



Report sheds light on undisclosed racial profiling in Ontario

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Racial profiling in Ontario is rampant across sectors beyond policing, but very little of it is formally reported, the Ontario Human Rights Commission says in a new report.

The findings are based on consultations with almost 1,650 individuals, most of whom participated in an online survey. While most human-rights complaints filed with the province's tribunal focus on disability and employment, the consultation found there were many who had experienced racial profiling – which would be grounds for a complaint – in the education system, while taking public transportation, shopping at malls, getting treatment at hospitals and seeking employment.

But experiencing profiling so often has also left individuals feeling as if even the organizations that exist to protect their rights are not to be trusted.

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“What the report says is this is a very serious everyday reality for many people in this province and we don’t see the complaints,” said Renu Mandhane, the chief commissioner of the Ontario Human Rights

Commission (OHCR). “We heard that they didn’t think the human-rights system would be effective in dealing with the kinds of discrimination they experienced because of that deep mistrust of any public institution.”

Retail

Even more than policing, private business or retail service was the sector where black and Indigenous respondents say they experienced racial profiling the most – 47 per cent and 33 per cent, respectively.

They told the OHRC they were watched or followed by staff while shopping, required to leave their bags at the counter, asked if they could afford a product or service and questioned by staff about large returns they wanted to make.

In extreme cases, they were physically removed from stores. Several respondents said their experiences were in stark contrast to how white shoppers were treated.

Negative stereotypes persist that frame black people as nuisances and shoplifters, said Anthony Morgan, a human rights lawyer with Falconers LLP and a black-rights advocate. Even if business owners don’t suspect black people to be engaging in criminal behaviour, “there’s a perception that somehow their business will suffer by the presence of black people,” Mr. Morgan said.

Many Indigenous respondents reported being treated negatively by store staff when they showed their status cards. The feeling of unworthiness has become so internalized among this community that in some cases, individuals feel the need to flash cash in the window of a restaurant before walking in the door as a way of saying, “I can afford to eat here,” says Sylvia Maracle, the executive director of the Ontario Federation of Indigenous Friendship Centres. “Unfortunately for our community, it’s very normalized.”

Policing

People across many races who were surveyed by the OHRC reported being arbitrarily stopped by police while out in public, though the commission said young black men were particularly targeted.

Appearing “out of place” was a recurring theme in the report: stories of racialized people stopped frequently in predominantly white or affluent neighbourhoods, where it was perceived that they didn’t belong. Indigenous respondents reported feeling that they were followed or stopped because they lived on reserves, or because they were presumed to be intoxicated.

The OHRC’s report is just the latest to highlight profiling among the province’s police forces. In April, Justice Michael Tulloch released a report about police oversight bodies commissioned by the province and many of his recommendations – which included anti-bias training and race-based data collection – openly acknowledged the problem of profiling in the province. Since January, the practice of “carding” has been banned in the province but many say it still persists, as do other means of racially unjust practices carried out by police. In March, the province released a three-year plan to combat racism in the province, which also included training for staff and data collection.

Transportation

For Muslims, South Asians and Arabs/West Asians, one of the top sectors where they experienced racial profiling was transportation (37 per cent, 43 per cent and 32 per cent respectively). The vast majority of respondents from these groups shared the experience of being “randomly” screened and questioned at airports and when crossing the border.

Others reported being placed on no-fly lists, having their identification questioned without justification, or grilled about their religious affiliation. The National Council of Canadian Muslims (NCCM) reported that 15 per cent of all complaints that came to them in 2014 were from Muslims who were turned away from the border without explanation.

“This work reminds us that these experiences are not happening in a vacuum, they are not a figment of someone’s imagination, they are not about someone being too sensitive,” Amira Elghawaby, communications director with the NCCM, said. If nothing else, she hopes the OHRC’s report encourages people to start formally reporting their experiences.

The OHRC said its next step is to develop policy guidelines focused on public institutions: police, child welfare, courts and corrections.

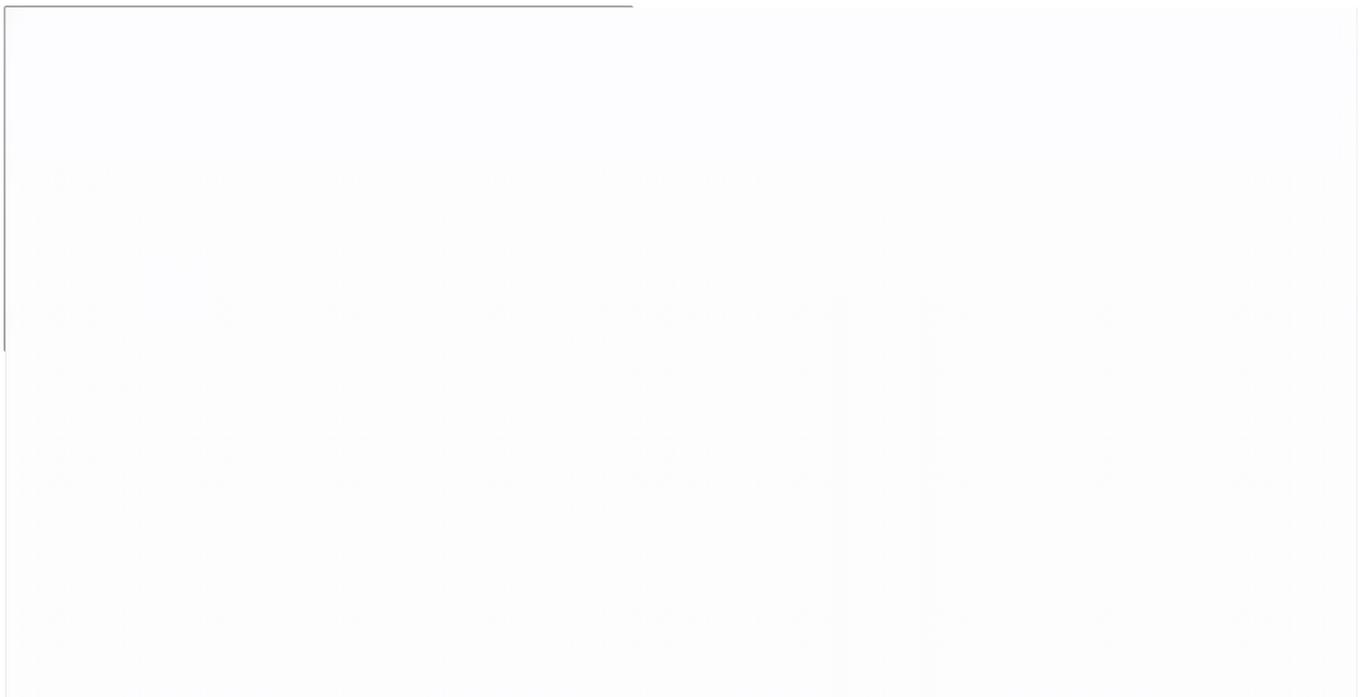
While change in these public institutions is essential, Mr. Morgan said educating individuals on their charter rights and the means by which they can report discrimination they face is also essential.

“We’re not at a place yet where collectively, as a society, we appreciate that racial profiling and discrimination is actually illegal,” Mr. Morgan says. “We reduce it often to an issue of people’s feelings or an individual overreacting.”

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