

Silent Struggles: Oppressed Cultures in the Canadian Narrative and Reshaping the Cultural Landscape
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Introduction

Canada, despite its aspirations of freedom, remains a socially stratified nation, evident in the historical and perpetuating treatment of Indigenous, Black, and immigrant communities. Social stratification influences life chances, social mobility, and the distribution of societal resources, shaping patterns of inequality and defining the social dynamics within a given community or society (Millar, 2022). According to Perry (2022b), the classification of social groups into dominant and subordinate categories is not arbitrary but is deeply intertwined with power dynamics. Such divisions reinforce existing power structures, allowing the Mythical Norm to privilege itself at the expense of others. This social construction is based on different intersecting identities such as race, gender, sexual orientation, age, religion, culture. Perry (2022b) argues that the intersection of power and differences has tangible effects on various aspects of life, including interactions with the legal system (Millar, 2022). It influences how individuals are treated as criminal suspects, crime victims/survivors, and criminal justice service providers. This paper explores the interconnected factors leading to the victimization and criminalization of Indigenous, black and immigrant communities, highlighting the ongoing challenges and the need for comprehensive social change.

Victimization

To comprehend the disproportionate victimization of Indigenous peoples, Black Canadians, and immigrants in crime, it is imperative to delve into the historical mistreatment of these communities in Canada. Canada's formation, like many other nations, involved settlers and colonialism that is rooted in racism and institutionalized discrimination, such as enslavement of black individuals on unceded lands dating back to the 17th century (Millar, 2023; Wortley, Owusu-Bempah, and Lodge-Tulloch, 2022; Claxton et al., 2021).

Colonization in Canada resulted in the dispossession of Indigenous lands, community erosion, and the imposition of European legal systems (Dickson, 2022). Indigenous people were coerced into assimilation through legislation like the Indian Act of 1850, which enforced European ways through

reserve relegation, land surrenders, the criminalization of cultural practices, and the imposition of non-Indigenous norms in family, social life, spirituality, and governance (Dickson, 2022). This legacy has perpetuated social and economic inequalities, leaving Indigenous communities more vulnerable to crime (TRC,2015).

Similarly, black Canadians faced forced relocation, evident in places like Africville in Halifax, Nova Scotia, and Hogan's Alley in Strathcona, Vancouver (Wortley, Owusu-Bempah, and Lodge-Tulloch, 2022; Millar, 2023). The forcible removal from communities displayed by each population has contributed to the loss of cultural practices further contributing to their vulnerability and vicimization (TRC,2015).

The egregious effects of colonization are exemplified by the residential school system, contributing to lasting impacts on Indigenous individuals, making them more vulnerable to crime (TRC, 2015). Survivors of residential schools often experienced all forms of abuse at the hands of Church officials leading to trauma and increased susceptibility to victimization. The main goal of residential schools was to assimilate Indigenous children into Euro-Canadian culture by eradicating their own. This cultural disconnection contributed to a loss of identity and vulnerability to victimization (TRC,2015). The residential school system has had lasting serve effects on the Indigenous community by way of mental health challenges, substance abuse, and intergenerational trauma perpetuating a cycle of vulnerability and victimization within Indigenous communities ((TRC,(2015), (Dickson, 2022)).

Indigenous women face a disproportionately high rate of violent victimization compared to Indigenous and non-Indigenous men (Dickson, 2022; Balfour, 2022; Boyce, 2016; Millar, 2023). Furthermore due to women's extreme rates of victimization it often leads them on a higher path of criminalization (Balfour, (2022), McGuire & Murdoch, (2022)). Indigenous youth, experiencing the highest rates of victimization, are ten times more likely to die by suicide (Dickson, 2022; Redvers, 2017; Boyce, 2016). Along with the Indigenous persons black Canadians also face over representation

of victimization that is deemphasized by the media with absence of national data on ethnoracial-disaggregated victimizationb(Millar, 2020, 2023) Wortley, Owusu-Bempah, and Lodge-Tulloch, 2022).

While both populations face more victimization than the mythical norm, black Canadians are more susceptible to hate crimes (Wortley, Owusu-Bempah, and Lodge-Tulloch, (2022) , Millar, 2023). This is in contrast to what the media portrays which depict black peoples to be highlighted more as criminal offenders rather than victims. (Wortley, Owusu-Bempah, and Lodge-Tulloch, (2022) , Millar, 2023). Historical marginalization has resulted in substantial socioeconomic disparities within Indigenous, Black, and immigrant communities. Poverty, limited access to education, and restricted economic opportunities can elevate the risk of victimization and contribute to their overrepresentation in the criminal justice system.

Criminalization

Both Dickson (2022) and Wortley, Owusu-Bempah, and Lodge-Tulloch, (2022) state that both Indigenous people and Black people are disproportional overrepresented in the criminal justice system at all levels. Both populations make up less than 10 % of the general population in Canada but make up 30% of the population within federal corrections (Dickson, (2022), Balfour, (2022), Wortley, Owusu-Bempah, and Lodge-Tulloch, (2022), Boyce, (2016)). The disproportionate representation of Indigenous individuals in the criminal justice system is linked to the varying impact of criminal justice policies, influenced by the socio-economic conditions of their lives.

One of the predominant reasons behind the disproportionate overrepresentation of Indigenous peoples in the criminal justice system is attributed to differential criminal justice processing. Data from the Vancouver Police Department (VPD) disclosed notable disparities, indicating that Indigenous individuals constituted 15% of stops despite comprising only 2% of the population. Similarly, Black citizens accounted for 5% of stops, even though they constituted less than 1% of the population (Dickson, 2022).

Both Indigenous, black and immigrant communities often face socioeconomic challenges, such as poverty and lack of employment opportunities which Wortley, Owusu-Bempah, and Lodge-Tulloch, (2022) explain can increase the likelihood of criminal involvement as individuals may resort to illegal activities out of necessity (Balfour, 2022, Dickson, 2022). Furthermore, Indigenous and Black children face significant overrepresentation in the child welfare system, potentially influencing their involvement in the criminal justice system through a trajectory from poverty to child welfare to youth and adult prison (Dickson (2022), Wortley, Owusu-Bempah, and Lodge-Tulloch (2022) , Millar (2023)).

Discriminatory policing practices, such as racial profiling, use of force and biased law enforcement, significantly contribute to the disproportionate representation of Indigenous, Black and immigrant individuals in criminal statistics (Millar (2023), Dickson, (2022)Wortley, Owusu-Bempah, and Lodge-Tulloch (2022)). This systemic bias often leads to higher rates of arrests, convictions, and incarceration among individuals from these communities.

Black and Indigenous populations experienced significantly elevated conviction rates, harsher sentences, increased likelihood of being denied early release, and limited access to culturally appropriate programs and services within prison systems (Millar, (2023), Dickson, (2022)Wortley, Owusu-Bempah, and Lodge-Tulloch (2022)). Comparatively, there are differences in the reintegration of inmates, with Indigenous individuals experiencing a worse rates of reintegration than Black men Wortley, Owusu-Bempah, and Lodge-Tulloch (2022).

Underrepresentation within the Criminal Justice System.

The underrepresentation of immigrant, black and Indigenous individuals in positions of power within the criminal justice system is evident and can be attributed to systemic barriers, historical discrimination, and structural inequalities. Factors such as systemic racism, biased hiring practices, lack of diversity initiatives, and a legacy of colonialism contribute to this disparity (Dickson, 2022, Wortley,

Owusu-Bempah, and Lodge-Tulloch (2022). Additionally, socio-economic disadvantages and unequal access to educational opportunities may further limit the presence of Black and Indigenous individuals in leadership roles within the criminal justice system. Until recently within the last five years of our history has a person of racial minority been appointed in the SCC (Millar, 2023). Efforts to address these issues include promoting diversity, implementing inclusive policies, and fostering equal opportunities for career advancement .

Social Change and its Effectiveness

In attempting to tackle the impacts of socioeconomic disparities and overrepresentation within the carceral system, despite endeavors to indigenize the criminal justice system (CJS) through the increased involvement of Indigenous individuals in justice administration, cross-cultural training for non-Indigenous justice workers, and sentencing reforms, Dickson (2022) share the result have been lacking (Millar, 2023). Within the criminal justice system there have been restorative justice practices, such as sentencing circles with the aim to decrease recidivism and victimization (Goldblach, 2011). While sentencing circles promote community involvement, cultural sensitivity, the challenges of resource intensiveness, limited applicability, power dynamics, legal recognition issues, and consistency concerns, seems to overshadow the effectiveness and not line with the TRC elimination of barriers (2015), (Dickson, 2022).

Canada has taken legislative steps, such as Bill C-5, to address systemic anti-Black racism by repealing Mandatory Minimum Sentences and facilitating conditional sentences served in the community (Millar, 2023). The federal government is working on a Black Justice Strategy, and Impact of Race and Culture Assessments (IRCA) and Enhanced Pre-sentence Reports (ESPR) are being used to counter racism in sentencing for African and Caribbean descent individuals (Millar, 2023). Statistics Canada, along with several police services and the Ontario government have committed to start collecting race-based data in order to identify patterns of racial bias for future policy changes (Wortley,

Owusu-Bempah, and Lodge-Tulloch (2022), Millar, (2023).

Conclusion

The overrepresentation of Indigenous, black and immigrant communities as victims of both crime and the criminal justice system is rooted in historical oppression, structural racism, economic disadvantages, discriminatory policing, and cultural isolation. Addressing these systemic issues requires comprehensive social change. The following recommendations are just some of the important ways to impact this change but they are not exhaustive.

A crucial recommendation at the forefront of the proposed changes, is to address the gaps in data collection concerning various populations. Closing these data voids is essential for gaining insights into the inner workings of the criminal justice system, providing a foundation for targeted reforms and improvements where necessary. Publishing disaggregated criminal justice data would potentially support Section 3(2)(d) of the Multiculturalism Act (Millar, 2022). Further recommendations include the decriminalization of sex work and illicit drug offenses this would alleviate of overrepresentation of women in the carceral system resulting from survival sex work . Raising awareness through campaign and participating advocacy organizations such as LEAF—the Women’s Legal Education and Action Fund would further contribute to positive social change (Perry, 2022). Furthermore, more initiatives to support Indigenous youth is imperative to end the high rates of victimization that leads to criminalization or suicide. More engagement is needed in youth leadership programs much like Tunchai Redvers 'We Matter' initiative. Fostering health and wellness initiative such as mental health counseling and support services, substance abuse prevention and intervention programs can also help promote change in these areas. Participation in campaigns such as Orange shirt day to raise awareness are ways one can individually partake in social change.

Additionally, fostering police-community integration is critical along with the imperative for the criminal justice system to authentically represent the diversity of the communities it serves. Perry (2022) suggests that hiring well educated recruits from diverse background and those specializing in

liberal arts and social science degrees can contribute to a more tolerant and well rounded view of handling diversity and multiculturalism in the communities they serve.

To address systemic issues within the criminal justice systems the TRC (2015) article 57 advocates for comprehensive anti-racism training, ongoing education in unconscious bias, and enhanced cultural competency training for all criminal justice personnel (Perry, 2022).

While the BLM movement endorsed the "defund the police" campaign, a reallocation of funding would be better situated than completely removing police forces. The emphasis should be on redirecting resources towards community-oriented programs, mental health services, social initiatives, and training that promotes de-escalation and community engagement. This approach aims to address systemic issues, improve police-community relations, and enhance public safety through a more balanced and equitable distribution of resources. Mandating body-worn cameras would provide greater transparency around policing and provide data needed to impact change where need be and would be is a step towards accountability and oversight.

Lastly, we need to focus on the development of viable alternatives to incarceration. Empowering Indigenous peoples to establish their own judiciary system would adhere to the guidelines of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in promoting articles 3 and 4 the right to self-determination and cultural integrity. This approach also aligns with the Truth and Reconciliation Commission's Calls to Action (2015) concerning justice and reconciliation.

To foster positive social change beyond justice reform, the implementation of a school-based curriculum addressing the histories and treatment of Indigenous peoples, along with cultural awareness, can play a crucial role. These acknowledgements would contribute to progress towards reconciliation (TRC, 2015).

Perry (2022b) emphasizes that societal differences are socially constructed and, consequently, can be deconstructed. To address our privileges in relation to others, a crucial starting point is self-reflection and taking personal responsibility. While we can't alter the past, we have the power to shape

the future, beginning with personal actions like engaging in decolonization. This process involves understanding the history of the land we occupy, sharing this knowledge with others, and actively working to dismantle personal power and privileges to foster positive change (Sanchez, 2019).

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