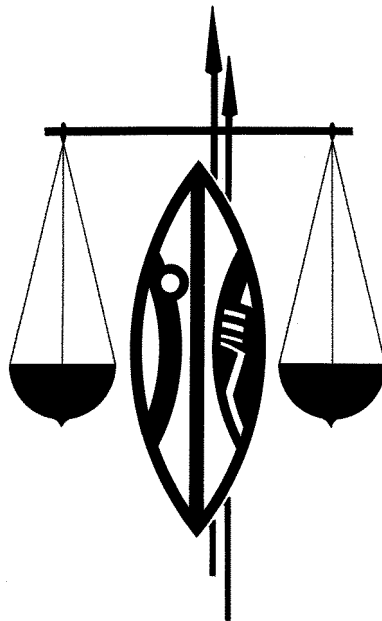


AFRICAN CANADIAN LEGAL CLINIC



2002

ANNUAL REPORT

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LEGAL REPORT

Intake/ Advice Services

In May 2002 the Clinic added an Advice/Intake Lawyer to its staff. The Intake/Advice position was established to provide direct legal assistance in the form of summary legal advice, summary advocacy, information, and representation to members of the African Canadian community who meet the eligibility guidelines and whose legal problems fall within our mandated areas of practice. The ACLC fields intake calls pertaining to an array of topics including immigration, refugee and citizenship matters, discriminatory police practices, human rights violations and landlord and tenant matters. Notably, a significant number of enquiries relate to employment issues, in general, with concerns varying from workplace discrimination issues to the non-recognition of foreign credentials by licensing bodies of various trades and professions. In relation to these concerns the ACLC has provided a range of brief services including: assisting in the drafting and review of human rights complaints; swearing documents; drafting correspondence; and negotiating with administrative bodies for the fair treatment of African Canadians.

In particular, over the past year the ACLC has been advocating on behalf of Somali trained teachers seeking certification with the Ontario College of Teachers ("OCT"). OCT policy currently requires that all teachers seeking certification provide them with confirmation of all educational and professional qualifications sent *directly* from the granting institution. This policy disproportionately affects Somali trained teachers and effectively bars them from achieving certification through the OCT as their "granting institution", the Somali National University no longer exists and there are no alternate issuing authorities. The ACLC is presently advocating for the exploration of equitable alternatives to the documentation request.

In addition to general brief services and advocacy, a portion of the Advice Lawyer's position is dedicated to providing advocacy and representation to parents and children with education related concerns. Since the amendments to the *Education Act* in 2001, the clinic has been overwhelmed with increasing demands for legal representation by families of children facing disciplinary action pursuant to the *Act*. Under mandatory suspension regulations and policies, students (some as young as five) are being removed from the classroom, irrespective of any legitimate explanation, and often for minor infractions that pose no threat to safety. Particularly troubling is the fact that suspensions are increasingly resulting in criminal arrests as schools have begun to rely heavily upon law enforcement officers to punish students for in-school activity. As reported in previous AGM Reports these procedures are having a disparate impact on African Canadian students and families. The ACLC has provided a range of advocacy services in this area ranging from straight forward mediation meetings between students and school officials to representation of clients at appeal hearings.

***F.O. v. Toronto District School Board
(Employment Equity)***

The ACLC is currently representing an African Canadian teacher who, despite years of experience and many attempts, was not successful in being promoted to Department Head at the former Scarborough Board of Education. The case is framed as a systemic human rights complaint and underscores the extreme under-representation of African Canadians in positions of authority within the secondary school system. The case is currently being argued before a Human Rights Board of Inquiry. The Commission and the ACLC presented evidence from a statistician regarding the under-representation of African Canadians in the Scarborough Board. The ACLC called the former Equity Advisor to another Board of Education, to review the relevant anti-racism policies, the strength of their implementation and to critique promotional practices within the education culture. The case is ongoing and we have requested permission to call an expert in anti-Black racism, human interaction and the institutional culture. The ACLC will seek remedies designed to break down discriminatory barriers in the promotional process and to increase the number of African Canadians in positions of authority in the public school system.

***BLSAC v. Ontario Law Schools
(Equity and Access to Legal Education)***

The ACLC was instrumental in assisting members of the Black Law Students Association of Canada (BLSAC) in filing a human rights complaint and seeking a Commission-initiated complaint regarding high law school tuition in Ontario. Tuition fees in Ontario law schools range from \$8,202 to \$14,000. The University of Toronto was considering incremental raises over the next five years, resulting in a tuition increase to \$22,000 per year. The University backed down following a series of interventions by alumni and we believe, public pressure generated in part by the actions of BLSAC. The University will conduct an internal audit which considers equity and access issues. However, BLSAC and the ACLC are still pushing forward in developing the case against high tuition fees because of the disparate impact existing fees have on African Canadian law students and university students. Economic and demographic data indicates that African Canadians are twice as likely to have a lower income than their Caucasian counterparts and thus, are less likely to be able to afford law school. African Canadians are currently under represented in the legal profession, representing approximately 3.7% of the population, but only 1.5% of lawyers. The typical law student is from a White, middle class background. Black law students are almost three times as likely as White students, to be over thirty years of age, reflecting the common necessity of African Canadians of having to work prior to attending law school. The ACLC has presented this and other research findings to the Human Rights Commission in a Background Paper prepared for its consideration. The ACLC will continue to work with BLSAC and is conducting focus groups with students to assess the impact of high tuition fees on their life and career choices.

Safe Schools

Over the past year, we have continued to focus on the impact of the "Safe Schools" amendments to the *Education Act* on African Canadian students. The ACLC is currently interviewing recognized experts in the field of education, child development and anti-racist education. We are working with parents and students and hope to interview students about the manner in which they are disciplined and the manner in which educators exercise their discretion in disciplinary matters. Currently the ACLC is co-ordinating its legal efforts with its community outreach activities and will report on these activities in more detail in our Community Development and Public Legal Education Report.

Odhavji Estate v. Woodhouse et al
(Abuse of Public Office by the Police)

The ACLC was granted Intervener status by the Supreme Court of Canada in this appeal from the Ontario Court of Appeal. This case involves the issue of the use of civil actions with respect to the police, specifically the torts of abuse of public office and negligent supervision.

The Appellants are family members of Manish Odhavji, a 22 year old South Asian male who was killed by the police in September 1997 after a car chase from a bank robbery. He was unarmed and running away from the police when he was shot. The family claimed that the police officers breached their duty under the *Police Services Act* to cooperate with the Special Investigations Unit (SIU) because they had deliberately sabotaged the SIU investigation into the shooting by ignoring express SIU instructions, failing to attend interviews with the SIU until days later, meeting collectively, and failing or delaying to provide the evidence requested. The family further claimed that as a result of the investigation being hampered, the SIU did not proceed with criminal charges. The family claimed that the Police Chief failed, despite express directions from the SIU, to issue orders to segregate the officers and to ensure officer attendance at interviews. The family sued the police officers and the Police Chief for abuse of public office and the Solicitor General for Ontario, the Metropolitan Police Services Board and the Police Chief for negligent supervision.

The Court of Appeal struck out the claims for abuse of public office and negligent supervision with the exception of the negligent supervision claim against the Police Chief. The Court also ordered costs against the family. The Court decided that the tort of abuse of public office is only available in cases where there has been a breach of a legislative or administrative power by a public official and not where there has been a breach of a duty. Because none of the police officers were exercising a statutory power, the tort did not apply to them.

The ACLC in its factum raised issues of police accountability, impunity, the Rule of Law and international law to argue that the torts should be available to the family. In addition, the ACLC raised racial equality considerations for African Canadians namely, the protection of equality of access to justice and effective remedies with respect to state misconduct. African Canadians are disproportionately likely to be affected by and face police misconduct. The ACLC argued that

such considerations must inform the interpretation of the torts. The ACLC also argued that costs should not have been ordered against the family where, as in this case, important public interest issues have been raised.

The appeal will be argued in the Winter session of the Supreme Court of Canada in early 2003.

***P. v. Department of Revenue Canada
(Racial Profiling by Canada Customs)***

The ACLC applied for and was granted full interested party status by the Canadian Human Rights Tribunal in this human rights case. This allowed the ACLC to participate as a full party in all aspects of the proceedings, which is a relatively rare occurrence. Mr. P., an African Canadian, filed a human rights complaint against Canada Customs after he was questioned and searched on a train by a Canada Customs officer while returning from a weekend trip in New York city in May 1999.

The ACLC raised systemic issues relating to the racial profiling of African Canadians by Canada Customs. The ACLC focused on issues such as the existence of widespread racial prejudice against African Canadians in Canadian society, the disparate application and effect of law enforcement and security discretion and practices on African Canadians, the racial stereotypes about African Canadians that affect this discretion, and the profiling of African Canadian travellers by Canada Customs arriving from specific destinations. The ACLC also addressed the serious individual and societal costs associated with the racial profiling of African Canadians.

The complaint was referred to the Tribunal for a hearing but was settled before the hearing date. The ACLC was involved in the settlement process and its participation is reflected in the novel and far-reaching remedies set out in the settlement agreement. The settlement includes a pilot project to collect data on secondary referrals by Canada Customs on the basis of race, colour, national or ethnic origin and gender, to consider the permanent collection of such statistics, and to study the impact of port of entry criteria applied by Canada Customs on African Canadians. Also included in the settlement is mandatory anti-racism training for all Canada Customs officers and annual meetings with the community and Canada Customs. The ACLC will continue to play an active role in the implementation of the settlement agreement as many of the settlement provisions require consultation with the ACLC.

COMMUNITY DEVELOPMENT

CERD Report

In July 2002, the Canadian government appeared before the Committee for the Elimination of Racial Discrimination (CERD) to defend its thirteenth and fourteenth periodic reports on the progress that has been made in Canada to eliminate racism. CERD is a United Nations treaty body responsible for monitoring signatory countries implementation and compliance with the International Convention on the Elimination of all forms of Racial Discrimination (ICERD).

In response to Canada's reports, and in order to provide the Committee members with an African Canadian perspective of racism in Canada, the ACLC prepared and submitted to the CERD members a Shadow Report entitled *Anti-Black Racism In Canada*. The ACLC's hundred page report addressed the unique history and experiences of African Canadians and documented the extent of anti-Black racism in several spheres of Canadian society. Both the anecdotal evidence and statistical data contained in the report refuted many of the claims made in the Canadian government's report that the federal, provincial and territorial governments were effectively dealing with racism. The ACLC's report went a long way in preparing the CERD members for the oral presentation by the Canadian government delegation to the CERD.

The Canadian anti-racism movement and NGO community was well represented at the United Nations. In addition to the ACLC, several organizations such as Aboriginal Legal Services of Toronto, Congress of Black Women, National Anti-Racism Council, Canadian Council for Refugees, Amnesty International, James Robinson Johnson Chair in Black Studies, Canadian Race Relations Foundation, Chinese Canadian National Council, Inner Council for Nitassinan, Buddhist Council of Canada and the Coalition for a Public Inquiry into Ipperwash also submitted Shadow Reports to and sent representatives to meet in person with members of the CERD. In the history of this UN treaty body, this was the first time that such a large and diverse contingent of Canadian NGOs appeared before this Committee. The reports and presentations of the Canadian NGOs armed the Committee with the evidence and proof it required to challenge the government's delegation on a number of key issues such as, but not limited to, multiculturalism, racial profiling, Aboriginal self-government and land claims, anti-Black racism and employment equity. With the extensive support and assistance of the Geneva based Anti-Racism Information Service, NGO delegations were organized and prepared. Canadian NGOs held a private meeting with the Rapporteur for Canada and organized a briefing and information session for the Committee members on the truth and reality of racism in Canada. The effectiveness of the work, presence and participation of Canadian NGOs is evidenced by the range of issues that are of specific concern to racialized communities which are addressed in the Committee's Concluding Observations.

In its Concluding Observation Report the CERD documented areas of concern with Canada's compliance of ICERD and made recommendations that are specific to African Canadians. For example, in paragraph nineteen (19) the Committee expressed concern for "...the high rate of incarceration of, violence against, and deaths in custody of people of African descent....". The Report went on to highlight the Committee's concern for "expressions of prejudice in the media against people of African descent". The Committee went on to note the disproportionate number of Africans or African descendants that are removed from Canada. These pronouncements are unprecedented as it is the first time a United Nations body has addressed issues or raised concerns specific to African Canadians.

The range of concern and recommendations in the Concluding Observations of CERD is a testament to the hard work and quality of the reports prepared by Canadian NGOs. As Canada prepares to submit its fifteenth and sixteenth Reports, Canadian NGOs must begin the process of organizing and working together to ensure that the reality of Canadian racism from our communities perspective receives the international attention and consideration that it rightly deserves. As a follow-up to CERD, the ACLC will continue to monitor the Canadian government's implementation of the recommendations made by the Committee.

Post-Durban Activities

The ACLC has been actively involved in the past year with several community initiatives aimed at educating the public about the World Conference Against Racism (WCAR). Despite negative publicity from the western press and the concerted effort on the part of others to discredit the World Conference, the public was enthusiastic and yearning for information and an alternative perspective on Durban.

As part of its post-Durban work ACLC staff have participated extensively in several public education and information sessions with a broad cross-section of organizations and interest groups ranging from, but not limited to, the Canadian Labour Congress, the Canadian Council for Refugees, the Law Society of Upper Canada and the Court Challenges Program. The public's hunger for the truth about Durban has resulted in standing room only crowds at these public events.

The ACLC was also involved in an international campaign to pressure the Office of the High Commissioner for Human Rights to move forward with the adoption of the Durban Declaration and Programme of Action by the General Assembly. The former High Commissioner, Mary Robinson noted that the well organized letter writing campaign and pressure that was put to bear by the African and African descendant NGO community resulted in the adoption of the Durban Declaration and Programme of Action in January, 2002. Several governments including Canada attempted to make significant changes to the document after WCAR ended and thus proceeded to stall its adoption until their demands were met. The efforts and organization of NGOs worldwide helped to defeat the attempts of western governments to water down the significant and unprecedented gains that were made in Durban.

Reparation Series

The ACLC along with several African Canadian organizations such as the Jamaican Canadian Association co-hosted a series of four (4) public lectures on various aspects of reparations. The first lecture featured noted author Dr. Ray Winbush whose new book *The Reparations Reader* will soon be published. Other lectures in the series looked at the current and lasting impact of slavery on the lives of African peoples. Speakers linked slavery and the need for reparations to issues such as the current health and well-being of African descendants and the treatment of African peoples in the criminal justice system.

The overwhelming attendance at these public lectures clearly demonstrates the support and commitment of African Canadians to the struggle of all Africans and African descendants worldwide to obtain reparations for the inhumane treatment and lasting effects of the Trans-Atlantic Slave Trade. The desire of African peoples to repair the wrong and remedy the damage was evidenced by the positive response to the Reparations Lecture Series. The ACLC continues to support and is committed to all efforts domestically, internationally or otherwise for reparations. Mobilizing and organizing the African Canadian community on the issue of reparations will be a major part of the ACLC's work in the year ahead.

African and African Descendant Steering Committee

The ACLC was one of three (3) African Canadian representatives on the African and African Descendant Steering Committee (AADSC). The AADSC was given the mandate by the African and African Descendant Caucus in Durban to develop an international structure which will continue to work on behalf of and bring African peoples together to build a global African and African Descendants organization. The AADSC developed an extensive list-serve as a mechanism to disseminate information to and link Africans and African descendants. The primary work of the AADSC was to organize the global African community around critical issues and to disseminate information. With the formation of the Global Afrikan Congress the existence and role of the AADSC continues to be discussed.

African and African Descendants World Conference against Racism

The African and African Descendants World Conference Against Racism (AAD WCAR), held in Bridgetown, Barbados from October 2nd to 6th, 2002, was a resounding success. The objectives of the conference were to develop strategies to implement the Durban Programme of Action, to exchange information about effective programs and projects and to form a global non-governmental Pan African organization within which African and African descendants can work together towards common goals. The objectives of the Conference and the work that was done

were informed by the section in the UN WCAR Declaration and Draft Programme of Action regarding Africans and People of African Descent which:

Urges States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture.

Requests States, supported by international cooperation as appropriate, to consider positively concentrating additional investments in health-care systems, education, public health, electricity, drinking water and environmental control as well as other affirmative or positive action initiatives, in communities of primarily African descent¹

The conference brought together over six hundred African and African descendants from the Caribbean, Africa, North America, Asia and Europe. A number of Working Group sessions were organized to discuss over fifteen different issues affecting African and African descendants across the globe, and to propose a number of short and long-term strategies to address the challenges that we face as a people. For example, the sessions focused on issues such as: Globalization, Reparations, Education, The Public Health/AIDS Crisis, Culture and Spirituality, Judicial, Penal and Police Reform, and Youth Programmes and Initiatives. The working groups worked intensely for three days. The Barbados Conference provided an opportunity for African peoples in different regions of world concerned about these issues to come together and dialogue across international boundaries.

In addition to the Working Groups, there were daily plenary sessions that focused on specific topics. The topics included *Memorializing the African Maafa* (Holocaust) which remembered African ancestors who were lost in the Atlantic Slave Trade, and a discussion about *Post Traumatic Slave Disorder* which examined how patterns of survival that emerged during slavery continue to have a profound and negative impact on the lives of African descendants today.

The ACLC chaired the Working Groups on *Globalization and International Oversight*, as well as some of the plenary meetings. Moreover, the ACLC played a central role in forming the Global African Congress (“Congress”). The Congress is the international organization that will work towards uniting African and African descendants and implementing the Durban Programme of Action and the strategies that were proposed in the Working Group sessions. A twelve-point mandate for the Steering Committee charged with building the Congress was agreed upon by the delegates. The key components of the mandate include: the establishment of regional networks and meetings, encouraging grassroots support for the Congress, the development of a permanent structure and constitution, the planning of the second World Conference for African and African Descendants. The full content of the Working Group and plenary sessions will be published in the *Bridgetown Document*, which will also form the basis of the Congress’s mandate.

¹ Please see *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Declaration and Programme of Action*, for the complete text.

United Nations Commission on Human Rights

The ACLC attended the 58th Session of the UN Commission on Human Rights. The ACLC made two (2) deputations to the Commission. The first deputation supported the establishment and work of the Anti-Discrimination Unit in the Office of the High Commissioner for Human Rights. The ACLC also called on the Commission to adopt the Durban Declaration and Program of Action, in particular the sections that address African and African descendants. The Commission supported a resolution calling for the immediate establishment of a Working Group of five (5) independent experts whose mandate is to study the conditions of people of African descent living in the Diaspora and the racial discrimination faced by this group. This Working Group of Experts on People of African Descent is expected to submit a report of its findings to the 59th Session of the Commission. The Canadian government along with its allies in the Western European Group has refused to support this resolution by not co-operating in submitting nominations for the Working Group to the High Commission. The ACLC has submitted names of African Canadians qualified to serve on the UN Committee to the government minister responsible for implementation.

In its second deputation to the Commission, the ACLC focused on the issues of race and poverty as it pertains to African Canadians. Citing from both the *Ornstein* and the *Galabuzi* reports on economic conditions of African Canadians, the ACLC presented incontrovertible data as evidence on the racialization of poverty and that African Canadians are the primary victims. The ACLC presentation also addressed poverty as the reality for a vast number of African Canadians and went a long way to dispel the myth that Canada is one of the best countries in which to live. The ACLC ensured that the UN became aware of the economic divide that exists between African Canadians and the rest of Canadians.

Regional Seminar on African Descendants

The UN Working Group on Minorities and the Office of the High Commissioner for Human Rights (OHCHR) held a Regional Seminar on Afro-descendants in the Americas in March 2002 to assess the situation of Afro-descendants and to follow up on the WCAR Declaration and Programme of Action. Topics of discussion revolved primarily around Afro-descendants in Latin America and included the WCAR follow-up process, strategies to combat racism, political participation, development and the environment.

The ACLC's participation ensured that the African Canadian perspective was considered and that the UN Working Group continued to include in its process all communities of Afro-descendant peoples, including those of North America and the Caribbean. Recommendations include the continued support by and collaboration with the Working Group and other UN bodies on Afro-descendant communities in the Americas in educational, economic, social and political initiatives to address discrimination against Afro-descendants.

National Consultation on Racism and State Misconduct

The ACLC organised a National Consultation on *Racism and State Misconduct: Accountability and Equality*, which was held in September 2002, to explore current issues of race related state abuses and the ability of aggrieved racialized persons to access justice and effective redress. It was attended by legal scholars, lawyers, and community advocates from across Canada, including Nunavut, with expertise in the areas of racial discrimination (particularly anti-Black racism), policing, immigration, human rights law, tort law, and section 15 equality rights law. A lawyer who specializes in racial profiling cases from the American Civil Liberties Union also attended. While the impetus for the National Consultation was the *Odhavji* case (see Legal Report section), there were other pressing issues relating to state misconduct in general that needed to be addressed at a National Consultation.

Participants at the Consultation described the current situation across Canada regarding the effects of racism on policing and other state action such as that of Canada Customs and Immigration on racialized communities including African Canadians, Aboriginal people, Tamil youth, Latino youth, South-Asians and Arabs. The impact of the post-September 11th Canadian government reaction on racialized groups was discussed. Racial profiling by state officials emerged as a continuing and serious concern. The need for police accountability through an independent and effective civilian oversight and complaints process was emphasised as essential. However, it was clear that accountability was not being served by the current complaints system. An emerging concern was the use of defamation suits by the police against anti-racism legal and community advocates to "silence" their voice of protest.

Strategies to counter racist state misconduct were canvassed, including continued pressure from the community, ongoing national co-operation, the use of the human rights complaints system and filing civil or constitutional actions relying on section 15 equality rights principles.

LAW REFORM AND ADVOCACY

Anti-Terrorism Act (Bill C-36)

In the fall of 2002 the ACLC responded to the Federal government's proposed *Anti-Terrorism Act* (Bill-C36) which is now law. Bill C-36 emerged in the wake of September 11th as part of the government's efforts to prevent terrorist attacks. Bill C-36 proposed to amend the *Criminal Code*, the *Official Secrets Act*, the *Canada Evidence Act*, the *Proceeds of Crime (Money Laundering) Act* and other legislation in order to combat terrorism. In addition to compromising privacy laws, the Bill greatly expanded police powers and had the effect of use of racial profiling to target certain groups under the guise of keeping Canadians safe. The far-reaching nature of the Bill was also cause for alarm as a number of federal ministries (e.g. the Departments of Transportation and Immigration Canada) tightened their laws and policies to take preventative measures against terrorist attacks, measures that relied on stereotyping specific communities.

The ACLC submitted a brief to the Standing Committee on Justice and Human Rights in an effort to call attention to the above concerns, especially with respect to the ways in which Bill C-36 would affect African Canadians. The ACLC argued that African Canadians are already targeted by the police through such practices as over-surveillance and racial profiling leading to disproportionate arrests. Moreover, the high number of injuries and deaths of African Canadians who encounter the police is alarming, particularly because no effective system of accountability exists to monitor police behaviour. Primarily, the ACLC argued that the police already have a wide range of powers and extensive authority to detain and arrest suspected criminals. Therefore, further powers under Bill C-36 were unnecessary.

Immigration and Refugee Protection Act (Bill C-31)

At the end of 2001, *The Immigration and Refugee Protection Act* (Bill C-31) became law in Canada. For a number of months leading up to its passage, the ACLC advocated to challenge the exclusionary mechanisms in the Bill. The ACLC worked with the Coalition for a Just Immigration and Refugee Policy to write reports and to conduct public education sessions to raise awareness about Bill C-31. The ACLC also made a number of presentations before the Standing Committee on Citizenship and Immigration which highlighted the Bill's discriminatory practices towards racialized groups in general, and African Canadians in particular.

In February 2002, the ACLC appeared before the Standing Committee to reiterate our concerns with respect to the *Regulations* under the *Immigration and Refugee Protection Act*. The concerns centred on the manner in which discretionary decision making powers under the proposed *Regulations* would be exercised, specifically with respect to examination and admission into

Canada, detention and release, and removal from Canada. That is, given the persuasiveness of anti-Black racism in Canada, an immigration officer's discretion can be affected by racial biases when exercising these powers.

Policing

The issue of discriminatory police practices continues to be an area of law reform and advocacy work for the ACLC, especially in light of the recent Supreme Court (*R. v. Golden*) decision to limit police powers around strip-searching its recognition that African Canadians are disproportionately represented in the criminal justice system. In addition to informing African Canadians about their rights and obligations if they are stopped by the police, ACLC staff continues to assist African Canadians who wish to file complaints against the police. The ACLC also participated in several meetings between the African Canadian community and the police aimed at ending the violence within the community, and campaigns to solve the murders of several young African Canadian men who were killed in recent months.

Adams Review of the Special Investigations Unit

Recently, the Attorney General of Ontario commissioned George W. Adams, Q.C., to conduct a review of the twenty-five recommendations that were made by Adams in 1998 concerning police co-operation with the SIU. The ACLC met with Mr. Adams and his staff to discuss the focus of the review and to ensure that issues of concern to the African Canadian community will be taken into account. While the ACLC supports a review of the recommendations that were tabled in the first Adams Report, Clinic staff made clear its concerns with the restricted mandate and parameters of this second review and argued that the reality of racism in police practices and the imbalance of power between African Canadians and the police must inform the review process. In so doing, Mr. Adams has to consider that the police must be held to a high standard of accountability because of their extraordinary powers including the use of firearms; the police have killed a number of African Canadians over the years; and African Canadians continue to be subjected to differential treatment by the police in Ontario. A failure to take these realities into consideration will do little to strengthen the SIU's mandate, improve police practices, and build momentum towards the elimination of racism. The ACLC continues to participate in this on-going review of the SIU to ensure that the interests and concerns of the African Canadian community are put forward for consideration.

Directors' Resource Committee of the SIU

In February 2002 the ACLC joined the Director's Resource Committee, established by Peter Tinsley, the Director of the SIU, to provide a regular forum for communications between the SIU and the broader community. The purpose of the bi-annual meetings is to focus on general operations and specific issues with respect to the SIU. It is also an opportunity to bring community concerns directly to the attention the Director and his staff.

The "Safe Schools" Provisions and Education Advocacy

As noted in the 2001 Annual Report, the "Safe Schools" provisions in the *Education Act* give principals and teachers discretionary powers to suspend or expel students. The provisions outline disciplinary measures for certain behaviours, including instances where school officials are obliged to call the police. Increasingly, African Canadian children and youth are being suspended or expelled under this provision. In the majority of suspension cases, students are left to languish at home with no support from the school to ensure that they do not fall behind in their academic work. Furthermore, children and youth are being criminalized in schools, and the police are being called in for incidents that could otherwise be resolved through mediation and conflict resolution. Based on anecdotal evidence, as well as quantitative and qualitative studies that show that African Canadians are disproportionately pushed out of the education system, it is clear that the highest number of students who are suspended or expelled are African Canadians.

In addition to a burgeoning advocacy case load in the area of education, the ACLC staff works to support parents and families of suspended and expelled African Canadian children to get them back into school. The ACLC has had several meetings with teachers, principals and superintendents to call attention to the issues of concern and to explore more appropriate solutions to disciplinary matters in schools. ACLC staff has also met with the Director of Education for the Toronto District School Board to discuss strategies for building a stronger working relationship between the school and community, to minimize police involvement in schools, and to support children and youth in their academic endeavours and personal growth. Some of these meetings have been organized in partnership with Ontario Parents of Black Children (OPBC) and the African Heritage Education Network (AHEARN) who share the ACLC's concerns. In addition to the ongoing advocacy work in this area - including a public forum that is being organized to address the "Safe Schools" provisions - the ACLC is preparing a public education guide to help African Canadian parents understand the Safe Schools provisions and appropriate courses of action they can take to advocate for their children.

The Education Task Force was established by the government of Ontario to review the education funding formula and to make recommendations on ways to improve equity, fairness, certainty and stability for students and schools. In September 2002, the ACLC appeared before the Task Force to raise issues such as the high dropout rates among African Canadian students, the impact of the "Safe Schools" provisions on African Canadian students, the waste of scarce resources to hire lawyers to fight suspensions and expulsions, and the inappropriate use of psycho-educational testing to stream African Canadians into lower academic grades.

The ACLC made the following recommendations: the Task Force must make resources available to encourage African Canadian students to stay in school; School Boards must work in partnership with parents, students, and communities to become more involved in developing and implementing programs and disciplinary measures that foster safer schools and personal growth; School Boards must make every effort to avoid litigation and develop non-legal solutions to

discipline and personnel-related matters; and School Boards must be encouraged to hire salaried, in-house legal counsel to handle legal matters to eliminate the practice of using outside counsel at exorbitant rates. The presentation concluded with a request to the Task Force to continue to consult with communities that are most affected by the disparities within the Ontario public education system.