support Black communities and other communities

Public Prosecution Service of Canada – New guideline – Alternative Measures: Public Prosecution Service of Canada Deskbook

The Public Prosecution Service of Canada recently updated Chapter 3.8 of its Deskbook on “Alternative Measures”. These changes seek to provide more flexibility to respond to legal and social changes, as this flexibility is in the public interest to address the overrepresentation of Indigenous, Black, racialized and marginalized groups in the criminal justice system. As a result of these updates, alternative measures may be used for offences if their use is consistent with the protection of society and maintaining confidence in the administration of justice. Prosecutors must also take steps to address the over-representation of certain groups in the criminal justice system by remaining diligent to recognize their own biases so that they may be set aside and take into account the background and systemic circumstances of the individual accused in the assessment of whether alternative measures are appropriate.

Justice Canada – former Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts to make consequential amendments to other Acts

On March 29, 2018, the Government introduced former Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts. Bill C-75 received Royal Assent on June 21, 2019. The former Bill:

- modernized and clarified bail provisions
- provided an enhanced approach to administration of justice offences, including for youth
- abolished peremptory challenges of jurors and modified the process of challenging a juror for cause and of judicial stand-by
- restricted the availability of preliminary inquiries
- streamlined the classification of offences
- expanded judicial case management powers
- enhanced measures to better respond to intimate partner violence
- provided additional measures to reduce criminal justice system delays and to make the criminal law and the criminal justice system clearer and more efficient
- restored judicial discretion in imposing victim surcharges
- facilitated human trafficking prosecutions, and allowed for the possibility of property forfeiture
- removed provisions that have been ruled unconstitutional by the Supreme Court of Canada (SCC)
- made consequential amendments to other Acts

Justice Canada – former Bill C-5, An act to amend the Criminal Code and the Controlled Drugs and Substances Act

Former Bill C-5, *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act* (Bill C-5) came into force on November 17, 2022.

The former Bill repealed mandatory minimum penalties for all offences in the *Controlled Drugs and Substances Act*, and for certain *Criminal Code* offences that have been found to contribute to the overrepresentation of Indigenous peoples, Black people, and members of marginalized communities in custody. It has also increased the availability of conditional sentence orders, allowing judges to impose sentences that are proportionate to the seriousness of the offence and the degree of responsibility of the offender. Finally, it allows for greater use of early diversion in cases involving the simple possession of controlled substances, and provides that convictions for simple possession must be kept separate and apart from other records of conviction after a certain period.

Justice Canada – former Bill C-40, An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation (miscarriage of justice reviews) (Miscarriage of Justice Review Commission)

Former Bill C-40, *An Act to amend the Criminal Code, to make consequential amendments to other Acts and to repeal a regulation* received Royal Assent on December 17, 2024. The former Bill C-40 replaced the existing ministerial review process for miscarriages of justice under Part XXI.1 of the *Criminal Code* with a new, independent body with a mandate to review applications brought before it for

reviews of findings and verdicts on the grounds of miscarriage of justice. In establishing an independent commission dedicated exclusively to miscarriage of justice reviews, the former Bill C-40 seeks to improve access to justice by making it easier and faster for potentially wrongfully convicted people to have their applications reviewed. The commission will remove barriers to access for potential applicants, including Indigenous peoples, Black persons, and members of marginalized communities. The commission will be statutorily empowered to undertake general public legal education and outreach to potential applicants, and would have funding to provide various supports for applicants in need. Addressing miscarriages of justice more quickly will help to mitigate the devastating impact they have on the convicted person, their family, victims and the justice system as a whole.

The new Miscarriage of Justice Review Commission will be composed of a full-time Chief Commissioner and 4 to 8 other full-time or part-time commissioners. Former Bill C-40 will require the Minister of Justice, in making recommendations for commissioner appointments, to seek to reflect the diversity of Canadian society and to take into account considerations such as gender equality and the overrepresentation of certain groups in the criminal justice system, including Indigenous peoples and Black persons.

Former Bill C-40 will require the Commission to deal with review applications as expeditiously as possible and provide the applicant with an update concerning the status of their application on a regular basis. The Commission's review process will include determining the admissibility of the

application, conducting investigations in relation to miscarriage of justice applications and deciding whether to grant a remedy. The Commission will be authorized to direct a new trial or hearing or to refer a matter to the court of appeal if it has reasonable grounds to conclude that a miscarriage of justice may have occurred and considers that it is in the interests of justice to do so. In reaching decisions, the commission will take into account, among other factors, the distinct challenges that applicants who belong to certain populations face in obtaining a remedy for a miscarriage of justice, with particular attention to the circumstances of Indigenous or Black applicants.

Justice Canada – State of the Criminal Justice System Framework

The Department of Justice Canada created the first performance monitoring framework for Canada's criminal justice system in 2019. The State of the Criminal Justice System Framework (Framework) identifies Canada's goals for the criminal justice system (expected outcomes), measured by key national indicators. The Framework was built through extensive research, in consultation and collaboration with criminal justice system partners, stakeholders, experts and other Canadians.

The Framework is part of the Government of Canada's commitment to reviewing the criminal justice system and to identifying and addressing data gaps that hinder evidence-based decision-making.

The Framework is presented through the State of the Criminal Justice System Report and online Dashboard, in order to:

- Underscore the importance of having the right data to make decisions that can meaningfully affect the lives of Canadians
- Improve accountability and transparency about the criminal justice system to Canadians.
- Promote Open Government by making information about the criminal justice system easier to access
- Identify information gaps that limit the ability to monitor the performance of the criminal justice system
- Respond to the Truth and Reconciliation Commission of Canada's 30th Call to Action, to monitor, evaluate, and report on the progress made in addressing the overrepresentation of Indigenous peoples in the criminal justice system
- Support the implementation of Canada's Anti-Racism Strategy and access to justice issues
- Support the implementation of the Indigenous Justice Strategy and Canada's Black Justice Strategy to address the overrepresentation of Indigenous and Black people in the criminal justice system

Justice Canada – Diversity on the Bench

In 2016, the federal government made significant changes to the superior courts judicial appointments process, including several changes related to judicial diversity and to diversity on Judicial Advisory Committees (JACs). The 2016 reforms included the following changes:

- The existing JACs were disbanded and reconstituted to be more representative of the diversity of their local communities.
- Entities responsible for nominating individuals to serve as members of JACs were asked to take into account the need to ensure that JACs are representative of the diversity of Canada. These entities include, for example, the Canadian Bar Association and the various provincial and territorial law societies.
- JAC members who are representatives of the general public are now selected through an open application process that seeks to ensure that JACs are representative of the diversity of Canada.
- All JAC members now receive training on diversity, unconscious bias, and assessment of merit.
- The application Questionnaire that candidates use to apply for judicial appointment now solicits voluntary self-identification information on diversity criteria and includes several open-ended questions on candidates' experiences that have shaped their ability to serve as a judge.
- The Office of the Commissioner for Federal Judicial Affairs now collects and publishes statistics on those who apply for judicial office and those who are appointed.

Canadian Heritage – Court Challenges Program

The Court Challenges Program provides financial support to individuals and groups in Canada to bring forward test cases of national significance related to certain constitutional and quasi-constitutional official language and human rights before the courts.

- These cases include a wide range of human rights, to the benefit of vulnerable and racialized groups, minority communities and persons seeking to clarify their rights.
- The program is administered independently by the University of Ottawa in order to avoid conflict of interest, and efforts are made to reduce barriers and ensure the visibility of and access to the program.
- Due to solicitor-client privilege, public knowledge of the specific cases is only divulged once completed through the legal system. While there are no specific data set to indicate direct impact to specific groups from the cases funded, the long-term benefits of the program include clarifying the rights of marginalized groups and contributing to a fair and accessible justice system.
- The Court Challenges Program supports ethnic, racial, or religious communities or initiatives each year, by funding cases that touch on issues of diversity and inclusion as vulnerable communities frequently seek to assert and clarify rights through legal challenges.
- Given the rights covered under the program's mandate we can assume that a large proportion of beneficiaries are members of vulnerable and racialized groups or official language minority communities. The program indirectly affects all those protected by the *Canadian Charter of Rights and Freedoms*, since the test cases funded aim to strengthen and clarify constitutional and quasi-constitutional rights, they have an impact on Canadian jurisprudence.

Justice Canada – Law Commission of Canada

The Law Commission of Canada is an independent body that provides non-partisan advice to the federal government on matters relating to the improvement, modernization and reform of Canadian laws.

First established as the Law Reform Commission of Canada in 1971 and re-established as the Law Commission of Canada in 1997, the Commission was operational again as of June 6, 2023. The Commission supports the Government of Canada's efforts toward a more inclusive, representative and accessible justice system – one that respects the rights of marginalized people and protects vulnerable communities. The work of the Commission will focus on ensuring a legal system that meets the changing needs of Canadian society. The Commission may focus on complex challenges such as systemic racism in the justice system, legal issues around climate change, reconciliation with Indigenous peoples, and rapid technological shifts in the world.

Pillar 4: corrections

The Government of Canada has announced initiatives and made investments in recent years to address anti-Black racism and systemic discrimination, and support and improve outcomes for Black people incarcerated in federal institutions. Key investments and initiatives include:

i) Black-specific initiatives

Correctional Service Canada – Black Social History

The Black Social History pilot was started in 2016 by a group of Black CSC employees in the Central Ontario District to help identify risk factors,

reintegration challenges, and ways to support Black offenders. The pilot was expanded across the Ontario Region in 2022, and CSC is exploring implementation in other regions. Currently, the Black Social History pilot is for Black male offenders only. It will be adapted and rolled out for women in 2024 to 2025.

ii) Broader initiatives that support Black communities and other communities

Correctional Service Canada – Anti-Racism Framework and Actions

CSC's Anti-Racism Framework and Actions aims to combat systemic racism and discrimination, and the overrepresentation of Black, racialized Canadians, and Indigenous Peoples in the criminal justice system.

CSC is working to ensure that its practices, policies and initiatives address the root causes of inequities to best support Black people, Indigenous peoples and all members of racialized communities. CSC has developed an Anti-Racism Framework as an evergreen document to initiate conversations internally and externally about its anti-racism actions as an organization across three pillars: workforce, offenders and stakeholders. The goal of this framework is to create an anti-racist organization that is more inclusive, diverse, equitable, and free of racism. Since 2010, CSC has benefited from a robust National Employment Equity and Diversity Committee (EEDC) that initiates and promotes events across the country to advance diversity. Regional and local committees are also in place to implement initiatives to promote and strengthen diversity at CSC. In 2018, CSC received an Award of Excellence from the Canadian Race Relations Foundation for the work done by the EEDC.

Correctional Service Canada – National Ethnocultural Advisory Committee

For more than 20 years, CSC has benefitted from the commitment and wisdom of various groups, including its National Indigenous Advisory Committee, National Ethnocultural Advisory Committee, and Citizen Advisory Committees. The work of these diverse committees, including their ongoing advice, is key to supporting offenders in our care and custody, and preparing them for a safe and successful release back into our communities. The National Ethnocultural Advisory Committee has provided advice on improvements related specifically to Black offenders for many years.

Pillar 5: parole, re-entry, and reintegration

The Government of Canada has announced initiatives and made investments in recent years to help Black people access parole and reintegrate back into society. Key investments and initiatives include:

i) Black-specific initiatives

Parole Board of Canada – Culturally-Responsive Conditional Release Hearings

Cultural Advisors from Black communities across Canada provide Board members with information to assist in understanding systemic or background factors that may have contributed to the individual's involvement in the criminal justice system. Culturally responsive hearings can increase confidence in the conditional release process for Black parole candidates and take steps toward address systemic inequalities that contribute to the overrepresentation of Black individuals in the criminal justice system.

ii) Broader initiatives that support Black communities and other communities

Public Safety Canada – Federal Framework to Reduce Recidivism

The Federal Framework to Reduce Recidivism identifies crucial factors that impact why people reoffend and how to support safe and successful reintegration into the community. The goal is to increase public safety by reducing recidivism, preventing victimization, addressing the overrepresentation of Indigenous People, Black Canadians, and other marginalized groups in Canada's criminal justice system, and ultimately, create safer communities. The Framework outlines five priority themes key to the successful reintegration of offenders, which include: housing, education, employment, health and positive support networks.

The implementation plan for the Framework was published in November 2023. The implementation plan sets out actions that will take place until the first report back to Parliament in 2025. Initial steps under the implementation plan look inward to federal programs and processes, primarily within the Public Safety portfolio, to make changes where necessary and to improve effectiveness and efficiency. Early focus under the implementation plan includes culturally relevant supports to help address overrepresentation of Indigenous peoples and Black Canadians in the criminal justice system; as well as actions targeted toward communities, and digital transformation.

Public Safety Canada – Automated Sequestering of Criminal Records

The Government of Canada is committed to advancing reforms to the record suspension program, including by making record suspensions more accessible for individuals with criminal records who have served their sentences and are living law-abiding lives, particularly those from marginalized and racialized communities, in order to address systemic barriers, promote reintegration and ensure the system is fair and proportionate. As part of the former Bill C-5, the Government committed to further exploring the possibility of automated sequestering of some criminal records for less serious offences for those living crime-free. An Automated Sequestering of Criminal Records is a

program by which a criminal record would be kept separate and apart from other criminal records, without an application by the former offender, after they have completed their sentence and certain additional conditions are met, as required by legislation. An engagement process was held on the possible Canadian parameters for such a system between April 21st and June 21st, 2022, and a report was released in August 2022.

Endnotes

- 1 Minister of Justice and Attorney General of Canada Mandate Letter, December 16, 2021, www.pm.gc.ca/en/mandate-letters/2021/12/16/minister-justice-and-attorney-general-canada-mandate-letter
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