

**2nd Session of the UN Permanent Forum on People of African Descent
United Nations Headquarters, New York City
May 31 – June 2, 2023**

**Oral Intervention of the Black Legal Action Centre¹
(Delivered by Ms. Sasha Hart on May 31, 2023)**

Good afternoon. My name is Sasha Hart; and I am a Canadian-based human rights lawyer. I am here representing the Black Legal Action Centre (BLAC), which is the only legal clinic in Canada with the principal aim of providing legal services to Black individuals.

BLAC would like to focus its brief intervention on two primary issues: 1) the situation of prisoners of African descent in Canada; and 2) the urgent need for reparatory justice.

I) Prisoners of African Descent

People of African descent in Canada are roughly three times more represented in the prison system than we are outside of prison walls.

Last year, the Office of the Correctional Investigator released an extensive study on the situation of Black prisoners.² It found the following evidence of “pervasive racism”:

- a) Black prisoners represent the largest proportion of those housed in maximum security. This is despite the fact that: they are generally assessed as having similar risk levels as White prisoners, and are much less likely to be serving a third or more federal sentence.
- b) Black prisoners are also:
 - vastly over-represented in use-of-force incidents;
 - are more likely to be charged with discretionary institutional offences
 - and are almost twice as likely as White prisoners to be held in solitary conditions of confinement

BLAC urges this Forum to ensure the situation of prisoners of African descent is taken into account in the drafting of any forthcoming UN Declaration on the rights of people of African descent. Any such rights standards developed should include provisions aimed at addressing the systemic racism faced by prisoners, including an obligation for state parties to take special, targeted measures to promote alternatives to prison for people of African descent.

¹ <https://www.blacklegalactioncentre.ca/>

² Office of the Correctional Investigator, Annual Report 2021-2022, p. 39 -76: <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20212022-eng.pdf>

II) Reparatory Justice

Slavery existed in Canada for over 200 years. Since its abolition in 1834, people of African descent in Canada have continued to experience egregious forms of anti-black racism –in everything from discrimination in schooling, employment, housing, health care, law enforcement, and the aforementioned forms of racism inside prison walls. The resulting legacy of centuries of anti-Black racism in Canada cannot be addressed through the same types of piecemeal initiatives we have seen. BLAC calls on Canada to, in consultation with Black community groups and experts, develop and implement a robust plan of action for reparatory justice for the descendants of enslaved people in Canada, as well as all Black people who continue to experience the impacts of this legacy.