



Endorsed by the City of Victoria, April 2013

Opportunity for Action and Leadership

In Nov 2011, the city became a signatory municipality of the *Canadian Coalition of Municipalities Against Racism and Discrimination* (CCMARD) ~

Resolved to “monitor and address local instances of racism and discrimination in marginalized and minority communities by creating an Action Plan based on community consultation and with guidance from local organizations.”ⁱⁱ

In Sept 2010, The City of Victoria endorsed the *Vienna Declaration*ⁱⁱ ~

Recognized the necessity of addressing illicit drug use as a medical issue, not a criminal issue, and of engaging in a reorientation of policies towards “evidence-based approaches that respect, protect and fulfill human rights.”

Discrimination continues to be a pressing problem in Victoria, particularly among marginalized populations. Reports by the City of Victoria Youth Council (CVYC) and the Vancouver Island Public Interest Research Group (VIPIRG) draw attention to experiences of discrimination¹ among people who are street-involved (Appendix A), and among racialized youth (Appendix B), by municipal services in Victoria.

Social and racial profiling are closely related, as are city commitments to curb the criminalization of illicit drug use alongside all other forms of discrimination.

A clear mandate is needed to recognize social profiling as a similar, yet distinct, issue of discrimination, and to translate the City of Victoria's commitments to human rights, anti-racism, non-discrimination, and health-based rather than criminalizing responses to drug use (Appendix C) into context-specific policies and practices through an action plan.

¹ DISCRIMINATION

The denial of equal treatment, civil liberties and opportunity to individuals or groups with respect to education, accommodation, health care, employment and access to services, goods and facilities. Behaviour that results from prejudiced attitudes by individuals or institutions, resulting in unequal outcomes for persons who are perceived as different. *Differential treatment* that may occur on the basis of race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability. Includes the denial of cultural, economic, educational, political and/or social rights of members of non-dominant groups. (NOTE: in Canada, equal treatment for all is guaranteed under the law regardless of race, national or ethnic origin, colour or religion. The list of prohibited grounds in the *Canadian Human Rights Act* includes race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.) [Canadian Commission for UNESCO, Toolkit: Canadian Coalition of Municipalities Against Racism and Discrimination, 2012]

Issues

The invisibility of Social and Racial Profiling is cause for more (not less) concern

Discrimination is most accentuated in instances where social profiling² and racial profiling³ inter-link, disproportionately affecting people who are street-involved and/or living with disabilities involving mental health and addictions, youth and/or people that are racialized. Instances of social and racial profiling are often under-reported because highly vulnerable and marginalized groups lack access to, or lack confidence in, voluntary reporting mechanisms.

Lack of visibility of social and profiling does not always mean these abuses are not occurring: more often this lack of visibility is as indication of inadequate processes for recognizing and addressing social and racial profiling. Action is needed to ensure the City of Victoria is a safe place for all citizens, including those who lack the resources to make human rights and associated claims on their own behalf.

Recognizing discrimination in city spaces

Principles cannot, in themselves, ensure that no person's rights, privileges, or access to public services are denied or limited due to discrimination based on perceptions of their social or racial status. For cities, these include specific attention to the equal right to use public spaces and the right to equitable treatment by police, bylaw officers, private security personnel, employers, rental housing and shelter provision, public transportation, medical professionals, and other public and social services.

Because social and racial profiling take place in specific ways and through specific institutions that do not affect all residents equally, targeted policies are needed to ensure the city's principled commitments to human rights and non-discrimination are realized in day-to-day practices.

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SOCIAL PROFILING

"[S]ocial profiling occurs in particular when individuals, because they are homeless, are **ticketed for minor offences that are rarely, if ever, punished** by the police when committed by other citizens (for example, loitering, spitting, dropping cigarette butts, lying on a public bench, being drunk in public, jaywalking, etc.)...It is also possible to infer social profiling when police officers behave unsuitably with the homeless, for example by making **uncalled-for or offensive remarks** concerning their social condition, or by issuing tickets repeatedly...Social profiling also occurs when police officers make unusual decisions concerning the homeless, for example by making **identity checks without reasonable grounds or issuing fines that are disproportionate to the seriousness** of the offences committed." [Quebec Human Rights Commission. 2009. *The Judicialization of the Homeless in Montreal: A Case of Social Profiling. Executive Summary of the Opinion of the Commission*. P.3. <www3.cdpcj.qc.ca/publications/Documents/Homeless_Summary.pdf>]

RACIAL PROFILING

"Racial profiling includes any action by a person in a situation of authority who **applies a measure in a disproportionate way to certain segments of the population** on the basis, in particular, of their racial, ethnic, national or religious background, whether actual or presumed...Although racial profiling affects racialized persons of every age, it soon became apparent that youth are the most likely to be targeted; partly because they are major users of public spaces...but also because of stereotypes that attribute a greater propensity for anti-social behaviour to them." [Quebec Human Rights Commission. 2011. *Racial Profiling and Systemic Discrimination of Racialized Youth. Report of the Consultation on Racial Profiling and Its Consequences*. pp.11-12. <http://www.cdpcj.qc.ca/publications/Documents/Profiling_final_EN.pdf>]

Municipal jurisdiction need not limit municipal commitments

Pertinent services where social profiling and racial profiling occur (such as policing and health services) are provided within the city, but are outside of direct municipal jurisdiction. However, the city's commitments to human rights and non-discrimination can be used to set clear standards for the ways these services ought to be provided.

Combating social and racial profiling in all services offered within the City of Victoria is a pressing community issue, to which the City is already committed to, and for which the City is well-positioned to play a leadership role.

Recommendations

The City can ensure commitments to human rights and non-discrimination are being realized within the city, and can show leadership in realizing these objectives, in two ways:

1/ Enact concrete criteria for affirming the rights and protections of individuals facing particular forms of marginalization due to their societal placement and/or racialization:

- Recognize human rights to include protection against discrimination based on perceptions of social condition and disability, including discrimination based on stereotypical physical markers of poverty and illicit drug use, which have previously been accepted as legitimate forms of discrimination.
- Identify policing, health, and social services as critical areas where social and racial profiling occur, and important areas for monitoring and addressing these forms of discrimination.

2/ Create mechanisms (including, but not limited to, a council liaison) for the city to facilitate a collaborative process bringing together community organizations with direct experience with these issues, with the following objectives: identifying clear goals and action items; implementing monitoring and reporting mechanisms to identify issues and track progress; developing an implementation plan to provide a clear timeline for achieving these goals.

This community consultation work should include (but not be limited to) the organizations involved in the original endorsement of CCMARD, and in the current follow-up regarding social profiling and implementing an action plan. This includes:

The City of Victoria Youth Council, Intercultural Association of Greater Victoria, Victoria Immigrant and Refugee Centre Society, Together Against Poverty Society, Committee to End Homelessness, Aids Vancouver Island, Society of Living Illicit Drug users, Vancouver Island Public Interest Research Group.

Members of the CAP on Discrimination Steering Committee include:



Appendix A

Social Profiling in Victoria

Local research conducted by the Vancouver Island Public Interest Research Group suggests that people who are street-involved in Victoria experience a range of forms of discrimination. Reported examples of discrimination include: being ticketed and stopped by police at much higher rates than other residents performing similar activities; being primarily policed for minor infractions related to use of public space; being detained without sufficient cause, experiencing unnecessary uses of force, or being subject to rude, abusive or insulting language by police. ⁱⁱⁱ

Appendix B

Racial Profiling in Victoria

Local research conducted by the City of Victoria Youth Council has identified racialized youth as another group that is particularly vulnerable to discrimination. Half of those surveyed had experienced discrimination. Concerns include a lack of awareness within institutions, such as schools, of the discrimination faced by youth; and lack of support or accessible spaces to report instances of discrimination.^{iv}

Appendix C

The City's Commitments to Human Rights and Non-Discrimination

The City of Victoria has already acknowledged its responsibilities under the *Universal Declaration of Human Rights*,^v *Canada's Charter of Rights and Freedoms*,^{vi} and British Columbia's *Human Rights Act*,^{vii} and therefore is committed to combating all forms of discrimination and fostering equality and respect for all citizens.

The City of Victoria again recognized its responsibility to combat discrimination when it became a member of the *Canadian Coalition of Municipalities Against Racism and Discrimination* (CCMARD). As a signatory municipality of the CCMARD, the city commits to **“monitor and address local instances of racism and discrimination in marginalized and minority communities by creating an Action Plan based on community consultation and with guidance from local organizations.”**^{viii} Key areas of recognized municipal responsibility include, but are not limited to:

The municipality as a guardian of the public interest.

- Commitment 4: “Support policing services in their efforts to be exemplary institutions in combating racism and discrimination”.

The municipality as an organization in the fulfillment of human rights.

- Commitment 5: “Provide equal opportunities as a municipal employer, service provider and contractor”.
- Commitment 7: “Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing”.

The municipality as a community sharing responsibility for respecting and promoting human rights and diversity.

- Commitment 9: “Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector and in other forms of learning”.
- Commitment 10: “Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.”^{ix}

Through its endorsement of the Vienna Declaration, the City of Victoria also recognized the necessity of addressing illicit drug use as a medical issue rather than a criminal issue, and of engaging in a reorientation of drug policies towards “evidence-based approaches that respect, protect and fulfill human rights.”^x

ⁱ Canadian Commission for UNESCO. 2012. *Toolkit: Canadian Coalition of Municipalities Against Racism and Discrimination*.

ⁱⁱ *The Vienna Declaration: A Global Call to Action for Science-Based Drug Policy*.

<<http://www.viennadeclaration.com/2010/06/the-vienna-declaration-a-global-call-to-action-for-science-based-drug-policy/>>

ⁱⁱⁱ Vancouver Island Public Interest Research Group. 2012. *Out of Sight: Policing Poverty in Victoria*. Coast & Straights Salish Territories. Victoria, BC. < <http://www.vipirg.ca/wp-content/uploads/2012/02/PolicingPovertyVictoria-VIPIRGonline.pdf>>

^{iv} City of Victoria Youth Council. 2012. *City of Victoria Youth Council Survey on Racism and Discrimination: Results*. Victoria, BC.

^v The *Universal Declaration of Human Rights* (1948) stipulates that “all human beings are born free and equal in dignity and rights” (article 1) and that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (article 2).

^{vi} The *Canadian Charter of Rights and Freedoms* stipulates: “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability” (section 15.1).

^{vii} Under the *Canadian Human Rights Act*, “all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.”

^{viii} Canadian Commission for UNESCO. 2012. *Toolkit: Canadian Coalition of Municipalities Against Racism and Discrimination*.

^{ix} Ibid.

^x *The Vienna Declaration: A Global Call to Action for Science-Based Drug Policy*.

<<http://www.viennadeclaration.com/2010/06/the-vienna-declaration-a-global-call-to-action-for-science-based-drug-policy/>>