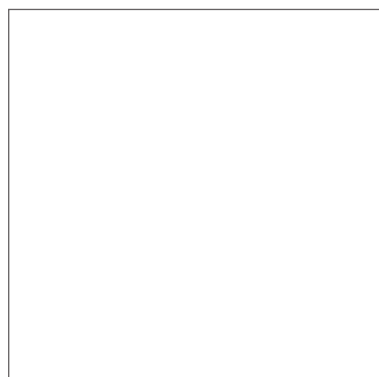
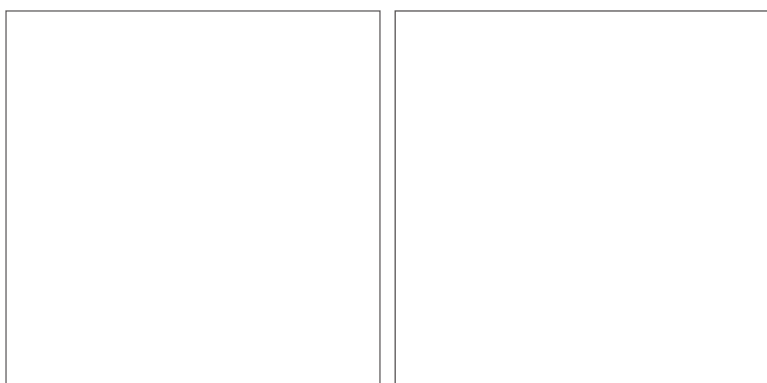


*For the full participation of Quebecers  
from cultural communities*

**Towards a  
government policy  
to fight against racism  
and discrimination**

*Consultation document*



*For the full participation of Quebecers  
from cultural communities*

**Towards a  
government policy  
to fight against racism  
and discrimination**

*Consultation document*  
**June 2006**

This document was prepared by the Direction générale des relations interculturelles and produced by the Direction des affaires publiques et des communications of the Ministère de l'Immigration et des Communautés culturelles.

Note: This text generally uses the expression "cultural community" because it is inclusive. It refers to immigrants, visible minorities, and individuals born in Québec with neither French nor British origins. Some parts of the text use the terms "immigrants" and "visible minorities" when the individuals referred to by these terms are more specifically concerned. Within the meaning of the *Employment Equity Act*, members of visible minorities are "persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour." According to the *2001 Census Dictionary*, are members of visible minorities, the Chinese, South Asians, Blacks, Filipinos, Latin Americans, Southeast Asians, Arabs, West Asians, Japanese and Koreans, among others.

All terms referring to individuals are generic and refer to both genders.

To obtain copies of the document (in French or in English):

Ministère de l'Immigration et des Communautés culturelles  
Direction des affaires publiques et des communications  
360, rue McGill, bureau 2.09  
Montréal (Québec) H2Y 2E9  
Telephone: 514 873-8624, Extension 20205  
Website: [www.micc.gouv.qc.ca](http://www.micc.gouv.qc.ca)

Legal deposit—Bibliothèque et Archives nationales du Québec, 2006

ISBN: Print version: 2-550-47495-3

Electronic version: 2-550-47496-1

© Government of Québec—2006

All rights reserved for all countries

*Also available in English on the website: [www.micc.gouv.qc.ca](http://www.micc.gouv.qc.ca)*

## A word from the Minister of Immigration and Cultural Communities

---



The Québec government has worked for several years to facilitate the integration and full participation of citizens of all origins by ensuring equal opportunity and respecting differences. It has made a priority of building a pluralistic and inclusive society. The public consultation that will be held this autumn will be an opportunity to reaffirm this commitment. It will stimulate thinking on the principal problems associated with racism and discrimination as well as solutions likely to prevent it. From this exercise will emerge the guidelines for the government policy to fight against racism and discrimination, a fight that we want both effective and authentic.

The Québec government wishes to consult the different stakeholders dedicated to the fight against racism and discrimination. They include citizens who wish to express themselves on this issue, representatives of cultural communities and community groups or corporations, institutions and organizations from all sectors of society, especially those from the economic, health, education, justice and public security sectors. Given the demographic challenge that Québec faces with its aging population, and society's choice to increase immigration levels in order to respond to this challenge, the proportion of immigrants and individuals belonging to cultural communities, in particular visible minorities, will increase. This, however, requires that we be prepared to live in an increasingly diverse society that is open to the world, and that we work even harder together to make sure that everyone finds his place and flourishes. Whether in Montreal, Québec City or the regions, the implementation of a genuine policy to fight against racism and discrimination as well as the changes that it will bring to society, are essential for the future of Québec.

I therefore invite you to read this consultation document which was prepared in order to nourish your thoughts on the subject. It documents the situation and proposes orientations to guide our actions.

I hope that this consultation will enable us to make progress together in understanding the broad issues associated with the fight against racism and discrimination in Québec. It is also to be hoped that this consultation will convince all Quebecers of the need to do their utmost so that immigrants and Quebecers from cultural communities participate fully in Québec society and that intercultural relations are harmonious.

The Minister of Immigration and Cultural Communities

A handwritten signature in black ink, reading "Lise Thériault". The signature is written in a cursive, flowing style.

Lise Thériault

Montréal, June 2006



## Table of contents

---

<b>A word from the Minister of Immigration and Cultural Communities.....</b>	<b>1</b>
<b>Introduction .....</b>	<b>5</b>
<i>Issues and challenges.....</i>	<i>7</i>
<b>Context .....</b>	<b>9</b>
<i>Terminological considerations.....</i>	<i>9</i>
<i>Dynamics of racism and discrimination .....</i>	<i>12</i>
<i>National and international mechanisms to fight racism and discrimination .....</i>	<i>13</i>
<i>Québec mechanism to combat racism and discrimination .....</i>	<i>14</i>
<i>Assessment of the situation in Québec .....</i>	<i>15</i>
<i>Guidelines for a future Québec policy to fight against racism and discrimination and challenges to overcome.....</i>	<i>18</i>
<b>Orientation 1: Coordinating efforts .....</b>	<b>21</b>
STRATEGIC CHOICE: INVOLVING CIVIL SOCIETY AND EXPANDING PARTNERSHIPS.....	23
STRATEGIC CHOICE: EVALUATING AND MEASURING DISCRIMINATION .....	25
STRATEGIC CHOICE: STIMULATING AND DEPLOYING GOVERNMENT EFFORTS.....	27
<i>Implementing the planned policy .....</i>	<i>28</i>
QUESTIONS SUBMITTED TO THE CONSULTATION .....	29
<b>Orientation 2: Recognizing and fighting prejudice and discrimination .....</b>	<b>31</b>
STRATEGIC CHOICE: EDUCATING AND RAISING AWARENESS .....	32
<i>Obstacles specific to certain communities .....</i>	<i>33</i>
<i>Assessment of education.....</i>	<i>35</i>
<i>Information and media .....</i>	<i>38</i>
<i>Cultural life and symbolic representation .....</i>	<i>40</i>
STRATEGIC CHOICE: PROMOTING INTERCULTURAL RAPPROCHEMENT.....	42
QUESTIONS SUBMITTED TO THE CONSULTATION .....	47
<b>Orientation 3: Renewing our practices and institutions .....</b>	<b>49</b>
STRATEGIC CHOICE: PROVIDING ACCESS TO EMPLOYMENT .....	50
<i>Private sector.....</i>	<i>51</i>
<i>Public sector .....</i>	<i>52</i>
<i>Principal government measures for better integration in the labour market.....</i>	<i>53</i>

STRATEGIC CHOICE: INTEGRATING PLURALISM IN THE DELIVERY OF GOVERNMENT SERVICES .....	<b>56</b>
<i>School environment</i> .....	<b>56</b>
<i>Health and social services</i> .....	<b>57</b>
<i>Police and the legal system</i> .....	<b>59</b>
STRATEGIC CHOICE: IMPROVING RESPECT FOR RIGHTS AND THEIR EXERCISE .....	<b>63</b>
<i>Legal and administrative instruments to fight against racism and discrimination</i> .....	<b>63</b>
QUESTIONS SUBMITTED TO THE CONSULTATION .....	<b>67</b>

## Introduction

---

### *Preliminary remarks*

*The future policy that Québec wants to adopt targets racism and discrimination based on "race," colour, ethnic or national origin and religion against immigrants or persons from cultural communities and visible minorities. It does not target all forms of discrimination. The expression "cultural communities" implies no presumption as to the identification with a community of the likely victims of prejudice or discrimination due to their origins. These individuals may very well identify themselves as Quebecers and still be exposed to negative attitudes.*

*Aboriginals are not targeted by this future policy. Although they can be affected by prejudice and discrimination, just like individuals from cultural communities and visible minorities, and they can benefit from measures implemented under the policy, solutions to the problems confronting them must be considered in a broader perspective that goes beyond the scope of this public consultation.*

*Discriminations based on other grounds prohibited by the Québec Charter of Human Rights and Freedoms, such as sex, handicap, age, sexual orientation or social condition, belong to other social logics. Consequently, they will be discussed only insofar as they combine with discrimination based on "race", colour, ethnic or national origin and religion.*

*The term "racial discrimination" is used in numerous international texts to designate this type of discrimination. It will not be used in this consultation document because it does not identify the object of this future policy. In fact, a good part of the discrimination currently present in Québec cannot be reduced to the description of "racial" because it is not associated with prejudice or old racist theories, but stems rather from practices inherited from a former era that have unintended effects on groups with other characteristics or behaviours. This type of discrimination constitutes a challenge that Québec society must tackle in terms of pluralism and respect for rights. The notion of discrimination is more appropriate in this context.*

This consultation document highlights principles, practices and actions often already implemented in accordance with Québec's international commitments and the provisions of the Québec Charter of Human Rights and Freedoms. It seeks to make explicit the unofficial government policy underlying the actual orientations of its actions and provide for better coordination and consistency of these actions.

This initiative is based on a reflection process in Québec marked by maturity and on the desire to propose preventive measures. Québec is an open and tolerant society. Its social choices are expressed in the Charter of Human Rights and Freedoms and in its laws. For this reason, it has so far been spared the crises experienced by countries that were late developing immigration and immigrant integration policies or policies to ensure the full participation of all citizens. Nevertheless, Québec's choices were made in an age when pluralism was less extensive. The time has come to update these choices and, where necessary, to correct persistent problems before they deteriorate in order to enable Quebecers of all origins to thrive in an atmosphere of respect and dignity.

Although racism and discrimination are sensitive topics, the government is confident that Quebecers will be able to meet these challenges responsibly and with serenity. Hence, this future policy must be considered as proof of their openness, their pride in having built an original and dynamic society and their determination to preserve and deepen the gains made with regard to rights and freedoms.

The consultation that the Québec government is launching with the publication of this document, is an opportunity to confirm the contribution of all to ensure the success of the policy to fight against racism and discrimination. It is also an occasion for all actors to express their reactions and suggest improvements. This, in order to ensure the endorsement of all for what will subsequently become the first Québec policy to fight against racism and discrimination.

It is in keeping with the logic of past government actions. The Québec government subscribes to international commitments on human rights, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, and in this context has implemented numerous measures to fight prejudice and discrimination. In 1975, it adopted a Charter of Human Rights and Freedoms that establishes the right to equality and prohibits discrimination based on "race", colour, and ethnic or national origin, or religion among other grounds. It also set up a Commission to enforce and promote the Charter.

The measures already implemented affect several ministries and government agencies. The Commission des droits de la personne et des droits de la jeunesse sees to the promotion and enforcement of equality rights by a variety of means. The Ministère de l'Éducation, du Loisir et du Sport introduced a set of measures to eliminate stereotypes from school texts, provide education on rights and distribute information on cultural communities. It also sensitizes school boards and schools to reasonable accommodation, particularly with regard to freedom of conscience and religion. The Ministère de la Santé et des Services sociaux adopted an intercultural approach and adapted its services accordingly. Efforts are expended to sensitize actors in the health and social services network to the consequences of prejudice and the means to avoid discrimination. The Ministère des Affaires municipales et des Régions conducted a promotional campaign aimed at members of cultural communities in the November 2005 election. The Ministère de l'Immigration et des Communautés culturelles conducted awareness campaigns to counter prejudice and encourage openness to pluralism. It also supports projects to fight against racism and discrimination proposed by its community partners such as Action Week against Racism and Black History Month. Education and the righting of enduring inequalities remains a long term effort, however.

Despite these efforts, individuals belonging to visible or immigrant minorities have a persistent feeling of running up against prejudice and discrimination from their fellow citizens. A public consultation led by a group of parliamentarians on the full participation of Black communities in Québec society was held in autumn 2005. The presentations and experiences shared at this consultation demonstrated the importance for the Québec government to act as quickly as possible and to intensify its efforts in the fight against racism and discrimination in order to enable Quebecers of all origins to participate fully in the social, cultural and economic development of Québec and to enjoy its benefits in full equity.

This document takes into account the remarks and suggestions presented during this consultation as well as the remarks and recommendations formulated by Mr. Doudou Diène, United Nations Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, following his mission to Canada in September 2003.

## Issues and challenges

Today we know that openness to pluralism and the full participation of all citizens are not only corollaries of the exercise of equality rights, but also factors in economic social and cultural development. They constitute key elements for the future. Indeed, the development of Québec is predicated upon the human potential of all of its citizens and that of the institutions in which the driving forces of society are represented in all their diversity and complementarity. These elements are indispensable to building a new social consensus and new societal projects. They foster synergy among all components of society and give the latter the flexibility needed to meet the challenges confronting it.

Exclusion and imperviousness to pluralism can result in social rifts and major tensions since they translate into poverty, unemployment and related problems while feeding anger and frustration. The proportion of immigrants and persons from cultural communities in the Québec population is bound to increase given its demographic situation and this situation demands attention and urgent action in order to prevent exclusion. The social costs of inaction in this regard are amply demonstrated by foreign experiences.

Moreover, cumulative discriminations hamper the integration of immigrants and individuals from cultural communities. Respect for human rights and the elimination of prejudice and discrimination, whether founded on prejudice or not, are the building blocks of democracy, development and sociality.

This consultation aims at challenging the public, the institutions and government, at improving government action and, thus, at ensuring that the ideals expressed in the Québec Charter of Human Rights and Freedoms are realized in daily life. The exercise requires an open mind, a sense of social responsibility and creativity on everyone's part. Its ultimate objective is to secure, for all our fellow citizens, respect for their rights and the opportunity to participate fully in building Québec society. Its first effect will be to renew our practices and institutions to enable society as a whole to take advantage of the richness that diversity brings. All of Québec society will emerge a winner.

This consultation paper, which documents the situation, presents the broad directions and strategic choices defined from past knowledge and experience. The observations, an overview of the principal measures implemented and the questions that will direct government choices are presented to define the problem and guide discussions.

A reading of the document will show that different actors and environments have reacted diversely to the specific situations within their purview that had the potential to lead to injustice or exclusion. They have resorted to measures that were either structural or *ad hoc* and occasional. The challenge today is to respond to the continuing, albeit under other guises, reality of racism and discrimination, with a broad and coherent government policy accompanied by a vigorous and realistic action plan.

This consultation should permit a sharing of observations, agreement on priorities and directions and suggestions for concrete measures. The policy being developed will gain in credibility and relevance to the needs of excluded individuals and communities, and the action plan that will accompany it will prove all the more effective.



## Context

---

Traces of racism and discrimination appear from the time of New France, specifically with the enslavement of Aboriginals and Blacks<sup>1</sup>. This phenomenon is not unique to Québec since racism in modern Western societies was born and developed with the colonial adventure. The ancestors of modern Quebecers just shared, in various forms and degrees due to their specific economic, social and cultural context, the ideologies and practices of the rest of the Western world.

The end of colonialism and the abolition of slavery did not mean the end of prejudice and racist ideology. The Black population freed from slavery continued to contend with racism and discrimination. Many groups who immigrated to Québec from the end of the 19th century onwards encountered similar obstacles, including groups originating from Europe such as the Jews. Some groups were even prohibited entry into Canada or faced particularly restrictive entry or residence conditions, such as Asians and individuals from the Middle East. Racist ideologies that claimed to objectively classify the human "races" and ascribe different virtues and defects to them served as a pretext to exclude or exploit these immigrant groups.

These ideologies were discredited by the scourge of Nazism, which pushed to the breaking point a racist policy imposed on all of Europe: elimination of the "inferior races" such as Jews and Gypsies and groups that, in their view, affected the quality of the "master race", such as handicapped persons, the mentally ill and homosexuals.

As a consequence, the years following the Second World War witnessed an important movement in favor of human rights along with a questioning of the supposedly scientific foundations of racist ideologies. The Universal Declaration of the Rights of Man was adopted in 1948. The International Convention on the Elimination of All Forms of Racial Discrimination was adopted in 1965. In 1978, Québec declared that it was bound by this Convention. Since then, it has periodically reported to the committee monitoring the implementation of the Convention; at the meeting to examine the report, the Québec representative answers questions from the committee in the framework of the Canadian delegation.

### **Terminological considerations**

Considerable confusion surrounds the various terms used when speaking of racism and discrimination. In current usage, the term "racism" is used vaguely to describe neo-Nazi racist violence, prejudice, lack of openness to diversity, discrimination based on prejudice and discrimination arising from institutional practices not adapted to an intercultural context. All social and economic inequalities and all difficulties stemming or not from discrimination are also presented by many as manifestations of racism if they particularly affect immigrants or individuals from cultural communities. The

---

<sup>1</sup> Trudel, M. 1960. *L'esclavage au Canada français, Histoire et conditions de l'esclavage*. Les Presses de l'Université Laval. Québec.

inappropriate use of these terms trivializes racism and discrimination and largely discredits those who evoke it in their efforts to raise awareness.

Racist ideology, properly speaking, exploded in the mid-20th century and many aspects of it have disappeared. However, certain notions such as that of "race"<sup>2</sup>, and the prejudices and discriminatory practices it used to incorporate and legitimize, still survive within other ideological constructions. Some scholars speak of neo-racism or cultural racism<sup>3</sup>.

While classic racism established a hierarchy among human populations based on biological characteristics, neo-racism does the same on the basis of cultural differences. Racist and neo-racist worldviews value those communities perceived as culturally close and therefore amenable to integration into the social and cultural life. Conversely, they deprecate communities seen as more remote and incompatible with the national culture. Those who subscribe to this ideological conception of society ascribe differentiated rights to this hierarchy of cultural communities.

This ethnic or racial hierarchy coupled with a hierarchy of rights is the core of the racist and neo-racist phenomenon. Everywhere and in all eras, racism has appeared as a differentiation between full-fledged members of the ethnic group or nation and the other inhabitants of the territory considered as foreign and inferior and thereby not entitled to benefit from the same rights and privileges. This conception is by nature political since it claims to regulate rights and access to cultural, social, economic and political resources.

Depending on the countries and eras, it may find expression in political party programs. In Nazi Germany and South Africa under the apartheid regime, racism was written into the programs of the political parties in power. In our day, racism and neo-racism are generally promoted by marginal parties on the extreme right.

---

<sup>2</sup> The notion of "race" was abandoned about fifty years ago by scientists. In fact, no human population is perfectly homogenous on the biological level, differences within populations themselves being even broader than those that exist between the various populations. This is why scientists say that the human species shows a profound biological unity. For this reason, we always put the term "race" in quotes. Nowadays, biologists speak of "population" while sociologists use the terms "population," "ethnic group" or "nation." Since people are socially categorized on the basis of their colour and often end up identifying with it, sociologists also speak of "racized groups" or "racialized groups."

<sup>3</sup> Labelle, M. 2000. « Y a-t-il un néo-racisme? » Communication presented at the international conference *Le racisme : comprendre pour agir*. Université du Québec à Montréal. March 21, 2000.

### *Concepts used*

To better account for the fragmented character of current racist and neo-racist ideologies, the concepts favoured in this text are those of “prejudice” and “discrimination”.

**Racism** has several dimensions. It can be defined as the set of ideas, attitudes and actions that aim to belittle persons from ethnocultural minorities on the social, economic and political level, thereby preventing them from participating fully in society.

**Prejudice** is a preconceived opinion based on stereotypes. It is a usually unfavorable judgment held by one individual about another individual that he doesn't know, attributing to him the characteristics attached to the group to which he belongs<sup>4</sup>.

**Discrimination** is a distinction, exclusion or preference based on grounds prohibited by the Québec Charter of Human Rights and Freedoms which has the effect of destroying or jeopardizing the exercise of human rights and freedoms. These grounds are: “race”, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or use of any means to palliate a handicap. Discrimination can appear as much by exclusion as by harassment or unfavorable treatment.

**Harassment** is a particular form of discrimination. It may manifest itself, with respect to a person or group of persons, through words, deeds or repeated gestures of a vexatious or scornful nature. A single serious deed resulting in a continuous harmful effect may also constitute harassment.

**Direct discrimination**<sup>5</sup> occurs when the distinction, exclusion or preference is based clearly on one of the grounds prohibited by the Québec Charter of Human Rights and Freedoms. For example, an employer who refuses to hire a Black person solely because he is Black is practicing direct discrimination.

**Indirect discrimination** arises from the application of a practice that is apparently neutral and applicable to everyone but which has prejudicial effects on defined groups based on discriminatory grounds prohibited by the Charter. For example, setting a tall height for access to certain trades for no job-related reason discriminates indirectly against women and cultural communities who, on average, are shorter. No intention to discriminate is at issue here. The discrimination arises from arbitrary norms and practices often inherited without critical examination from earlier eras. An analysis of practices is necessary to identify it.

We speak of **systemic discrimination** when diverse practices, decisions or behaviours combine with other practices within an organization or those of other social institutions to produce discrimination<sup>6</sup>. The discriminatory practices are, therefore, mutually reinforcing links in chains sometimes long and complex. The responsibility cannot be attributed to a specific element. Direct discrimination, indirect discrimination and systemic discrimination can also combine and reinforce economic or social exclusion.

---

<sup>4</sup> Gaudet, E. 2005. *Relations interculturelles, Comprendre pour mieux agir*. Groupe Modulo. Montréal.

<sup>5</sup> The distinction between the diverse forms of discrimination has lost its relevance since the Supreme Court ruled that discrimination can be defined from the discriminatory effect. However, these notions illustrate diverse facets of the process, showing that it can come from individual intentions motivated by prejudice, practices internal to organizations, the combination of multiple internal practices or internal practices associated with other organizations. Hence, discrimination goes beyond racism as such.

## Dynamics of racism and discrimination

Discrimination and the creation of social inequalities are intimately linked and constitute an integrated set of exclusions and complementary dominations<sup>7</sup>. Social inequalities are fertile ground for the development of prejudices which tends to result in discrimination. The combination of cultural differences and social inequalities strongly stimulates racism. Indirect discrimination, even in the absence of prejudice, tends to reproduce and amplify social inequalities. The dynamics of international politics sometimes feeds prejudice toward certain groups. Islamophobia and anti-Semitism are highly sensitive to the international situation. Prejudices, discrimination and social inequalities are mutually reinforcing.

In addition, social conceptions related to classic racism continue to appear in new forms, since the social and identitarian logics that created this ideology are still at work and permeate the most diverse worldviews and practices. Thus, individuals of Asian, Black or Arab origin born in Québec or who have long been integrated into Québec society continue to be considered by some as foreigners, with values presumed different from those of Quebecers and excluded on the basis of this difference. The belittling of these individuals and the denial of their rights occur because of a supposed lack of cultural adaptation rather than biological inferiority. This in no way removes the unjust character of the exclusion and does not diminish the prejudice experienced. If account is taken of these modern forms of discourse and attitudes that fit into the racist logic and of the resulting discrimination, racism ceases to appear marginal or anachronistic.

Scholars first distinguish a differentialist logic<sup>8</sup>, which considers cultural differences a threat to the survival of the society since they cannot be assimilated and are incompatible with the national culture. This logic is rooted in the desire to preserve unchanged the customs, habits and practices in all areas of social and cultural life. It is accompanied by fear and frustration over the institutional accommodations needed in a pluralistic society, and by attitudes of rejection and hostility towards the communities that need such measures to be able to fully participate in the economic, social and cultural life of the country.

The second logic, called universalist, considers all individuals as similar, that is, as citizens who have the same rights and should therefore be treated in an identical fashion. Since laws and regulations apply to all citizens, some are prone to conclude that they automatically have a just and universal character and that any adaptation to a specific group is unacceptable. This logic, under the cover of universalism, ends up affirming that the only acceptable culture is that of the majority. It is also accompanied by frustration and hostility towards groups that refuse to abandon their specificities or that require special measures to be able to fully participate in the economic, social and cultural life of the country.

---

<sup>6</sup> Bosset, P. 2004. *Les mesures législatives de lutte contre la discrimination raciale au Québec : un bilan institutionnel*. Commission des droits de la personne et des droits de la jeunesse du Québec. Cat. 2.500.116.

<sup>7</sup> Renaud, J., A. Germain, and X. Leloup (dirs.). 2004. Presentation. *Racisme et discrimination : Permanence et résurgence d'un phénomène inavouable*. Centre d'études ethniques des universités montréalaises. Université de Montréal. Les Presses de l'Université Laval, pp. 19-27.

<sup>8</sup> Wieviorka, M. 1991. *L'espace du racisme*, Éditions du Seuil. Paris. The analysis of the universalist logic comes from the same work.

Under different arguments and discourses, these logics lead to the same results. Any excessively rigid definition of the society and the national culture produces forms of intolerance, discrimination and exclusion. In certain countries, these forms may be co-opted by political parties and crystallized into political projects that incorporate discrimination or segregation.

To ensure that cultural communities have the same chances as other citizens to participate in social and political life, to have access to jobs matching their qualifications and to services adapted to their needs and characteristics, it is necessary to intervene simultaneously on racism, prejudice and discrimination in all its forms.

### **National and international mechanisms to fight racism and discrimination**

In the mid-20th century, most countries subscribed to international declarations, conventions and pacts and translated these commitments into their legislation. In recent years, however, Western countries have had to accept the evidence that this support is insufficient, that respect for the rights of minorities cannot be left to the good will of citizens and institutions, and that it must fit into a broader framework of diversity management and immigrant integration. With no policy or government support, problem situations degenerate and transform into social crises. In the long term, these crises threaten the social peace and impede development.

In Canada, the federal government adopted an action plan to combat racism and discrimination in 2005. The outcome of consultations and studies spanning five years, Canada's Action Plan Against Racism established priority themes around which government actions revolve. The adoption of Canada's Action Plan raised expectations among Québec stakeholders that Québec in turn would adopt a policy and an action plan to combat racism and discrimination.

In Europe, a recent public consultation led by the European Commission showed a net support in favor of implementing measures to combat discrimination in the European Union. Inspired by this support, the Commission presented a framework strategy to promote an integrated approach in anti-discrimination policy, linking legislative measures to measures aimed at promoting equality for all.

Most member states of the European Union have in recent years adopted laws guaranteeing better protection for cultural communities against discrimination. This legislative action follows two anti-discrimination directives from the European Union Council in 2000—directives on "racial" equality and employment equality<sup>9</sup>—that set minimum standards for equal treatment within the European Union.

In European countries that already had anti-discrimination laws prior to 2000, such as the United Kingdom and Norway, policies or action plans to fight racism and discrimination were implemented. In the United Kingdom last year, the government adopted a strategy to increase "racial" equality and community cohesion, which includes

---

<sup>9</sup> *Directive 2000/78/EC of the European Union Council of November 27, 2000, creating a general framework for equal treatment in employment and Directive 2000/43/EC of the European Union Council of June 29, 2000 to implement the principle of equal treatment between people irrespective of racial or ethnic origin.*

objectives in the fight against racism and discrimination<sup>10</sup>. The British government also established an equal access to employment program for the civil service<sup>11</sup>. In Norway, the government adopted an action plan in 2002 to combat racism and discrimination in employment, the civil service, education, public security, the Internet and local communities<sup>12</sup>. In France, the government recently adopted a policy to fight "racial" discrimination in employment, which includes several objectives of a legal, educational and territorial order.

The United States and Australia, two federal countries with a long tradition in immigration matters and the management of pluralism, also have policies to fight racism and discrimination. In the United States, the most significant legislative measures in this area arise from the exercise of state responsibility in the field of education. Laws and policies against "racial" discrimination vary, however, from one state to another. In Australia, the regional and federal governments have enacted laws against racism and discrimination and adopted equal access programs to help aboriginal and immigrant populations to integrate.

### **Québec mechanism to combat racism and discrimination**

As in the rest of the world, Canadian and Québec laws and policies have changed and have eliminated certain practices identified as discriminatory and contrary to modernity and the respect for human rights. Discrimination based on "race", colour, ethnic or national origin and religion is prohibited by the Québec Charter of Human Rights and Freedoms, adopted in 1975.

In 1986, the Québec government's Declaration on Intercultural and Interracial Relations condemned without reserve racism and "racial" discrimination in all its forms and undertook to promote the full participation of every individual regardless of colour, religion, ethnic or national origin in the economic, social and cultural progress of Québec. At the same time, the Québec government affirmed its determination to secure the rights of all individuals to equality in employment, housing, health, social services, education and other public services as well as in access to public places, without discrimination based on "race", colour, religion, and ethnic or national origin. To meet these objectives, it undertook to help implement measures to encourage the economic, social and cultural development of the different ethnic, "racial" and cultural groups, and to elaborate equal access programs.

The policy statement on immigration and integration, *Let's Build Québec Together*, made public in 1990, clearly expressed the fact that racism is a question that must absolutely be contended with. The 2004-2007 government action plan, *Shared Values, Common Interests*, made the fight against discrimination of one its priority objectives.

---

<sup>10</sup> Home Office. 2005. *Improving Opportunity, Strengthening Society: The Government's strategy to increase race equality and community cohesion*.

<sup>11</sup> Home Civil Service. 2005. *Delivering a Diverse Civil Service: A 10-Point Plan*.

<sup>12</sup> Ministry of Local Government and Regional Development. 2002. *National Plan of Action to Combat Racism and Discrimination 2002-2006*.

## Assessment of the situation in Québec

It is not easy to draw a picture of the situation in Québec and measure the scope of racism and discrimination. Racist ideology based on biology has largely disappeared. Its followers are marginal today and are not part of the Québec political landscape. Despite this marginality, however, vigilance is required. Neo-Nazi movements enjoyed a certain resurgence towards the end of the 1980s. Even today, people let themselves be influenced by certain supposedly scientific works that affirm, despite all the studies showing the contrary, that certain populations are inferior due to their genetic or biological characteristics. Always liable to resurface and appear as hate crimes<sup>13</sup>, racism must be taken into account by the public authorities.

Direct discrimination is often hidden due to the illegality of its actions. Indirect or systemic discrimination, arising from structural barriers internal to organizations, is revealed only through analysis. The effects of discrimination are just as difficult to measure. Available data is scarce and debatable. For example, while prejudice and discrimination have a certain effect on the unemployment rate of cultural communities that are its victims, they are not the only factors that enter into at play.

### *Perceptions of the situation*

Nonetheless, some scholars estimate that discrimination is the greatest obstacle to the integration of immigrants<sup>14</sup>. According to a study done in June 2005 for the Ministère de l'Immigration et des Communautés culturelles, one Quebecer in five from cultural communities said he was the object of discriminatory acts during the year preceding the survey<sup>15</sup>.

According to the *Ethnic Diversity Survey*<sup>16</sup>, individuals from all visible minorities across Canada feel they are victims of discrimination or unjust treatment, including 50% of Blacks, 35% of Southeast Asians, 29% of Latin Americans and 26% of Arabs. In the Montreal Census Metropolitan Area, 31% of visible minorities responded that they had been victims of discrimination. In the case of Black communities, this proportion rose to 41%.

Persons of the Hindu faith (36%), Muslims (30%), Buddhists (31%), Sikhs (27%) and Jews (23%) declared that they had been victims of discrimination. With the exception of Jews, almost all of these respondents also belong to visible minorities.

Second-generation immigrants express the feeling of being victims of discrimination more often than first-generation immigrants, no matter how long the latter have been settled in Canada. The obstacles encountered cannot be attributed to the migration

---

<sup>13</sup> A hate crime is a criminal offence against a person or group, motivated by hatred or prejudice. Visible minorities, ethnocultural and religious groups and sexual minorities are the principal groups targeted by hate crimes.

<sup>14</sup> Frideres, J. S. 2005. « Ethnogenèse : L'origine ethnique des immigrants et le développement des clivages sociaux qui y sont associés ». *Thèmes canadiens*, spring 2005, pp. 65-68.

<sup>15</sup> Jolicoeur et associés. 2005. *Sondage sur l'état des relations interculturelles au Québec*. Report prepared for the Ministère de l'Immigration et des Communautés culturelles.

<sup>16</sup> The *Ethnic Diversity Survey* was done in 2002 by Statistics Canada for the Canadian Heritage Minister. The sample included about 42,500 persons aged 15 and over in the ten provinces.

process since they were educated in Canada and are fluent in one or both official languages. Difficulties finding a job matching their qualifications or finding housing, for example, are therefore interpreted in terms of prejudice and discrimination.

The perception of discrimination based on gender is roughly similar for all visible minorities, but shows a certain variation depending on the communities. Thus, women from Black communities have a lower perception than men of being victims of discrimination or unjust treatment, while results are identical in the Chinese community.

As for age, middle-aged persons (25-44 years) have a slightly more acute perception of discrimination than younger (15-24 years) and older (45-64 years) individuals in the sample.

Looking at the data in terms of income, it appears that individuals holding a job with an income between \$20,000 and \$59,999 are more likely to say that they have been victims of discrimination, followed by persons who earn \$60,000 and more and those who earn less than \$20,000.

The main settings of discrimination or unjust treatment of visible minorities are, in order of importance, the workplace (64%), stores or banks (40%), in the street (29%) and with the courts or police (17%).

The perception that racism and discrimination towards cultural and visible communities exist in Québec is also found throughout the population. An SOM survey in March 2001 showed that nearly 54% of Quebecers believe that native Quebecers practice "racial" discrimination. The same survey showed that 46% of Quebecers believed that members of cultural communities also practiced "racial" discrimination. The perception of the importance of racism also emerges from a study done in 2005 for the Ministère de l'Immigration et des Communautés culturelles.

### *Vulnerable clientele*

The data from this survey cannot be used as an objective measure of discrimination. It reflects the perception of the persons questioned and measures their feeling of exclusion. It highlights a major problem of integration and acceptance.

Some of this data seems to contradict common experience. According to several scholars, the groups likely to experience situations of discrimination on grounds prohibited by the Charter experience special difficulties and are poorly served by current public policies<sup>17</sup>. These observations match the experience of most front-line actors.

However, these groups are not those who express the strongest feeling of being victims of racism and discrimination. Various hypotheses can explain the survey results. For example, these groups could attribute their difficulties to a lesser education, the lack of parental support in the case of women heads of single-parent families, or to other socioeconomic reasons.

---

<sup>17</sup> Burstein, M. 2003. « La création d'entreprises, l'entrepreneuriat, le travail indépendant et les marchés de capitaux ». *Les intersections de la diversité, documents de réflexion*. Document prepared for the Canadian Studies Association. Project Metropolis and the multiculturalism program of the Canadian Heritage Department.

Concretely, the combination of discriminations contributes to further reduce the social horizons of citizens who experience them, such as youths from cultural communities who feel discrimination both as young people and as members of cultural communities. Racism also has an impact on the mental health of vulnerable persons since it creates psychological distress<sup>18</sup>. The victim's physical, psychological and moral integrity is attacked. Relations with institutions, schools or social services are not facilitated.

Groups that suffer the cumulative effects of discrimination, direct or systemic, must receive special attention from public institutions. These include women, young people, seniors and sexual minorities.

The difficult situation of several of these groups was frequently raised by persons who took part in the consultation on the full participation of Black communities in Québec society in autumn 2005. However, the difficulties evoked are also found in other communities, even if the forms and degrees of difficulty can vary for one community to another as a function of the stereotypes and prejudices affecting each community, the length of their presence here, their level of community organization, etc.

#### *Difficulties specific to women*

Women from cultural communities, particularly immigrant women belonging to visible minorities or heading single-parent families, often experience multiple discrimination. They are disadvantaged on the job market due to difficulties reconciling family and work and by their concentration in female job ghettos where their skills and value are still sometimes poorly recognized and less paid. Their access to the services offered by the Centres de la petite enfance (early childhood centres) may be difficult when they hold atypical jobs. Reconciling family and work is a big challenge for women who head single-parent families.

The fact that they run up against prejudice based on colour, ethnic or national origin or religion, by virtue of which they are considered less competent than their Québec counterparts who have been here longer, further reduces their chances of finding a job in line with their qualifications.

#### *Difficulties specific to youths*

Irrespective of the type of family involved, the consequences of combined discrimination, associated with poor working conditions, poverty and living in low quality housing, create tensions within the family. Young people who grow up in these families suffer from it, which can affect success in school, in particular when support for pupils is inadequate. Poverty, insecurity, the feeling of exclusion and the lack of sports facilities and community centres contribute to the phenomenon of street gangs.

Certain young immigrants or children of immigrants also experience multiple discrimination. On the labour market, their job integration is made more difficult by the fact that they lack the experiences most valued by employers. As a result of prejudice,

---

<sup>18</sup> World Health Organization. 2001. *Report on health in the world, Mental health: new conception, new hopes*. Geneva.

they encounter additional obstacles, as is shown by unemployment rates that are sometimes double that of young Quebecers as a whole.

### *Difficulties specific to sexual minorities*

Individuals from sexual minorities within cultural communities often find themselves in a situation of double discrimination or exclusion. Due to widespread homophobia in many countries and cultures, these individuals cannot count on the support from their community of origin to come to terms harmoniously and publicly with their sexual orientation. More often than not, they are victims of rejection by their family and their community of origin when their sexual orientation is revealed or known.

Like other gays, lesbians and bisexuals in Québec, they can be victims of discrimination, exclusion or harassment because of their sexual orientation in different everyday environments such as the workplace, school or university. They experience difficulty living openly as homosexuals without fearing reproachful looks, insults or violence.

Moreover, persons of sexual minorities from cultural communities deplore not being able to count more on the support of the Québec gay and lesbian community, due, notably, to a lack of sensitization to ethnocultural diversity.

In their view, this double exclusion deprives them of the social support necessary for them to find fulfillment. It increases their isolation and drives them to live their sexuality on the margins and clandestinely, making them more vulnerable to serious health problems such as sexually transmitted infections, drug addiction, depression, suicidal thoughts, etc.

This situation of double exclusion was raised last autumn by members of the Joint Task Force against Homophobia in the framework of the mandate that the Minister of Justice gave to the Commission des droits de la personne et des droits de la jeunesse, to report on the situation of homophobia in Québec.

### **Guidelines for a future Québec policy to fight against racism and discrimination and challenges to overcome**

Recognizing the phenomena of racism and discrimination is the first step toward finding solutions to various problems related to it.

Several guidelines shape the development of the government policy to fight against racism and discrimination:

- Fighting racism and discrimination requires a comprehensive and concerted approach and must include, beyond repressing racist violence and discrimination, a strategy to support the socio-economic integration of immigrants and persons from cultural communities, to adapt institutions and to sensitize the general public on these matters.
- It must be linked to other government efforts to reduce social and economic inequality and deal with social issues shared by individuals from marginalized cultural

- communities and the Québec population in general, but which are often experienced in an ethnic or “racial” way.
- It must have a long-term aim of strengthening social solidarity between groups and individuals of all origins and the equal participation of individuals from cultural communities in public life on the basis of common values.
  - It must include preventive actions.
  - It requires a firm and structured government intervention and the commitment of all actors in society.

#### *Anticipated orientations*

The first challenge facing the Québec government is to ensure that efforts to fight prejudice and discrimination are consistent and complementary. The comments and analyses of front-line actors emphasize the *ad hoc* nature of many interventions, the relative inconsistency of their efforts, and the absence of leadership that affects the effectiveness of implemented measures. In addition, the documentation and monitoring of the situation concerning racism and discrimination requires the collaboration of stakeholders and front-line actors in all sectors of society. The first orientation, *Coordinating efforts*, favors the emergence of proposals aimed at strengthening government leadership in the fight against racism and discrimination and monitoring the situation in the field.

The second challenge facing the government is to educate citizens on their rights and responsibilities and make them aware of the existence of prejudices and discrimination as well as the importance of avoiding them in Québec society. Although most Québec citizens having such prejudices are prepared to revise their opinions and change their attitudes once they are well informed, others continue to defend racist or racism-related behaviour on the pretext of freedom of opinion. The second orientation, *Recognizing and fighting prejudice and discrimination*, aims to stimulate thinking on measures necessary to fight prejudice, to disseminate more broadly a view of the world in accord with the modern values of rights and equality of Québec society, and to promote intercultural rapprochement.

The third challenge facing the government is to ensure real equality and the full participation of all citizens in the economic, social and cultural development of Québec by attacking direct, indirect and systemic discrimination and achieving a better representation of individuals from cultural communities in employment and in diverse institutions. This equality will be achieved only by improving mechanisms to enable the exercise of rights. The third orientation, *Renewing our practices and our institutions*, must lead to the emergence of solutions to eliminate any discrimination existing in Québec institutions and secure an adequate representation of Quebecers from all origins in public and private institutions.



## **Orientation 1**

### **Coordinating efforts**

---

Québec has made major advances in the social area since the mid-20th century. The great international movement that led to the adoption of charters, conventions and pacts to recognize and respect human rights contributed to building modern Québec. Social programs developed during the Quiet Revolution consolidated the social rights of diverse groups.

In recent years, public debates have taken place on the relevance of modifying government policies and programs to focus on the essential missions of government and provide public services that better meet the needs of citizens. This reflection on government policies and practices must include the dimensions of respect for human rights and management of diversity. The definition of a new social contract taking shape must be developed by and for all Quebecers without distinction as to their origin. The strength of a new social consensus depends on the adherence of all citizens.

Institutions have sometimes been tardy in taking charge of cultural diversity and have done so unequally depending on areas of activity and regions. The arrival of persons from cultures more remote from European cultures produced a culture shock not only for the public but also among front-line actors who felt ill-equipped when faced with this new reality. The awareness of the responsibilities of Québec society to welcome and integrate these new citizens has developed gradually.

The fight against prejudice and discrimination—direct, indirect or systemic—is a collective responsibility that requires much effort. It calls for documenting the situation, reviewing and rethinking practices in private and public institutions. It requires changing the organizational culture of numerous Québec institutions. It calls for Québec society as a whole to acknowledge the pluralistic reality of modern Québec in everyday life and adopt an intervention framework to harmonize and make consistent the practices of various institutions. It represents a long-term effort for the social actors involved.

The efforts made by numerous actors in all domains of social life deserve to be emphasized, in education as much as in cultural life, the media, work, housing, community life and the defence of rights, health and social services, police services and the legal system, institutions dedicated to the promotion and well-being of women, families, young people, immigrants and persons from cultural communities and sexual minorities. Interesting initiatives have emerged. Depending on the nature of these initiatives, their effects have been sometimes major and structuring, sometimes *ad hoc* and of limited scope.

These initiatives were sometimes implemented by organizations acting alone to respond to their internal needs. They sometimes involved several organizations working in collaboration. They almost always responded to one-time needs and tense moments. Since the Québec population is diversifying, we must be more proactive and intensify preventive and concerted efforts.

Another observation stands out. The public perception of pluralism is not evolving as fast as the reality itself, partly because of an uneven diversification of the social fabric of living environments and regions, and of a cultural representation that is often partial if not anachronistic. Some people continue to deny the existence of racism and discrimination or prefer to minimize it by comparing the situation in Québec to that prevailing elsewhere. Still others continue to consider all individuals from cultural communities as newcomers. And many continue to think, wrongly, that the responsibility for integrating immigrants rests entirely on the immigrants themselves and that institutional adaptation to diversity represents a threat to Québec culture or an unjustified effort.

Given the task ahead of us and the meager impact of dispersed efforts, the Québec government must now assume leadership in the fight against racism and discrimination. It must first involve civil society organizations more and expand partnerships with all actors concerned to ensure consistent and synergetic efforts. From this flows the first strategic choice, *Involving civil society and expanding partnerships*.

To support the economic, social and cultural development of Québec and modernize the state, the Québec government must adequately document the situation and measure the phenomena associated with discrimination, including their scope, forms and dynamics. The second strategic choice, *Evaluating and measuring discrimination* is intended to meet this need.

The assessment of the situation prepared by the scholars, with insights provided by actors from public, private and community institutions, must enable the Québec government to reflect on its own practices and adjust to the new Québec reality. The third strategic choice is therefore entitled *Stimulating and deploying government efforts*. In this perspective, all ministries and agencies must participate in a government action plan. This exercise can include exchanges with the diverse actors from civil society. The government initiatives can in turn serve as a model for other institutions. Québec society as a whole will emerge revitalized and better equipped to meet the challenges of the modern era.

## **STRATEGIC CHOICE: INVOLVING CIVIL SOCIETY AND EXPANDING PARTNERSHIPS**

The assessment of the situation shows that the front-line actors involved in delivering diverse services to members of their own organization, their clientele, or to the general public are not all at the same point in their thinking or actions regarding equal treatment and respect for everyone's rights.

Regions and municipalities are increasingly aware of the importance of pluralism and diversity management. However, they are not all challenged in the same way by the presence of immigrants or individuals from cultural communities. Some do not perceive with the same acuity the potential role of immigration as an engine of cultural, social and economic development of regions and as a means to slow demographic decline. Nevertheless, individuals from cultural communities are already present in numerous regions of Québec. Immigrants can play an important part in the vitality of regions. However, this requires openness to cultural diversity, respect for rights and agreement to adapt well-established institutional practices.

Openness to diversity and intercultural rapprochement is one of the priorities set forth in *Shine among the best. The Government's Vision and Action Priorities*. In this perspective, immigration was reaffirmed as an important issue at the *Forum des générations* held in 2004, and participants agreed to accelerate the signing of agreements to regionalize immigration with regional conferences of elected officials (Conférences régionales des élus - CRÉ) and municipalities. At present, the Ministère de l'Immigration et des Communautés culturelles has signed eight such agreements with CRÉs or municipalities. These agreements, adapted to local needs, aim to achieve concerted action among the regions' driving forces. The development of regional action plans by the stakeholders themselves will make it possible to rally front-line actors, take charge of this problem at the regional level, and produce structuring measures.

Certain regions where immigration is more recent are at the stage of assessing the situation. Other regions which have welcomed immigrants for several decades have already adopted measures to develop harmonious intercultural relations and fight against racism and discrimination.

In the workplace, as we emphasized above, business people stand out for their diversity management initiatives. Some unions have also been very active for a long time in fighting racism and discrimination. Work is continuing with the professional orders. However, the business community must be further rallied. The government must propose a project that brings them together to discuss their best practices and ensure that these exchanges are disseminated. This type of initiative would sensitize Québec companies to the reality of cultural communities and the importance of ethnocultural diversity as an engine of economic development for Québec.

The community sector has been involved for many years in the fight against racism and discrimination. It has promoted awareness of the reality of cultural communities, sometimes with support from financial aid programs of the Ministère de l'Immigration et des Communautés culturelles. Certain organizations support and advise the most vulnerable within the cultural communities, in particular newcomers, in their steps to find housing or a job. They inform them of their rights and guide them in their proceedings with the responsible institutions. It would be appropriate to support these

efforts and increase community involvement, particularly with awareness tools and guides.

Moreover, it would be interesting to see associations involved in different circles extend the Québec government's initiative in presenting the Québec Awards for Citizenship to highlight the work of individuals or organizations who distinguish themselves for their exceptional contribution to Québec society, accommodation of diversity, equal access to employment, the fight against racism, and intercultural rapprochement. This would help develop a culture conducive to recognizing pluralism, as *Fortune* magazine does in the United States by publishing an honor roll of companies most advanced with respect to diversity.

## **STRATEGIC CHOICE: EVALUATING AND MEASURING DISCRIMINATION**

### *Review of scholarly research*

It is difficult at this time to assess the scope and forms of discrimination that could affect individuals from cultural communities. Numerous studies done since the 1980s have tackled the subjects of racism, intercultural relations and discrimination. The perception of racism by individuals from cultural communities was broadly echoed in these studies. The factors generating the socioeconomic inequalities affecting various communities also drew the attention of scholars. These studies advanced our understanding and showed the existence of prejudice and discrimination. However, they contained certain limitations from the perspective of developing public policies.

For one thing, they rarely sought to measure discrimination as such. Measurement was not, except in certain cases, the primary objective of the research. Prejudice and discrimination often constituted only one dimension of a broader study dealing with the integration of immigrants, newcomers or well-established immigrants.

Some studies dealt with a particular community or immigrants in general. Some were interested in second-generation Quebecers. Some communities were studied extensively while others, particularly those recently arrived, are little known.

It therefore remains difficult to form a clear idea of the situation experienced by diverse cultural communities and diverse social groups within cultural communities (women, youths, seniors, sexual minorities).

Gaps still remain to be filled. The problem of cross-discrimination based on the various grounds enunciated in the Québec Charter of Human Rights and Freedoms (ethnic origin/age, religion/sex) is an emerging field for research. Many studies are still required to adequately document this problem and make it a topic for public policy consideration.

To correctly evaluate the situation and intervene effectively, it will be necessary to analyze more closely the various factors that create inequality and obstacles to the participation of citizens in the social, cultural and economic development of Québec.

### *Research tools*

Several Québec scholars are actively studying the situation of immigrants and individuals from cultural communities. Following a trend in several fields of scientific research, they increasingly belong to research centres or networks that also include scholars in other countries, thus bringing a comparative dimension to the research. For example, several Québec ministries and agencies are participating in the *Metropolis* project, a vast network of scholars engaged in research on immigration and integration. Many studies done by members of *Immigration and Metropolis*, the Québec component of the *Metropolis* network, have targeted discrimination or taken it into account.

Similarly, the Observatoire international sur le racisme et les discriminations was established at the Université du Québec à Montréal. Linked with UNESCO, its work has included defining indicators to evaluate municipal policies aimed at fighting racism and discrimination.

Ministries and government agencies are also engaged in research to better understand discrimination and exclusionary processes. The Commission des droits de la personne et des droits de la jeunesse has been particularly active in this area. Other agencies have produced studies that help improve our knowledge about persons from cultural communities and the problems they experience. The Institut de la statistique du Québec also provides important data from a public policy perspective.

Efforts must be made to update our knowledge on the subject of discrimination in order to clarify the mechanisms at work, measure it and develop indicators. This knowledge is needed to monitor actions and assess their effectiveness. A government agency could be given responsibility for coordinating government research, producing a regular assessment of the situation with respect to discrimination, for developing indicators and for playing a monitoring and forecasting role in this regard. The measures contemplated include examining how research-oriented governmental aid programs could support or strengthen research on discrimination. Cooperation and the exchange of information as well as the ability of the various social actors, including ministries and government agencies, to analyze, innovate and take action, should be encouraged.

## **STRATEGIC CHOICE: STIMULATING AND DEPLOYING GOVERNMENT EFFORTS**

Ministries and government agencies have developed, through their individual missions and clienteles, an unequal sensitivity to the pluralist reality and practices likely to have a discriminatory effect on cultural communities.

This future policy is the first step in a process of exchange and sharing of a common vision of the situation and of the objectives to meet. The opinions and exchanges generated by the consultation will make it possible to identify consensuses, priorities and courses of action.

The government action plan will then make it possible to coordinate efforts by ministries and agencies in order to translate these priorities and courses of action into durable solutions and practices integrated in the functioning of the institution and to fine-tune measures to fill identified gaps. To do so, objectives and measures must be included in strategic planning for the representation of minorities likely to face discrimination and the adoption of measures to correct inequalities and systemic discrimination where it occurs.

An assessment should be conducted regularly by each ministry and agency to document how ethnocultural diversity is taken into account. Such a status report would make it possible to verify practices needing improvement or adjustment and to adopt an action plan. If necessary, advisory committees could be created by the ministries and agencies to support their reflection and the adoption of their respective action plans.

Québec is part of a growing movement in Western countries to develop policies to fight against racism and discrimination. It is making considerable efforts to promote understanding and intercultural rapprochement, both within Québec and internationally with the help of the Ministère des Relations internationales. It is helping fight racism and discrimination by reporting to the United Nations Commission of Human Rights the measures it has adopted to fight against racism and discrimination and by supporting, in the institutional context of the Francophonie, the establishment of national human rights commissions and the ratification of international instruments to protect rights.

The Ministère des Relations internationales also supports international solidarity programs that contribute to a better understanding of the realities of communities from the southern hemisphere. It furthers, as well, a commitment by Québec society in favour of development based on equity and mutual respect. Finally, during Action Week against Racism, it coordinates international youth exchange projects through the Office franco-québécois pour la jeunesse, the Agence Québec Wallonie Bruxelles pour la jeunesse and the Office Québec-Amérique pour la jeunesse. These projects made it possible to implement, among other things, activities to raise awareness of the fight against racism and to organize an action week against racism in Brussels.

The Commission des droits de la personne et des droits de la jeunesse is also active on the international scene. It helped set up the Association francophone des Commissions nationales des droits de l'Homme. The objective of this association is to strengthen the role of national commissions in order for these to contribute to the protection, respect and implementation of human rights within the French-speaking world.

It is important to follow the situation in other countries and strengthen exchanges with other countries on policies and expertise in the fight against discrimination.

### **Implementing the planned policy**

The policy to fight against racism and discrimination being developed by the Québec government is not meant to be a simple statement of principles. After the consultation, the consensus and proposals will be submitted to an inter-ministerial committee composed of the principal ministries and agencies concerned.

Members of this committee will analyze the problem and the structuring measures in their respective field of activity in order to build a government action plan. Each measure will have to produce concrete results. Objectives and indicators will have to be integrated in the strategic plans of the ministries and agencies and will be subject to accounting.

The success of the anticipated policy and action plan will depend in large measure on collaboration between the Québec government and civil society. It will also depend on a regular monitoring.

## **QUESTIONS SUBMITTED TO THE CONSULTATION**

### ***Concertation and partnerships***

What measures are likely to support and stimulate existing initiatives and the commitment of public and private institutions which are still little involved in the management of diversity and the fight against discrimination?

### ***Documentation of the situation***

What type of documentation would be most useful to support interventions in the private, public and community sectors?

Would it be useful for the government to periodically make public a report on racism and discrimination in Québec?

### ***Stimulating and deploying government efforts***

What priorities should the government adopt to fight against racism and discrimination?



## Orientation 2

### Recognizing and fighting prejudice and discrimination

---

Prejudice and direct discrimination based on it are the first elements to address in the fight against racism and discrimination.

Québec is tolerant on the whole and its intercultural relations are generally marked by civility. However, prejudice and discrimination remain present, sometimes without people being aware of them.

In fact, most persons do not recognize their opinions or practices under the labels of racism and discrimination. For some people, they stand to reason and very few question them spontaneously. For example, social and political pressures to give preference to “people from here” for jobs and promotions, access to housing, and in business relations, etc., may seem fair and rational. Nonetheless, they carry the seeds of exclusion and injustice. They are the first step towards a narrow and rigid definition of society’s identity that leaves no room for the fulfillment of people who do not fit these narrow criteria. One of the major challenges we face with regard to prejudice and discrimination is the recognition of their current forms.

Prejudice and discrimination impose burdens, obligations and disadvantages on targeted persons and groups that are not imposed on other people, as well as limits and obstacles in accessing opportunities offered by society (housing, work, education, services) and restrictions on benefits and advantages offered to other members of the society<sup>19</sup>.

Prejudice and discrimination are not of the same nature and require different types of intervention. Prejudice can be countered by education and increased awareness. The first strategic choice, *Educating and raising awareness*, examines various means to reach these objectives. Increased awareness and education can prevent manifestations of prejudice and rejection attitudes. To be fruitful, however, this work must be followed by the establishment of real and harmonious intercultural relations. The second strategic choice, *Promoting intercultural rapprochement*, provides support and complements sensitization and education.

---

<sup>19</sup> Battaglini, A. 2002. *Préjugés, Prévenir le racisme chez les jeunes*. Direction de santé publique de Montréal-Centre. Régie régionale de la santé et des services sociaux de Montréal-Centre.

## **STRATEGIC CHOICE: EDUCATING AND RAISING AWARENESS**

Prejudice and stereotypes reflect a partial and deformed view of reality. They lead to discrimination, exclusion and violence. Since they constitute the raw material on which racism feeds, it is important to persuade all citizens to become aware of them and to develop healthy reactions such as openness, the willingness to listen and to dialogue with Quebecers of diverse origins. Prejudices are not limited to one group and each group has a certain number.

Prejudices are constructed from several sources. Education, negative intercultural contacts, partial or incorrect information from school texts, news or diverse cultural media such as film, books and museums are all liable to fabricate abusive images, stereotypes and interpretations of the customs, beliefs, attitudes and behaviour of individuals from cultural communities. They are also liable to throw a deep gulf between "us" and "them".

### *Mechanisms for constructing prejudice*

The first step in constructing prejudice is generalization, which shows up as the belief that all persons in a group are the same. Although it would never occur to anyone to think that all francophone Quebecers have identical habits, attitudes and values, regardless of their age, sex, level of education or region of origin, it is self-evident to many people that all Chinese, Haitians, and Arabs share the same cultural habits, behaviour, attitudes and values. All individual differences, as well as differences in language, religion, social class and education within a given cultural community, are obscured in favour of a few stereotypical images. Moreover, the values, attitudes and behaviour of persons from cultural communities are always perceived as expressions of cultural characteristics, whereas they are sometimes related to the social or economic characteristics of these individuals. The exaggerated importance attributed to cultural characteristics, real or imaginary, builds a barrier between "us" and "them".

The second step is to disparage or consider as inferior the attitudes or behaviour previously generalized and attributed to an entire group. Individuals from cultural communities are not just different; they are, in the view of some Quebecers, less good or less adapted to modern Québec. Even when the cultural values are not considered bad, they can be rejected because, in the eyes of some, the adjustments demanded by pluralism are unacceptable and automatically discredited.

The disparagement creates a feeling of victimization among the most vulnerable persons in targeted communities. They in turn can react by generalizing and disparaging groups perceived as the "majority" as defined by colour or ethnic origin. Some are tempted to defend themselves by making persons of this majority feel guilty or by rejecting them. Exacerbated feelings can create a climate of suspicion and hostility.

### *Distinction between lack of knowledge and prejudice*

Simplification is not abnormal and racist in itself. It is necessary to know a little history and the social, cultural and political life of a group in order to correctly interpret and nuance what one sees and hears around one and in the media. However, it opens the door to discrimination and exclusion. Members of cultural communities no longer appear

as individuals but as undifferentiated members of a group. This creates tensions and possible slides into racism.

Many people hesitate to blame an employer who refuses to hire a Black or an Arab, even without meeting them for an interview, on the pretext that their presumed culture, education, and customs would make them impossible candidates to integrate harmoniously in the company. However, this is a generalization that is as unjust and abusive as those propounded by racist theories of the 19th century. And the effects of the discrimination that it engenders are just as devastating as those of old-fashioned racism.

Some members of cultural communities who were born in Québec and received the same education here as Québec youths are still not considered as full-fledged Quebecers and do not enjoy the same opportunities as their fellow citizens. They continue to be seen by some citizens as foreigners and immigrants who have brought little to Québec and have not contributed to its development.

#### *Type of education preferred*

In this situation, education to combat prejudice and discrimination must focus on rights education. In addition to informing, it must create awareness, that is, permit the emergence of a social conscience that internalizes the identification of inequalities and injustices and the determination to make them disappear. It must also make individuals accountable. All citizens should be able to exercise their rights while respecting the rights of others, to foresee and assume the consequences of their actions. By developing their critical spirit and analytic ability, they will be able to rearrange not only their personal relations, but also the life of institutions. A genuine rights education must, in the final analysis, transform the world.

Education in rights as described above is an ideal. However, it would be wrong to forget that modern Québec was created by Quebecers of previous generations who conceived and introduced the instruments necessary to realize their ideal. Rights education exists already in a more or less developed form. The pedagogical approaches and tools necessary to promote it also exist. The effort must focus on examining the conditions to put in place and obstacles to overcome to enable it to bear fruit. These conditions and obstacles are of all kinds—consultation, partnerships, variety of programs.

#### **Obstacles specific to certain communities**

The image of Black communities is inherited in large part from American culture, film and media coverage of Afro-Americans and African societies. It is too often associated with violence, poverty and lack of education. The role models presented by the media come almost exclusively from the world of sports and the arts. Numerous young people from Black communities complain that they are very much sought after to join sports teams, but are excluded from school work teams or neglected by their teachers<sup>20</sup>.

---

<sup>20</sup> Labelle, M., D. Salée and Y. Frenette. 2001. *Incorporation citoyenne et/ou exclusion? La deuxième génération issue de l'immigration haïtienne et jamaïcaine*. Centre de recherche sur l'immigration, l'ethnicité et la citoyenneté. Université du Québec à Montréal. Published by the Canadian Race Relations Foundation.

Arabs and Muslims, wrongly lumped together by some, are often presented as religious fanatics and terrorists motivated by hatred for Western civilization. In their case, this image is linked to media handling of the Israel-Palestine conflict and by the endorsement of this view of the conflict by certain intellectuals<sup>21</sup>. Inadequate information in Québec on the Muslim religion and Arab culture, including in the school environment<sup>22</sup>, support these prejudices and create tensions. In recent years, the term Islamophobia has spread. It refers to the fear that the individual, family, community, society, lifestyle, country or civilization is exposed to some kind of Islamic threat. In its more moderate form, Islamophobia is "a condescending way of considering Islam as a deplorable phenomenon or one hardly meriting attention"<sup>23</sup>. However, recent vandalism against two mosques in Laval shows that it also includes a potential for violence that must not be minimized.

According to several scholars, modern anti-Semitism in Québec feeds on two sources. It stems in part from old fascist anti-Semitism. Graffiti and opinions inspired by Nazism can still be observed. Anti-Semitism is also associated with the Israel-Palestine conflict. The Jewish community as a whole is perceived by some as unconditionally supporting unjust policies towards Palestinians. Tensions in the Middle East are sometimes reflected in Québec by acts of violence towards institutions or individuals from the Jewish community. The arson attack against the United Talmud Torah school in 2004 is a recent example.

Conversely, some Asian groups seem to enjoy favorable prejudices as good workers, disciplined, intelligent, etc. However, some individuals from these communities complain about being limited and hemmed into roles that do not take their personality into account or match their tastes. Prejudices and attitudes that seem favorable towards these groups at first glance can prove just as constraining and restrictive as unfavorable prejudices in the life of individuals who experience them.

### *Consequences of prejudice and discrimination*

In general, prejudice, stereotypes and discrimination contribute to the dehumanization of individuals. They hinder the development of their sense of belonging to Québec and contribute to the development of identities based on community membership that are attributed, sometimes wrongly, to immigrants. Thus, Black, Arab, Latino, and Asian identities are developing in Québec while they hardly exist, or don't exist at all, in the country of origin<sup>24</sup>.

---

<sup>21</sup> Antonius, R. 2002. « Un racisme "respectable" ». *Les relations ethniques en question*. Under the direction of J. Renaud, L. Pietrantonio and G. Bourgeault. Presses de l'Université de Montréal, pp. 253-270.

<sup>22</sup> Oueslati, B., M. McAndrew with the collaboration of D. Helly. 2004. *Le traitement de l'islam et des musulmans dans les manuels scolaires de langue française du secondaire québécois (histoire, géographie, éducation économique, formation personnelle et sociale)*. Rapport de recherche.

<sup>23</sup> Sarna, S. 2002. *L'islamophobie et les mythes qui la nourrissent, Guide d'atelier*. Direction de l'éducation et de la coopération, Commission des droits de la personne et des droits de la jeunesse.

<sup>24</sup> For the Arab community, see Eid, P. 2004. « Être "Arabe" à Montréal : réceptions et ré-appropriations d'une identité socialement compromise ». *Racisme et discrimination : Permanence et résurgence d'un phénomène inavouable*. Centre d'études ethniques des universités montréalaises. Université de Montréal. Les Presses de l'Université Laval, pp. 148-171; for Black communities, see Labelle, Salée, Frenette, *op. cit.*

At the symbolic level, cultural communities are excluded from the collective imagination. And yet, certain studies show that the founding and history of Québec were significantly marked by the immigration of people of diverse origins. Few people know that among the colonists settling in New France, at least 12.5% had diverse European origins, mainly German and British, with a slightly less marked presence of people from Mediterranean and North European countries<sup>25</sup>.

### **Assessment of education**

Several ministries and agencies contribute, in their respective areas of activity, to educating and raising awareness of the general public.

#### *The Commission des droits de la personne et des droits de la jeunesse*

Since its founding, the Commission des droits de la personne et des droits de la jeunesse has offered training and information seminars in the workplace, schools and community settings. The training deals with racism, Islamophobia, diversity management and, in general, the various questions related to human rights. To support this training, the Commission produced several pedagogical and andragogical documents. The Commission also participates, in the context of cooperation activities, to consultation tables and task forces. Moreover, the mediation process in handling complaints and the analyses required to implement equal access programs also have a pedagogical dimension, due to the thinking and dialogue that they generate. Education is not necessarily synonymous with courses and training.

#### *The Ministère de l'Éducation, du Loisir et du Sport and the school environment*

The Ministère de l'Éducation, du Loisir et du Sport plays a particularly important role since it is responsible for educating tomorrow's citizens. In addition to the Ministry's responsibilities, school boards and schools are responsible for local management of problems and situations of racism and inequality that may arise.

The school environment must inform young people, give them an accurate vision of Québec and its population, and promote intercultural dialogue. Intercultural education in schools has mainly revolved around the transmission of the knowledge, attitudes and skills necessary to live harmoniously within a pluralist society, rather than highlighting racism or situations of inequality.

Since 1998, the intercultural policy of the Ministère de l'Éducation, du Loisir et du Sport has included sensitization on human rights, education in citizenship and developing awareness of processes that produce racism, discrimination and social, sexual and « racial » inequalities. It clearly establishes that the legacy and common values of Québec, especially openness to diversity, must be reflected in all curricula and in school

---

and Potvin, M. 1997. « Les jeunes de la deuxième génération haïtienne au Québec : entre la communauté "réelle" et la communauté "représentée" ». *Sociologie et sociétés*, vol. XXIX, n° 2, pp. 77-101.

<sup>25</sup> Fournier, M. 1989. *Les Européens au Canada des origines à 1765 (Hors France)*. Éditions du Fleuve. Montréal. These figures from diverse sources are valid for the entire period of French colonization.

life. It specifies that a pluralist perspective must be included in teaching content, instructional material and the diverse aspects of school life.

The Ministry has therefore made a sustained effort in recent years to adapt the curriculum to the pluralist reality of Québec society and to remove stereotypes from school material. It has also supported the development of instructional material for school programs with explicit or implicit anti-racist objectives and other material on sociality. It should be noted in passing that various education projects and codes of conduct developed by schools include objectives to fight racism. To publicize the reality and contribution of these communities to Québec society, the Ministry has also produced, often in partnership with public and community bodies, different documents intended for pupils and teachers of primary and secondary school on the Black and Aboriginal communities of Québec. However, the extent to which this material is being used by the teachers has not been assessed.

The *Policy Statement on School Integration and Intercultural Education* also provides that CEGEP students in the pre-university programs must master the theories, concepts and facts pertaining to the domain of intercultural relations and develop professional and civic attitudes and skills<sup>26</sup>. In the vocational and technical training stream, the intercultural dimension is introduced for occupations dealing directly with the public. No information is available on how the intercultural dimension is effectively implemented. Data is also lacking on intercultural education at the university level.

The Ministry implemented various measures to support staff and administrators in the school environment. For staff, it offers an intercultural training program aimed at preparing trainers in the various settings. It developed a training module for school administrators to support their decision-making in the management of conflicting values, notably on the question of reasonable accommodation. Over the past five years, the Ministry has reached over 2,000 school staff and administrators in the Montréal region and other regions of Québec on about 15 different subjects related to diversity management.

It also gives financial support to local projects involving rapprochement, appreciation and French communication, and partnerships between the school, families and the community. Finally, it began a series of studies on school success among youths from various communities, including Black youths, to obtain a more accurate assessment of the situation.

Schools and school boards have made significant efforts in intercultural rapprochement and diversity management. For example, the Montréal school board has just held a public consultation with a view to adopting an intercultural policy. Schools have also had to manage tensions arising from debates on secularism and reasonable accommodation (kirpan, veil, etc.). Negative attitudes toward these accommodations can strengthen prejudices. However, an exhaustive assessment remains to be done.

---

<sup>26</sup> Ministère de l'Éducation. 1998. *Une école d'avenir, Politique d'intégration scolaire et d'éducation interculturelle*. Government of Québec.

### *The Ministère des Relations internationales*

At the Ministère des Relations internationales, programs offered by the Office Québec-Amérique pour la jeunesse and, more specifically, the *Québec sans frontières* (Québec without borders) program contribute, in some respects, to promote openness to other cultures among youths and to the fight against prejudices.

### *The Ministère de la Famille, des Aînés et de la Condition féminine*

Child care services are among settings likely to play a role from a perspective of intercultural education. The child care network and its educational program explicitly target equality of opportunity and respect for differences whatever they are. The assessment of work done in this respect remains to be established.

### *The Ministère de l'Immigration et des Communautés culturelles*

Through the *Programme d'appui aux relations civiques et interculturelles* (support program for civic and intercultural relations), the Ministère de l'Immigration et des Communautés culturelles, for its part, has long supported projects promoting intercultural rapprochement and the fight against racism and discrimination. It also supports the organization of Action Week against Racism, which presents various awareness-raising activities. It organizes Québec Intercultural Week and supports the activities of Black History Month. Both are instrumental in circulating knowledge about the different communities and their contribution to the social, economic and cultural development of Québec, and in promoting tolerance and the maintenance of harmonious intercultural relations.

In the 2004-2007 action plan, *Shared Values, Common Interests*, the Ministry adopted objectives to increase openness to diversity by encouraging intercultural rapprochement and dialogue, and to fight discrimination and inter-community tensions. In this framework, it provided for a three-year awareness strategy to highlight the value of the contribution of immigration and the cultural communities and to fight discrimination towards visible minorities, particularly in employment. The strategy will be implemented in three parts: general public, employers-workers and youths.

### *Organizations active in the field of housing*

Housing is an aspect of social life where the awareness and education of citizens is especially important. Studies on discrimination and intercultural relations in the field of housing are now several years old. New studies would be necessary to assess the current situation. However, the findings that emerge from research on the subject still have the support of the majority of scholars and front-line actors.

A survey by the Commission des droits de la personne et des droits de la jeunesse using the method of field tests revealed in 1988 that one-third of Black francophones and 15% of Black anglophones were victims of flagrant discrimination<sup>27</sup>, expressed by forms of refusal that were disguised to varying degrees. No recent study enables us to measure this phenomenon, but we know that the problem remains acute for a good number of

---

<sup>27</sup> Garon, M. 1988. *Bilan de recherche sur la situation des minorités ethniques et visibles dans le logement*. Commission des droits de la personne et des droits de la jeunesse. Montréal.

persons from visible minorities, particularly for underprivileged households, single-parent families and large families.

When housing is scarce, landlords can be very selective in choosing tenants. According to several published studies on the subject, they prefer households with a good income, a condition that, in their eyes, constitutes a better guarantee of regularly receiving their rent. They also favour households not likely to cause maintenance problems or grievances from neighbors as a result, notably, of the presence of children. Prejudice appears to play an important role. Many landlords are wary of persons from cultural communities, who are perceived as newcomers and presumed incapable of properly maintaining the apartment. They have greater doubts about their capacity to pay. They fear cohabitation problems: reactions of neighbors, noise, respect for the environment. This is why they conduct more examinations and checks about the employer of candidates, their social and occupational category, their financial resources, the number of persons in the family, etc.<sup>28</sup> Small owner-occupant landlords are particularly selective.

To fight against this form of discrimination, the Ministère de l'Immigration et des Communautés culturelles, in collaboration with various public, private and community partners, is contemplating a measure to raise the awareness of associations and apartment landlords. It aims to prevent tensions associated with the cohabitation of groups from diverse origins, to facilitate access to housing by immigrants or visible minorities and to better equip landlords who receive newcomers unfamiliar with the usages prevalent in Québec with regard to housing.

The Commission des droits de la personne et des droits de la jeunesse published a leaflet and a guide, *Logement et droits : Guide virtuel* (housing and rights : a virtual guide), on its website. These tools inform citizens of their rights and help them protect themselves against discrimination. A training session entitled *Logement: discrimination et harcèlement discriminatoire* (housing: discrimination and discriminatory harassment) is also available. Moreover, during the crucial lease renewal period, the Commission provides an emergency service to people who are refused an apartment.

In the case of social housing, the Société d'habitation du Québec set up in 1988, the *Programme d'aide à l'initiative communautaire et sociale en HLM* (PAICS - support program for low cost housing community initiatives), to support community action projects. This program aims to help residents of HLM housing take charge of their environment and create a family life, community and social setting adapted to the needs of persons living there. It also encourages inter-generational and intercultural understanding. Projects eligible under this program must help combat exclusion, poverty, racism and discrimination as well as isolation and intercommunity tensions associated with ethnic or national origin, cultural affiliation or religion.

## **Information and media**

Communications occupy an important place in the cultural development of Québec. In addition to its educational television station, Télé-Québec, Québec has three French language television networks, three English language stations and about 20 specialized

---

<sup>28</sup> *Ibid.*

and pay channels broadcasting in French and available with cable. About 30 community television stations recognized by the Ministère de la Culture et des Communications and one multicultural station in Montréal broadcasting in 25 languages, round out the Québec television landscape. There were also 143 radio stations in 2002, including 90 private stations, 16 public stations, 31 community stations, 6 university stations and 38 Aboriginal stations.

Journalists are subject to all the laws that govern the life of citizens. In Québec, the public is protected by the Canadian Radio-Television and Telecommunications Commission (CRTC), responsible for regulating and overseeing the Canadian broadcasting system, and by the Québec Press Council, which has primarily a moral authority. At the request of private broadcasters, the CRTC authorized the creation of a self-regulatory council of broadcasters, the Canadian Broadcast Standards Council (CBSC), which is responsible for receiving complaints from the public. It is the principal recourse for cases of racism involving the electronic media.

The Conseil de presse du Québec handles complaints dealing with racism in the print and electronic press. As an independent institution, it is responsible for promoting and protecting the right to information and freedom of the press. The Conseil acts as ombudsman or referee in any dispute involving the honesty, accuracy, free access and free circulation of information. Lacking legal or regulatory power, it has moral authority drawing its weight from the attention and interest it receives from the press and the public.

Generally speaking, few cases brought to the attention of the Conseil, which receives complaints from the public, clearly flout the ethical rules by inciting hatred or showing disrespect for certain social groups. Between 1991 and 2005, about 30 complaints submitted to this body were related to cultural communities.

### *Impact of media coverage*

The media play a key role in fashioning the representation that citizens develop of cultural communities and of their contribution to the development of Québec, as well as in the promotion and dissemination of new ideas into public opinion. They also constitute a means to fight racist prejudice and intolerance. In general, the large media refuse all racist content. They aim to be representative of changing mentalities and are concerned with objectivity and journalistic ethics.

Nevertheless, stereotypical or negative images of groups can still be formed. Some reporting may convey a lack of understanding of foreign realities or misunderstanding of the realities of immigrants or individuals from cultural communities settled in Québec. For example, the coverage of various news items may highlight the criminality of persons from certain communities. If the overall portrait or positive achievements of these communities is never reported in the major media, audiences can only forge a negative image of immigrants or persons from cultural communities.

Even accurate coverage of certain international events, such as the conflicts involving the Arab or Muslim world, may increase prejudice. For example, the warnings of certain experts to not confuse Islamism, a political movement seeking to make Islam the basis

for regulating all aspects of government, and Islam, the Muslim religion, is often not echoed among the public, which does not always understand all nuances of meaning.

Journalists are aware of the problem and have made considerable efforts to ensure a satisfactory handling of information. They have organized several forums to discuss biases in handling information that can cause prejudice to cultural communities. Their thinking is reflected in the code of ethics adopted by the Fédération professionnelle des journalistes du Québec. This code recalls that the media and information professionals must avoid cultivating or maintaining prejudices. For example, the mention of characteristics that differentiate persons is justifiable only when the coherence of the report requires it and it constitutes an essential condition to understanding the report.

However, special attention must be given to general information on cultural communities settled in Québec, especially those victimized by prejudice and discrimination, and on aspects of international news that impact on intercultural relations in Québec. A better dissemination of information is necessary to eliminate current prejudices.

### **Cultural life and symbolic representation**

Artists from cultural communities have long contributed to forging and transforming Québec culture. The cultural vitality of Montréal owes much to these artists. It is important to remember that this vitality is also a factor of economic development. Designers, scholars, professors, artists, computer experts and engineers are attracted by cities with an intense cultural life.

However, the work of professional artists from cultural communities, just like emerging artistic expression, is not recognized for its proper value, according to artists belonging to cultural communities. They demand more equitable access to public funding<sup>29</sup>. Artists and artistic bodies from cultural communities are under-represented in professional networks, cultural institutions and exhibition circuits in Montréal. Moreover, the cultural community public rarely visits the main artistic outlets.

Two challenges are identified by artists from cultural communities. One is to create support in cultural circles for the process to include diversity in the arts. The other is to increase the presence of cultural communities in the main artistic venues.

#### *Principal measures implemented*

The obstacles identified by artists from cultural communities include prejudice and a mono-cultural vision of art and artists, the homogenous composition of evaluators and juries in current funding programs, and insufficient information to cultural communities on funding programs. A task force established by the Conseil des arts et des lettres du Québec is currently examining these questions.

The evolution of Québec society has favoured the implementation of policies to support francophone cultural life. Québec's cultural policy, adopted in 1992, seeks to initiate an

---

<sup>29</sup> Delegation on cultural diversity in the arts. 2005. *Memorandum presented to the Office de consultation publique de Montréal on the occasion of the public consultation on the proposed policy on cultural development for the City of Montréal.*

intercultural dialogue within Québec society and outside of Québec. In this perspective, the Ministère de la Culture et des Communications supported the project to inventory the ethnological resources of Québec's intangible heritage, in the Little Italy neighborhood of Montréal in particular. Openness to other cultures and their expressions is done through international exchanges<sup>30</sup>. The symbolic representation of the contribution of cultural communities to Québec's development is also reflected in its toponymy—names of parks, streets, commemorative plaques, etc.

There is still work to do to make cultural life better reflect the pluralist reality of Québec society. At issue are the vitality of this cultural life and equity to artists of various origins. It is also a matter of a symbolic representation of Québec culture that better reflects current reality. Cultural life expresses with strength the emotions and worldview of a given group. It contributes to shaping the Québec identity. A policy or cultural programs that restricted cultural diversity would contribute to creating or maintaining a truncated identity devoid of interest to citizens for lack of a closer adequation to reality.

Similarly, a better distribution of information in schools or in the form of educational broadcasts would be necessary to anchor a more accurate representation of Québec reality in the public imagination.

---

<sup>30</sup> Ministère de la Culture et des Communications. 2005. *Rapport annuel de gestion 2004-2005*. Government of Québec.

## **STRATEGIC CHOICE: PROMOTING INTERCULTURAL RAPPROCHEMENT**

Intercultural relations are relatively harmonious in Québec, according to all observers of social life. The urban social fabric of the Montreal area in particular is very multi-ethnic and free of ghettos. Quebecers of all origins live together in the same neighborhoods and, in sharing public spaces, have developed a *modus vivendi* based on a distant but peaceful civility. Intercultural contacts properly speaking occur mainly in everyday settings such as schools<sup>31</sup>.

### *First step: getting used to differences*

This distant civility is the mark of a gradual habituation to differences. This process is important, as it is a prerequisite to establishing intercultural dialogue and eliminating prejudice. This is why social workers invest considerable effort in activities enabling Quebecers to share sports and recreation activities or to know and appreciate the most convivial aspects of immigrant cultures in Québec such as music, dance or cooking. Indeed, socializing is much easier when contacts are voluntary and without consequence for the great issues of society. Scholars describe this phenomenon as the "paradox of inconsequence"<sup>32</sup>.

However, this first step in establishing intercultural relations cannot be an objective in itself. It does not guarantee harmonious relations between neighbors, colleagues at work, or citizens involved in community organizations or institutions. Nor does it ensure that the needs and aspirations of citizens of all origins and respect for the differences and rights of all are taken into account.

### *Second step: treating differences as relative*

The second step is to play down differences and treat them as relative. This does not mean that all values and cultural habits are equally good and that all behaviour must be accepted, as cultural relativism would maintain. Relativization implies that behaviours and values are placed in a proper perspective. The process of generalization at work in constructing prejudice not only assigns behaviours and values to all members of a group, but greatly exaggerates the importance and significance attributed to these behaviours or values. The result is that individuals are trapped in the yoke of their ethnic origin.

In fact, the cultural differences and the particular identities that may be associated with these differences, constitute only one dimension of complex individuals. Each person has multiple identities constructed on the basis of age, sex, occupation, sexual orientation, disability, social condition or public opinion, to name a few. Ethnocultural identity is only one dimension among others and does not have the same importance for everyone.

It is also important to not underestimate resemblances between persons of diverse origins. For example, women from different cultural horizons may be distinguished by

---

<sup>31</sup> Germain, A. et coll. 1995. *Cohabitation interethnique et vie de quartier*, INRS-Urbanisation. Report prepared for the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles du Québec. Collection *Études et recherches*, n° 12.

<sup>32</sup> *Ibid.*

certain values, but they are united on numerous points: education of youth, experiences of devaluation in the labour market, desire to preserve a harmonious family life. On this basis, dialogues are possible and fruitful. This starts the process of intercultural rapprochement and permits a better understanding of the values and experiences of persons from cultural communities, which is necessary to eliminate prejudice.

### *Third step: intercultural dialogue involving common values*

The last step is that of intercultural dialogue involving more substantial exchanges with a significant impact on social life. This is the heart of intercultural rapprochement, the moment when the individual claims of citizens meet.

Intercultural rapprochement does not mean that all cultural values must be accepted and integrated in Québec society. Québec chose to develop by allowing each of its citizens to fulfill their potential regardless of sex, age, sexual orientation etc. To do so, it guarantees their rights through the Québec Charter of Human Rights and Freedoms which reflects societal choices and the common values of Québec. Accommodations must be made when respect for equality rights is compromised, but they can also be made in the absence of a real right to promote the fullest participation by everyone. Reasonable accommodations are intended to find a balance between individual and collective rights while respecting common values and to promote the harmonious coexistence of all elements of society.

The challenges go beyond the cultural question and set in motion the transformation of society. Taking cultural diversity into account implies a transformation of social reality similar to that brought about by the recognition of the claims of women or other historically disadvantaged groups. Cultural diversity is only one dimension of the pluralism of Québec society and like the other forms of diversity, it must contribute to feeding the public debate and building a new social ethic, permitting democratic advances for all of society and not only for each group making these claims<sup>33</sup>.

### *Obstacles to intercultural rapprochement*

In this context, prejudice constitute a major obstacle to democratic life in Québec. Some Quebecers from cultural communities complain about not being recognized as full-fledged Quebecers and being defined first and foremost as members and representatives of their community. According to them, certain Quebecers listen to their opinions only on the subject of fighting racism or intercultural relations, as if persons from cultural communities did not have as much right as other citizens to express their opinions on economic, social and cultural issues in Québec. Some feel they are considered as second class citizens. This exclusion, real or symbolic, and this confinement to a limited field of public debate are unacceptable in a modern society. Pluralism must become a constituent dimension of Québec's collective identity.

This exclusion can lead Quebecers from cultural communities to self-exclude themselves from Québec public life and therefore reduce their sense of belonging to the society and their contribution to cultural and social development. It also contributes to maintaining

---

<sup>33</sup> Azdouz, R. 2002. « Vivre-ensemble en contexte pluraliste : un enjeu identitaire ou une question de justice sociale? ». *Bulletin Vivre ensemble*, vol. 10, n° 36.

tensions. Since the potential contribution of Quebecers from cultural communities is limited by attitudes of rejection and hostility from some Quebecers and by the self-exclusion of certain members of cultural communities, the questioning of immigration tends to resurface periodically in certain segments of the population, particularly when claims upset well-established habits or when tensions on the international scene revive fears about security.

Public debates do not always advance intercultural rapprochement. The conditions conducive to this exercise do not always come together, and individuals sometimes feel ill-equipped to understand the debates or participate constructively in them. The parameters of the debate are still confusing for many citizens. Those who take a humanist approach advocate peaceful coexistence with respect for cultural differences. However, this approach is incapable of resolving conflicts over values and problems related to respect for rights on certain thorny issues such as the rights of children or women. At the other extreme, some refuse any compromise and see as the only solution, the unconditional acceptance by individuals from cultural communities of norms and rules anchored in customs, without re-examining the current relevance of these customs.

#### *Conditions to be implemented in order to foster intercultural dialogue*

The central question revolves around the conditions to be implemented in order to take advantage of the richness of diversity. Constructive intercultural dialogue is a powerful means of rethinking values, attitudes and behaviours that are considered normal and never questioned in a homogenous cultural setting. In a social context where old societal choices must be rethought and new consensus built, the questioning of one's own assumptions and of the method for updating fundamental values, is a healthy and very valuable exercise. It makes it possible to adapt to global social, political and economic development while stimulating creativity and expanding choices.

Despite appearances, conflicts can be moments that move the debate ahead and bring about new solutions to difficulties that arise. They lead to the conception and distribution of training tools to transform destructive conflicts into opportunities for success, by setting out rules and processes to follow so that everyone emerges a winner from the confrontation. Even some lawsuits have clarified and marked out the exercise of rights.

In this perspective, it is necessary to identify the growing new social consensus and divisions, the courses of action to promote, the forums conducive to deliberations among citizens, questions to debate, obstacles to circumvent and methods to be defined to secure the participation of individuals from cultural communities<sup>34</sup>. The challenge is not to adapt to ethnocultural diversity but to accommodate pluralism, that is, to rethink management and service practices to respect the rights and needs of the diverse components of society without discrimination in order to benefit from diversity and avoid paralyzing conflicts. To do so, the common framework on which intercultural rapprochement rests must be well defined and methods of functioning must be

---

<sup>34</sup> Azdouz, R. 1995. « Des conflits qui coûtent ou qui rapportent? ». *Impressions*, n° 20, pp. 11-13.

developed that allow conviviality, originality and innovation to coexist with the laws, norms and the consensuses<sup>35</sup>.

### *Principal measures in place*

Several ministries have implemented measures to familiarize Quebecers with the diverse cultural baggage that has been added to the Québec heritage and to encourage intercultural dialogue.

The measures implemented to sensitize citizens, young and old, to the contribution of cultural communities and the richness of diversity and to promote intercultural rapprochement were described in the previous section. Certain measures can be added to this list.

For example, the Ministère de l'Éducation, du Loisir et du Sport established the *Programme d'activités de communication et de rapprochement interculturel* (program for communication activities and intercultural rapprochement) between francophone and non-francophone pupils. The Ministère de la Culture et des Communications supports a variety of events such as *Vues d'Afrique, Danse et rythmes du monde, the Festival chinois*, etc. It also supports different art awareness and artistic training projects that include the artistic expression of diverse cultures. The world of culture can supply attractive and accessible meeting places where intercultural rapprochement can materialize and develop. Exhibition and creative spaces are conducive to the participation of communities in cultural life. They allow citizens of all origins, as creators, to nourish the field of symbolic representation in Québec. Under the angle of cultural practices, the participation of immigrants and visible minorities increases the cultural vitality of Québec and shows the value of the pluralism of Québec society.

The *Concours jeunes scénaristes* (young scriptwriters competition), organized by the Ministère de l'Immigration et des Communautés culturelles in collaboration with the Ministère de l'Éducation, du Loisir et du Sport, the Institut national de l'image et du son and Télé-Québec, aims to encourage intercultural dialogue among youths and promote openness to diversity.

Furthermore, the Ministère de l'Immigration et des Communautés culturelles presents the Québec Awards for Citizenship each year. They include the Prix Jacques-Couture for the promotion of intercultural rapprochement, the new Prix Charles-Biddle for exceptional contribution to Québec society, the Prix Anne-Greenup for the fight against racism, and the Prix Maurice-Pollack for equal access to employment for Quebecers from cultural communities and visible minorities and the accommodation of ethnocultural diversity and adaptation of services in the workplace.

These measures are far from being exhaustive and the assessment of diversity management practices and of the measures for intercultural rapprochement remains to

---

<sup>35</sup> Lussier, M. et R. Azdouz. 1994. « Les limites du relativisme, les défis du pluralisme. Gérer la diversité ». *Impressions*, December 1994, pp. 32-35.

be done. The measures likely to consolidate gains and stimulate intercultural rapprochement also remain to be evaluated. Studies would be necessary to properly document the situation.

## **QUESTIONS SUBMITTED TO THE CONSULTATION**

### ***Education***

The Québec population is increasingly diverse from both an ethnocultural and religious viewpoint. What changes would be necessary in instructional material and the curriculum at the different education levels to act on prejudices, convey an accurate vision of Québec and its population, and promote intercultural dialogue?

What measures should be implemented to further sensitize the general public and gain support for these objectives to act on prejudices, convey an accurate vision of Québec and its population and promote intercultural dialogue?

### ***Dissemination of information***

The media play an important role in producing and disseminating information, specifically in the representation that citizens have of the members of cultural communities. What measures should be implemented to help Quebecers develop an accurate idea of the realities of cultural communities and, more broadly, of current events that challenge them?

### ***Inclusion of diverse cultural expressions***

Québec's cultural heritage is made richer by the increasingly important contribution of its cultural communities. This contribution, however, remains poorly reflected in the great events of the cultural life of Québec. What changes must be made to promote the participation of Quebecers from cultural communities in the cultural life of Québec, both artists and the public?

### ***Promoting harmonious intercultural relations in housing***

What must be done to give citizens of all origins equitable access to housing and promote more harmonious intercultural relations in the residential area?

### ***Intercultural rapprochement***

What measures should be implemented to promote true intercultural rapprochement?



## Orientation 3

### Renewing our practices and institutions

---

No Québec institution can be described as racist in the ideological sense of the term. This includes the police, the legal system, social services and schools. However, inappropriate attitudes or behaviour by certain members can exist. Long-established rules and procedures that have been perceived as normal and correct can also produce discriminatory effects without the institutions and persons involved being aware of it.

Pluralism has been an important feature of Québec reality for decades. The institutions must take this reality into account in their practices. The improvement of the apparatus and practices of government and their conformity with requirements of equality rights has been an important concern in Québec for several years. Adapting institutions to pluralism and managing diversity are also integral aspects of the modernization of public services and of services that take into account the cultural characteristics of the clientele they are aimed at.

Private institutions are also affected by the adaptation of their practices and services. Diversity management brings added value to organizations.

The cooperation of all institutions is important in this perspective. Public and private employers and front-line public services all contribute to the exclusion of cultural communities when they do not assume this essential social responsibility. The fundamental function of employment and the inclusion of members of cultural communities at all institutional levels leads us to the first strategic choice, *Providing access to employment*.

The actions necessary at the institutional level are first and foremost those aimed at making all employees aware of the prejudice and stereotypes in their environment, those that provide training in the rights and responsibilities of each individual and, more generally, those providing information on the ethnocultural reality of Québec. They also call for examining practices that contribute to the exclusion of cultural communities and the righting of unsatisfactory practices. They require the involvement of managers of the institutions involved. The second strategic choice, *Integrating pluralism in the delivery of government services*, responds to these concerns.

The exercise of rights must also be facilitated for citizens who feel unjustly treated. Québec has 30 years of experience applying the Charter of Human Rights and Freedoms. However, it would be advantageous to re-evaluate the effectiveness of measures to fight racism and discrimination. The third strategic choice, *Improving respect for rights and their exercise*, aims to develop thinking and identify proposals in this area.

## **STRATEGIC CHOICE: PROVIDING ACCESS TO EMPLOYMENT**

### *Picture of the situation*

Since the late 1990s, the Québec labour market has enjoyed a very favorable period with an average rate of job creation of 2.1% between 1996 and 2004. Since 2000, the unemployment rate has been among the lowest in the last three decades and the employment rate reached unprecedented highs (70.3%). The labour force participation rate stood at 76.8% in 2004, near its historic high of the previous year.

Nevertheless, a significant number of immigrants and Quebecers from visible minorities have not benefited as much from this economic recovery and they experience serious job entry difficulties. The unemployment rate for immigrants settled in Québec was 11.7% at the 2001 census, compared to 8.2% for the overall population and 15.4% for the persons belonging to visible minorities. Education levels do not explain this gap since university graduates who have immigrated to Québec since 1991 have an unemployment rate three times higher than that of non-immigrants<sup>36</sup>.

Along the same line, persons born outside Canada accounted for 18.7% of employment assistance beneficiaries in 2004-2005 and nearly 25% of employment assistance beneficiaries who were able to work.

Several factors explain this situation, including changes in the labour market, resources available to welcome and integrate immigrants, and the perception of immigration and cultural diversity in Québec society. Newcomers experience special difficulties, including inadequate knowledge of French or English, difficulties gaining recognition for their experience and education acquired abroad and updating their skills to meet the needs of the Québec labour market.

Equitable access to the labour market is a strategic issue for persons from cultural communities, in particular immigrants and visible minorities. Successful economic integration is the main factor in the development of individuals and communities. It influences the ability of individuals to access services they need, achieve a good quality of life, participate in social and political life and develop a sense of belonging to their community. Discrimination in employment is a major obstacle to social mobility and a powerful stimulant to the withdrawal of excluded or marginalized communities.

### *Obstacles identified*

Discriminatory practices in hiring, promotion and training have been identified among employers. Some companies, particularly small and medium-sized businesses, even speak with hostility about immigrants and reject candidates stemming from immigration<sup>37</sup>. They often assume that it will be difficult or impossible to integrate persons from certain communities, sometimes based on a single experience or unverified prejudice.

---

<sup>36</sup> Arrache, R. 2004. « L'apport de l'immigration sur la démographie et l'emploi ». *Bulletin du CETECH*, vol. 6, n° 2, p. 29.

<sup>37</sup> El Yamani, M. 1997. *L'emploi des jeunes : un enjeu de société*. Report prepared for the Ministère des Relations avec les citoyens et de l'Immigration.

Indirect or systemic discrimination remains important. It takes many forms including non-recognition of the work experience and education of immigrants. According to existing studies, down-skilling affects immigrant university graduates to various degrees<sup>38</sup>. However, an analysis of the situation must take into account the requirements specific to jobs in Québec. The requirement for Québec work experience, which certain employers see as evidence of a candidate's capacity to integrate, is discriminatory if the requirement has no connection with the job, as is the hiring process when personal networks get preference.

The devaluing of pluralism has negative consequences on the employment of individuals from cultural communities, especially immigrants. Not all corporations have understood the importance of having employees with differentiated profiles, which breathes flexibility and life into a company. The requirement that candidates behave in all respects like native Quebecers has the consequence of immediately eliminating a good number of candidates who are immigrants or are perceived as immigrants, as is the case for young people from visible minorities<sup>39</sup>.

In this context, the processes of human resource management require changes to respect equal opportunity and provide access to employment for persons from cultural communities who were born abroad or who belong to visible minorities. The corrective measures involve job evaluation, pay, staffing, organizational integration, performance appraisal, training, working conditions and labour relations. The required changes are not limited to practices but must also reach mentalities and organizational cultures. The involvement of senior company management is essential.

Certain practices are insidious. In producing the profile of a candidate desired for a position, recruiters generally base themselves on persons who previously held the position, in terms of the sex or ethnic origin for example. This creates a disadvantage for individuals from groups that never held these positions in the past, in particular women and immigrants<sup>40</sup>. Communication difficulties also play an important role. The expressions and attitudes of candidates from cultural communities may be wrongly interpreted by employers. Behavioural skills ("soft skills") are especially open to subjective and arbitrary interpretation. The uncertainty leads a number of employers to reject the candidates.

## **Private sector**

Some corporations have made significant efforts to eliminate discriminatory practices and provide a better representation of cultural communities in their personnel.

---

<sup>38</sup> See Ledoyen, A., 1992. *Montréal au pluriel, Huit communautés ethnoculturelles de la région montréalaise*. Montréal. Institut québécois de recherche sur la culture. Documents de recherche, n° 32.

<sup>39</sup> El Yamani. *op. cit.*

<sup>40</sup> Chicha, M.T., cited by Sylvie Lemieux, « La discrimination est encore présente dans les entreprises ». *Les Affaires*, Montréal. March 19, 2005.

Small businesses seem less equipped to take the problem of diversity into account. Since they are more fragile, they tend to be more conservative. Some lack a strategic vision for renewing human resources<sup>41</sup>.

The data available on pluralism in the private sector covers corporations that have adopted an equal access employment program, either on a voluntary basis or in the framework of a contractual obligation program. This program was implemented in 1989 and targets corporations with 100 employees or more that want to obtain a contract or grant of \$100,000 or more from the Québec government. Since then, 288 corporations have undertaken to act in this direction. In 2003-2004, 175 corporations were subject to the obligation to adopt an equal access employment program<sup>42</sup>.

An assessment done in 1998 found that visible minorities had made significant progress in corporations while the programs were in effect, namely 18,9%, without giving details on the total number of positions involved<sup>43</sup>. This advance occurred mainly in professional and technical positions, followed by semi-skilled and unskilled positions in production and distribution. Unfortunately, no current data exists to measure the real extent of the progress made.

This positive report is not explained by particularly favorable economic conditions. In fact, analyses by the Commission des droits de la personne et des droits de la jeunesse show that this progress was made during a period when more than half of corporations were reducing their personnel or undergoing significant restructuring.

## **Public sector**

The Québec Charter of Human Rights and Freedoms calls for the government to implement equal access employment programs in ministries and agencies whose employees are appointed under the *Civil Service Act*. In 2001, these programs were extended. The *Act respecting equal access to employment in public bodies* targets all public bodies that employ 100 persons or more in the municipal sector, institutions in the education network, the health and social services network and other entities such as government corporations, institutions of higher education and the Sûreté du Québec for its police officers.

Data from the Secrétariat du Conseil du trésor show that cultural communities represented 2.6% of the workforce in 2004-2005 compared to 2.5% in 2003-2004, despite a reduction in civil service employment<sup>44</sup>. In contrast, individuals from cultural communities represented 10.1% of regular employees hired in 2004-2005. This data covers the civil service and not employees of the public sector in general such as the

---

<sup>41</sup> L'Indice. 1996. *Étude sur les producteurs de comportements racistes lors de l'insertion à l'emploi des jeunes travailleurs de 15 à 29 ans, Le cas des jeunes Québécois d'origine haïtienne*. Report produced for the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles. Government of Québec.

<sup>42</sup> Commission des droits de la personne et des droits de la jeunesse du Québec. 2004. *Rapport d'activités et de gestion 2003-2004*. Montréal.

<sup>43</sup> Commission des droits de la personne et des droits de la jeunesse. 1998. *Les programmes d'accès à l'égalité au Québec, Bilan et perspectives*. Montréal.

<sup>44</sup> Secrétariat du Conseil du trésor. 2005. *Rapport annuel de gestion 2004-2005*. Government of Québec.

health and education networks. By comparison, individuals from cultural communities represented 1.7% of the civil service workforce in 1990.

In the public sector as a whole, the representation of cultural communities varies by network and region. However, the only available data is still partial. It does not allow us to draw an overall picture of the situation.

A variety of measures were advanced by the Secrétariat du Conseil du trésor to increase the representation of cultural communities, aboriginals and anglophones in the civil service. In 2004-2005, information sessions on the selection process and means of evaluating candidates were offered to 1,130 students in these target groups in eight regions of Québec. A mechanism to refer candidates from target groups was implemented. A study to evaluate the intercultural validity of evaluation methods used by the Secretariat is currently underway.

The concentration of the civil service in Québec City can be an additional obstacle since persons from cultural communities and visible minorities are mainly settled in the Montréal region. Family obligations to elderly parents or the professional constraints of spouses can limit the mobility of some potential candidates.

Public bodies subject to the *Act respecting equal access to employment in public bodies* numbered 618 as of March 31, 2004. At that time, 567 agencies had completed the workforce analysis required to assess the relevance of implementing an equal access employment program and 185 had been advised by the Commission des droits de la personne et des droits de la jeunesse that they should implement such a program<sup>45</sup>. The work continues. It will take a few more years before it produces conclusive results. The Commission report shows the need for educational institutions and the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec (Québec order of certified human resources and industrial relations consultants) to intensify their training efforts with respect to equal access.

### **Principal government measures for better integration in the labour market**

The Commission des droits de la personne et des droits de la jeunesse has been active in recent years sensitizing and informing corporations and employees of their rights and responsibilities and providing support essential to implementing equal access employment programs.

In general, several government action plans incorporate measures aimed at better supporting job entry by immigrants and visible minorities. They include the government plan entitled *L'emploi : passeport pour l'avenir* (employment: passport for the future), that aims to increase the employment rate within certain labour force segments such as immigrants and visible minorities. Similarly, the *National Strategy to Combat Poverty and Social Exclusion* adopted in 2002, designates recent immigrants and members of visible minorities among groups more affected by poverty and for which special efforts must be made in coming years.

---

<sup>45</sup> Commission des droits de la personne et des droits de la jeunesse. 2005. *L'accès à l'égalité en emploi, 2001-2004 three-year report, Act respecting equal access to employment in public bodies*. Montréal.

For its part, in the framework of the *2004-2007 Action Plan Shared Values, Common Interests*, the Ministère de l'Immigration et des Communautés culturelles and its partners have implemented diverse actions, including some aimed at removing obstacles associated with the authorization to practice a regulated trade or profession. For example, information sheets describing the steps to take to obtain the right to practice a regulated trade or profession are given to immigration candidates and new arrivals. Tools to evaluate skills were developed and bridge-training for individuals educated abroad was implemented to adapt skills to the practice environment of Québec.

In addition, the *Groupe de travail sur l'accès aux professions et métiers réglementés* (task force on access to regulated trades and profession) and the *Équipe de travail sur la reconnaissance des diplômes et des compétences des personnes formées à l'étranger* (work team on the recognition of the credentials and skills of foreign-trained individuals) have submitted recommendations to the Minister of Immigration and Cultural Communities to facilitate access to regulated trades and professions. Some of these recommendations are already being implemented and the Ministry and its partners are examining ways to monitor the others.

In May 2004, the Ministère de l'Emploi et de la Solidarité sociale and the Ministère de l'Immigration et des Communautés culturelles, in the framework of an inter-ministerial agreement to help immigrants and visible minorities integrate in the labour market, agreed to combine their efforts to sensitize corporations to the advantages of hiring persons from diverse cultural communities.

Several measures under this agreement are being implemented. The *Programme d'aide à l'intégration des immigrants et des minorités visibles en emploi* (PRIIME - employment and integration program for immigrants and visible minorities), established by Emploi-Québec, aims to encourage employers to hire persons from cultural communities and create conditions in the corporation conducive to maintaining their job at the end of the subsidy period.

Emploi-Québec and its partners have also produced publications to convince employers to adopt hiring and supervision practices that promote job entry and retention of individuals of immigrant origin, visible minorities and persons from cultural communities<sup>46</sup>. These documents also highlight the advantages of cultural diversity in the context of globalization of trade.

Emploi-Québec pays particular attention to new arrivals and visible minorities as members of groups that are generally disadvantaged when it comes to employment. In 2005-2006, persons born abroad represented 14.9% of all new participants in measures and services offered by Emploi-Québec.

Over the years and depending on regional needs, Emploi-Québec has adapted its measures to better meet the needs of immigrants and visible minorities, particularly in

---

<sup>46</sup> For example, the *Guide pratique de la gestion de la diversité en emploi*, produced by the Direction régionale de Montréal d'Emploi-Québec in collaboration with the Mouvement québécois de la qualité, the Groupe Conseil Continuum and the Conseil du trésor; *Réussir l'intégration des personnes immigrantes en entreprise : 51 solutions aux questions des employeurs*. Produced by diverse regional offices of Emploi-Québec in collaboration with regional offices of Immigration-Québec and the EducationTables of these regions.

professional immersion activities for newcomers with diplomas and persons from visible minorities who experience problems integrating in the job market in their field of competency.

Several measures also target the management of ethnocultural diversity in employment. For example, the Ministère de l'Immigration et des Communautés culturelles established the Service-conseil en relations interculturelles in 2004. Part of its mission is to develop and distribute—to both public and private managers—tools, practical guides, and training for the hiring and retention of a diversified workforce. The special problems experienced by persons from cultural communities are taken into account in developing the different training tools.

In addition, Emploi-Québec, in collaboration with the Ministère de l'Immigration et des Communautés culturelles, has proceeded in recent years to train staff at local employment centres on delivering services in an intercultural context so they can work more effectively with immigrants and persons from cultural communities.

Several measures are aimed at young people from cultural communities and visible minorities who are grappling with school dropout, under-education and unemployment rates much higher than those for the overall population. The activities of *Québec pluriel* target visible minority youths aged 16-24 and youths aged 16-35 who arrived in Québec less than five years ago. These young people can receive coaching from a mentor and occupational counselling. They can participate in job search workshops, social and occupational training workshops and familiarization workshops intended to acquaint them with Québec's reality. Internships in job-entry corporations are also arranged for youths from visible minorities and cultural communities with exclusion problems. However, studies would be necessary to evaluate the scope of the needs.

## **STRATEGIC CHOICE: INTEGRATING PLURALISM IN THE DELIVERY OF GOVERNMENT SERVICES**

Integrating pluralism in the delivery of government services means offering services adapted to the characteristics of the clientele served. In the case of public services, such as education or health and social services, good communication is required between staff and the individuals who need services. This calls for attitudes of openness, some intercultural training and appropriate tools. An adequate representation of individuals from cultural communities in the diverse work settings is obviously essential to enable them to participate in the evolution of workplace environments and services.

Changes in practices are also necessary, particularly when religious freedom is at issue, i.e., when institutional requirements enter into conflict with the sincere belief of a person in a religious precept. This can affect the usual work schedule in the case of religious holidays or prayer breaks, menus, given the dietary prescriptions of certain religions, the wearing of certain clothing or accessories, the availability of space to pray.

Pluralism is never exempt from tensions. For example, conflicting demands between wearing a uniform and wearing a headscarf or turban can be resolved by seeking an accommodation between the parties. Reasonable accommodation is, in fact, an obligation arising from the Canadian and Québec charters of human rights. By virtue of this obligation, the institution must take, unless doing so would cause excessive constraints to its operations—with respect to the adjustments that would remedy the difficulties that institutional requirements pose to freedom of religion—reasonable steps to agree with the person to whom it offers services. All public or private institutions are required to respect rights, make reasonable accommodations and manage diversity.

Each request for accommodation is specific and examined individually. However, some institutions have developed general policies. For example, some school boards have a policy to tolerate wearing the veil in their schools. Such policies and practices can vary from one school board to another and from one school to another. Accommodation practices are therefore seen as inconsistent and reliant, in part, on the good will of the institutions. This situation creates tension and feeds negative attitudes towards immigrants and persons from cultural communities and, more specifically, towards persons of non-Christian faiths.

### **School environment**

The problem of discrimination in schools goes beyond the question of text content and school curricula. Various inquiries highlight the complaints of young people from cultural communities about the attitudes and behaviours of some teachers towards them. They speak of rejection, scorn, insults, negative evaluations, lower expectations from them and guidance into less valued occupations<sup>47</sup>. Documented cases remain the exception, but given the importance of teachers as models, they have a very strong impact on the imagination of young people and parents. In this situation, teacher training is crucial. In

---

<sup>47</sup> Labelle, M., D. Salée and Y. Frenette. 2001. *op. cit.*; El Yamani, M. *op. cit.*; Bataille, P., M. McAndrew and M. Potvin. 1998. « Racisme et antiracisme au Québec : analyse et approches nouvelles ». *Cahiers de recherche sociologique*, n° 31, pp. 115-144.

the *School Integration and Intercultural Education Policy*, the Ministère de l'Éducation, du Loisir et du Sport emphasizes the importance of promoting attitudes of openness to diversity among school staff.

Other situations must also receive special attention, such as the growing cultural incomprehension between education professionals and certain pupils and parents, as well as inter-ethnic tension among high school students<sup>48</sup>. The resentment of certain young people and their parents feeds the feeling of victimization by the school and Québec society in general. These young people therefore have difficulty identifying with Québec society and tend to withdraw into their community of origin<sup>49</sup>.

## **Health and social services**

### *Problem*

Since the 1980s, the health and social services network has made considerable efforts to take intercultural characteristics into account. The question is approached from the angle of interculturalism, in particular culture shock and cultural incomprehension. Value conflicts add more obstacles to relations between front-line actors and their clientele.

Cultural incomprehension and value conflicts are conducive to developing stereotypes and prejudice and mistakes in diagnoses and evaluations. Identified situations involve the concept of the family, ways to educate children, unequal relationships between men and women, the conception of physical and mental health, the conception of social services and the role of social services<sup>50</sup>. Values and the different conceptions of needs, which have a psychological and material dimension, of the well-being of children, the autonomy of women, the insertion of individuals in the extended family, are all likely to result in inadequate evaluations of the situation, for example of parental competence, and inappropriate responses. In 1998, in order to prevent these situations, the Ministère de la Santé et des Services sociaux and the Ministère de la Famille et de l'Enfance, today the Ministère de la Famille, des Aînés et de la Condition féminine, gave those who work with newcomers a manual entitled *Avec les familles immigrants, Guide d'intervention* (with immigrant families : a guide for intervention).

In the case of young people referred to youth centres, the decisions of social workers are questioned in particular to explain the over-representation of young Haitians in the Québec youth protection system<sup>51</sup>. Bernard observes an inconsistency between reasons for reporting and the decisions of social workers. This translates into emergency removals from the family, court involvement and personalized references significantly more numerous than with other young Quebecers.

---

<sup>48</sup> Bataille, McAndrew et Potvin, *op. cit.*

<sup>49</sup> Potvin, M. 1997. « Les jeunes de la deuxième génération haïtienne à Montréal : entre la communauté réelle et la communauté représentée ». *Sociologie et sociétés*, vol. 29, n° 2, pp. 77-101.

<sup>50</sup> Legault, G. and M. Lafrenière. 1992. « Situations d'incompréhensions culturelles dans les services sociaux : problématique ». *Santé mentale au Québec*, vol. XVII, n° 2, pp. 113-121.

<sup>51</sup> Bernard, L. 2004. *Discrimination systémique des jeunes Haïtiens au sein du système québécois de protection de la jeunesse*. Communication presented to the 4<sup>e</sup> colloquium of the Association québécoise Plaidoyer-Victimes. Montréal.

As a result of intercultural misunderstandings and failings, real or assumed, by health and social services institutions, the perception of racism grows among certain individuals from cultural communities.

### *Principal measures in place*

Health and social services institutions have nevertheless firmly advanced equality principles and made significant efforts in this direction. For several years now, the network's response to public health and welfare needs must take into account the ethnic, cultural and linguistic characteristics of the communities served. In this respect, it should be emphasized that in 2004, since the health and social services reform, this dimension is specifically repeated in the frame of reference for the clinical projects of local health and social services networks.

In May 2004, the Ministère de la Santé et des Services sociaux created a Comité provincial with a mandate to advise the Ministry on the delivery of health and social services to individuals from Québec's cultural communities. This mandate was also included in the *Act respecting Health Services and Social Services*. The committee has already been consulted with regard to the orientations of services to the elderly with reduced autonomy, the *Plan d'action en santé mentale: La force des liens* (action plan on mental health: the strength of bonds), the *Act to Amend the Act respecting Health Services and Social Services and amending various legislation* (2005, Ch 32) and the frame of reference on the clinical projects. In the framework of public consultations, it produced opinions on Black communities, the youth action strategy and the regulation with regard to the socio-sanitary criteria for private residences for the elderly.

The Ministry established, at the same time as the Comité provincial, the Secrétariat à l'accès aux services en langue anglaise et aux communautés culturelles with a mission to coordinate ministerial responsibilities with regard to access to health services and social services for English-speakers and individuals from cultural communities. The Secrétariat is currently examining questions of access to services and adapting approaches for individuals from cultural communities. It is also updating ministerial directions in these areas. The studies done so far show the efforts made by the health and social services network with regard to the needs of cultural community clientele.

Many projects (studies, programs and services) have seen the light of day over the past five years at the provincial, regional and local levels to promote access to services and adaptation of approaches affecting persons from cultural communities. The video and the guidance manual produced by A. Battaglini and entitled *Préjugés. Prévenir le racisme chez les jeunes*, already cited, is one of these projects. The Centre jeunesse de Montréal (Montréal youth centre) has, for its part, developed a service access plan for youths from cultural communities. Lastly, some regions offer training in intercultural relations or have a multipartite regional committee on the accessibility of health services and social services for persons from cultural communities to meet the special needs of this clientele.

The efforts deployed by the network also relied on the constant collaboration of different community organizations working with persons from cultural communities. In 2001, the Alliance des communautés culturelles pour l'égalité dans la santé et les services sociaux

(ACCÉSSS) was mandated by the Ministry to produce a status report on the accessibility of health services and social services for persons from cultural communities.

An inter-sectoral project, based on the Villes et Villages en santé approach, to fight poverty and support underprivileged families, in particular those from ethnic minorities in a Montreal neighborhood (Montréal-North), won an award of excellence at the annual meeting of the Réseau québécois de Villes et Villages en santé.

The Ministry also produced several practical guides and intervention tools adapted to cultural communities, including a magazine on sex education for a multicultural audience<sup>52</sup>. It was also involved in adapting activities to prevent conjugal violence and drug addiction as shown by the 2004-2009 government action plan on conjugal violence and the 2006-2011 inter-ministerial action plan on drug addiction.

The Ministère de la Santé et des Services sociaux has thus expanded its interventions to sensitize network front-line actors to prejudice and the avoidance of discrimination in the health and social services network, as well as to promote access to services and adapt approaches to persons from cultural communities. However, the network is vast and the sensitizing of front-line actors progresses at different speeds depending on the institutions and the regions.

## **Police and the legal system**

The police force and the legal system ensure public security and respect for the law. The police have a very important role as front-line actors. Along with providing order and public security, they have a role to prevent and repress crime. The legal system is located downstream from their work and involves judges, prosecutors and lawyers. It is supported by other stakeholders, social workers, psychologists and criminologists. Workers in youth centres and detention centres form the last link in the chain.

### *Police practices*

The police have a very special importance. They are part of everyday life and are the first to respond to problem situations or public complaints. They hold authority by virtue of the law and have the means to enforce it. They thus become the primary symbol of order and justice. Prejudice and discrimination in some police officers, even unintentional, has a very strong social and psychological impact. But all the actors involved are likely to poorly serve public order and justice if their judgments are distorted by prejudice and inadequate attitudes and behaviour.

Two types of inadequate behaviour by certain police officers have attracted the attention of scholars—over-policing of which the best known example is racial profiling

---

<sup>52</sup> Ministère de la Santé et des Services sociaux and Université du Québec à Montréal. 2005. *Ça s'exprime. Embrasser d'autres cultures : L'Éducation sexuelle auprès d'une clientèle multiculturelle*. Québec.

and under-protecting<sup>53</sup>. However, the extent of these phenomena remains to be documented.

Racial profiling can be defined as any action by individuals in authority directed at an individual or a group of individuals, for reasons of safety, security or public protection, that relies on factors such as colour, ethnic or national origin or religion, without real grounds or without reasonable suspicion, and which exposes the individual or group to undue scrutiny or differential treatment. It is based on various stereotypes, for example that individuals of a particular group are more likely to be delinquents or criminals, or that they are all poor, which makes them suspects when they drive a luxury vehicle.

Concretely, racial profiling results in special surveillance and more frequent checks of persons belonging to visible minorities. It is one form of unlawful profiling. Young people, particularly in underprivileged neighborhoods, and the homeless can equally be victims of unlawful profiling. Since they occupy public space to a significant degree, they are more likely to be watched, questioned or fined, especially in cities with policies to curb incivility. Visible minority youths in underprivileged neighborhoods are very affected since this repeated behaviour, often by different police officers, produces a harassment effect.

The other form of conduct blamed on some police officers is under-application of the law in dealing with certain cultural communities. This under-application is associated with the unease and uncertainty that some police officers feel when they must deal with persons from cultural communities. Indeed, police intervention can sometimes be problematic in an intercultural setting, for example in cases of family violence with some newcomers or problems with neighbors related to noise, music, etc. Some police officers feel ill-equipped to face these situations and they may tend to abstain from intervening rather than risk being the subject of complaints following inappropriate interventions<sup>54</sup>.

Both over-application and under-application of the law are perceived by some persons from cultural communities as expressions of racism by police officers and undermine confidence in the police institution and justice. As a result, they tend to limit cooperation with police and not complain when they are victims of crimes.<sup>55</sup>

### *Legal system*

With respect to the legal system, the need for greater availability of legal information intended for immigrants or persons from cultural communities was emphasized, along with systematic training in cultural diversity for legal actors<sup>56</sup>. Among other dimensions

---

<sup>53</sup> Brodeur, J.-P. 1993. *La police et les minorités ethniques*. Conference given at the Centre d'études ethniques, Université de Montréal. Cited in McAndrew, M. and M. Potvin, *Le racisme au Québec : éléments d'un diagnostic*. Centre d'études ethniques de l'Université de Montréal. Report prepared for the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles. March 1996.

<sup>54</sup> Brodeur, communication cited; Pelletier, C. 1990. *L'apprentissage de la diversité au Service de police de la Communauté urbaine de Montréal*. Les Éditions du CIDIHCA. Montréal.

<sup>55</sup> Commission des droits de la personne. 1988. *Enquête sur les relations entre les corps policiers et les minorités visibles et ethniques : annexes*. Committee of inquiry between police forces and ethnic and visible minorities. Montréal.

<sup>56</sup> Noreau, P. 2003. *Le droit en partage : le monde juridique face à la diversité culturelle*. Les Éditions Thémis. Law faculty, Université de Montréal.

that deserve attention, Noreau mentions the language of the courts and legal translation, which raises the problem of access to justice, and the cultural origins of judicial actors, which is likely to promote the diversification of references and of cultural or linguistic skills<sup>57</sup>.

He recommends specifically that, to humanize legal activity, judges and the Bar should reflect on the attitudes and perspectives likely to promote better recognition of the legal process by the litigants of other origins and greater openness by legal actors (police, lawyers, attorneys and judges) to the diverse realities of the litigants. He also sees greater use of human and social sciences expertise by the court and cooperation between social and legal actors. Lastly, in the specific case of reasonable accommodation, he emphasizes the need for a better understanding of this principle in the legal environment and more complete training of legal actors on the conditions of its implementation as well as its possible extension and usefulness in the framework of current legal relations.

Some studies have concentrated on the system aimed at youths. Indeed, the over-representation of young people from visible minorities in youth centres raises a great deal of questions and criticism. The Youth Court as such was not questioned. An examination of punishments does not show different treatment of youths from visible minorities<sup>58</sup>. However, as we indicated in the section on social services, various scholars think that systemic discrimination and bias seem to exist in the evaluations<sup>59</sup> and recommendations of social workers who prepare pre-sentencing reports<sup>60</sup>. In their opinion, these biases could partly explain the over-representation at issue.

#### *Principal existing measures*

Various measures were gradually implemented following the Bellemare, Malouf and Yarovsky reports on the exercise of police functions, the implementation of equal access programs, police training and the development of ties with the community. The *Police Act* adopted in June 2000 raised education requirements, created a national police school and raised requirements concerning the ethics and supervision of police officers.

To promote closer ties with the community, the Ministère de la Sécurité publique published the Ministerial Policy *Towards a More Community-Based Police* in December 2000. The Montreal Police Department had already created a consultation structure consisting of a strategic committee and oversight committees allowing for dialogue with the communities and the taking into account of their security concerns and specific needs<sup>61</sup>. The police forces of other municipalities with a smaller proportion of cultural communities are at different stages in their work to take into account the reality of cultural communities.

---

<sup>57</sup> *Ibid.*

<sup>58</sup> Faille, M. 1988. *Pratiques d'intervention des travailleurs sociaux auprès des jeunes de 14-17 ans d'origines haïtienne, italienne et de souche française*. Master's thesis. Criminology school. Université de Montréal.

<sup>59</sup> Faille, M. *op. cit.*; Douyon, E. 1982. « Les jeunes haïtiens et la justice des mineurs au Québec ». *Enfants de migrants haïtiens en Amérique du Nord*. Under the direction of C. Pierre-Jacques. Centre de recherches caraïbes. Université de Montréal.

<sup>60</sup> Bernard, L. 2001. *Les trajectoires des jeunes d'origine haïtienne dans le système québécois de protection de la jeunesse*. Doctoral thesis. Université de Montréal.

<sup>61</sup> Service de police de la Ville de Montréal. 2004. *Plan d'action corporatif 2005 du SPVM*. Montréal.

In August 2003, following a meeting with representatives of the community organizations' network, the Minister of Immigration and Cultural Communities created a task force on racial profiling. Co-chaired by the Ministère de la Sécurité publique and the Ministère de l'Immigration et des Communautés culturelles, it includes representatives of the Commission des droits de la personne et des droits de la jeunesse, the Commissaire à la déontologie policière, the École nationale de police du Québec, the Ministère de l'Éducation, du Loisir et du Sport, the Ministère de la Justice and a dozen community stakeholders. The ministries and agencies concerned, as well as the police, are actively implementing the action plan agreed by the task force. The work is well started. However, the fight against racial profiling and unlawful profiling is a long term effort.

The Ministère de la Sécurité publique is working with the police forces of Québec's major cities to document the problem of racial profiling and develop strategies for prevention, awareness, and the monitoring of racial and unlawful profiling, adaptable to the special characteristics of the community served by each police force.

The Ministère de l'Éducation, du Loisir et du Sport and the École nationale de police du Québec are working together to monitor the integration of the concept of racial profiling in the training programs of future police officers and to promote harmonization and consistency between the college curriculum and that of the École nationale de police on this problem.

The Commission des droits de la personne et des droits de la jeunesse has analyzed the jurisprudence relative to racial profiling. It documented civil remedy perspectives and developed guidelines to help the search for evidence relative to this problem<sup>62</sup>.

The Ministère de la Justice undertook to develop a plan to sensitize Attorney General's prosecutors to the phenomenon of racial profiling. This work is important given the discretionary power that prosecutors exercise throughout criminal proceedings. The Conseil de la magistrature is responsible for sensitizing judges and attorneys.

The Commissaire à la déontologie policière also initiated an information and awareness tour within diverse cultural communities to better inform them about remedies available to persons who feel they were victims of police actions that violate the police ethics code.

With respect to the correctional system and the reinsertion of offenders, Québec adopted a less repressive approach in 1995 geared to a treatment of criminality that puts more emphasis on prevention, social empowerment, decriminalization and recourse to civil and sentencing measures other than imprisonment. In this perspective, correctional services designed and introduced special resources to guide, assist and understand diverse clienteles, including immigrants and persons from cultural communities, and to work in collaboration with numerous community organizations. In 1994, the Ministère de la Sécurité publique created an awareness and training program for correctional workers.

---

<sup>62</sup> Turenne, M. 2006. *Prouver le profilage racial : perspectives pour un recours civil*. Commission des droits de la personne et des droits de la jeunesse. Montréal. Cat. 2.120-1.26; Turenne, M. 2006. *Profilage racial : lignes directrices pour fins d'enquêtes*. Commission des droits de la personne et des droits de la jeunesse. Montréal. Cat. 2.120-1.26.1.

## **STRATEGIC CHOICE: IMPROVING RESPECT FOR RIGHTS AND THEIR EXERCISE**

The respect for rights and their exercise are jeopardized in the absence of openness to pluralism. The espousal by citizens of the values underlying human rights and the adoption of corresponding attitudes and conducts are essential conditions for significantly reducing discrimination and inequality.

Even though learning values of respect for each individual's rights and of openness to pluralism now begins very early in the life of Quebecers, constant efforts must still be made so that everyone can adequately appropriate the common civic values in the Québec Charter of Human Rights and Freedoms.

Not all citizens have an adequate knowledge and understanding of existing laws and of the rights and responsibilities of all. Nor do they possess to the same degree the skills necessary to seek pertinent information and use it wisely, for example to resolve their conflicts in a peaceful manner. Some people do not exercise their rights for they lack this knowledge and these skills, while others can only conceive of resolving their disputes through systematic recourse to the courts. Certain immigrants and less educated citizens often need special support. Social inequality continues to mark the exercise of human rights.

### **Legal and administrative instruments to fight against racism and discrimination**

Endorsement, at the international level, of the principal conventions on human rights led Québec to adopt a charter to implement these conventions. The Charter of Human Rights and Freedoms of Québec, which came into effect in 1976, is the centrepiece of Québec's human rights instruments. It has a quasi-constitutional character since Articles 1 to 38 have precedence over other Québec laws in the absence of an explicit exemption. It applies to the public and private sectors. It expressly prohibits discrimination and harassment (Articles 10 to 20.1).

The Commission des droits de la personne et des droits de la jeunesse du Québec, established by the Québec Charter of Human Rights and Freedoms, promotes and enforces the principles set out in the Charter. It is responsible for:

- Conducting investigations on its own initiative or after receiving a complaint;
- Encouraging a settlement between the parties involved;
- Identifying provisions of Québec laws that violate the Charter and making appropriate recommendations to the government;
- Developing and applying an education program on rights and freedoms;
- Monitoring the application of equal access programs.

In addition to handling individual complaints, the Commission conducts systemic investigations. These analyze the practices, decisions and behaviour, both individual and institutional, intrinsic to a given system and which produce discriminatory effects on a target group. In the domain of racism and discrimination, the Commission led two major investigations, one on the taxi industry in 1983 and the second on relations between the

police force and visible and ethnic minorities in 1988<sup>63</sup>. These investigations have a structuring effect. For example, the taxi industry investigation made it possible to eliminate discriminatory practices by offending companies. The investigation on relations between the police force and visible and ethnic minorities resulted in the adoption of a uniform ethics code for all police officers and the implementation of equal access employment programs in several police forces<sup>64</sup>. The media coverage of this type of investigations helps raise public awareness on these questions.

The Human Rights Tribunal was created in 1990. It is a specialized court whose members, judges and assessors, are appointed for their expertise, awareness and marked interest in human rights and freedoms. This court has jurisdiction in matters of discrimination and harassment.

When the parties in a dispute cannot reach agreement, the Commission may propose arbitration or submit the dispute to a court. It can refer the matter to the Human Rights Tribunal if it considers it opportune, and will represent the complainant. Barring exceptions, only the Commission may bring a case before this Tribunal.

#### *Accessibility and effectiveness of remedies*

Some citizens complain about the accessibility of remedies, the length of processing times and about the outcomes of the handling of the complaints by the Commission. In 2003-2004, out of 867 files opened, 23% were for reasons of "race", colour, ethnic or national origin and religion<sup>65</sup>. On average, complaints are processed in 370 days barring certain special files deemed "old" for having remained open for more than two years. Among files closed in 2003-2004, 22.2% were resolved, 5.2% were transferred for litigation or led to remedial measures being proposed. In addition, 25.1% were closed due to the withdrawal of complainants and 47.5% were closed by decision of the complaints committee for various reasons: insufficient evidence (29.4%), pointlessness of continuing to search for evidence (15.2%), double remedy exercised by complainants (1.7%) and lack of cause under the Charter or legal jurisdiction of Québec (1.1%). These results are global, however, and do not specifically concern files related to colour, ethnic or national origin or religion.

Effectiveness also remains a concern. Complaints received by the Commission represent in all likelihood only a relatively small proportion of cases of discrimination experienced by persons from cultural communities. The capacity to handle complaints will come into sharper focus when government awareness measures on discrimination bear fruit and generate an increased volume of complaints from citizens.

The Commission recognizes that the time taken for investigations is a real and urgent problem. It has undertaken a thorough review of its processes, in particular for handling

---

<sup>63</sup> Commission des droits de la personne. 1984. *Enquête sur les allégations de discrimination raciale dans l'industrie du taxi à Montréal : rapport*. Montréal; Comité d'enquête sur les relations entre les corps policiers et les minorités visibles et ethniques. 1988. *Final report* (J. Bellemarre, M. Alcindor, A. Normandeau, H. Taylor, J. Pelletier). Montréal.

<sup>64</sup> Commission des droits de la personne et des droits de la jeunesse. 2003. *Après 25 ans, La Charte québécoise des droits et libertés*, vol. 2, *Études*. Montréal.

<sup>65</sup> *Ibid.*

complaints that it receives. It believes that it must act to correct mistaken perceptions of its action on racism and resume dialogue with leaders of cultural communities.

Ensuring the exercise of rights in these circumstances is a delicate question. The public debate continues on the best way to improve the effectiveness of remedies and on potential support for victims.

### *Hate crimes*

Hate propaganda and hatred-motivated crimes are not the most common manifestations of prejudice and discrimination. However, they require special attention. The slippery slope to which they lead constitutes a threat to public security. Hate propaganda uses channels in which the quality of information is neither analyzed nor subject to ethical rules, such as sensationalist tabloids, letters from readers, Internet websites and phone-in programs.

In the absence of police statistics, it is difficult to estimate the number of hate crimes in Québec. According to a pilot survey by Statistics Canada in 2001 and 2002, 57% of hate crimes in Canada were motivated by "race" or ethnic origin, 43% by religion and 9% by sexual orientation. In some cases, several motives could be recorded. Persons from the Jewish community were most often targeted (25%), followed by Blacks (17%), South Asians (11%) and Muslims (11%)<sup>66</sup>.

In Québec, B'nai Brith Canada counted 133 anti-Semitic incidents in 2005<sup>67</sup>, amounting to 16% of incidents counted in Canada. The volume of incidents is lower than in 2004 (204), but remains above the number recorded in 2001 (78) or during the 1990s in general. These incidents are, in order of importance, harassment (58.6%), vandalism (33.8%) and violence (4.5%).

Canada's Criminal Code contains provisions against advocating genocide, publicly inciting hatred, willfully promoting hatred other than in a private conversation and crimes targeting places of worship. The Criminal Code also considers as aggravating factors any evidence that the offence was motivated by prejudice or hatred based on "race", ethnic or national origin, language, colour or religion.

The Criminal Code falls under the jurisdiction of the federal government. However, the Ministère de la Justice du Québec participates in the Federal-Provincial-Territorial Working Group on Cybercrime established in 2001, which deals with hate propaganda. In 2004, this group made recommendations to the federal Department of Justice calling for the creation of a national hot-line to denounce hate propaganda on the Internet and the establishment of a national coding system for hate-motivated crimes. A research subgroup took on the mission of monitoring and analyzing trends and new facts concerning hate propaganda.

---

<sup>66</sup> Statistics Canada. 2004. *Pilot survey of hate crime*. [www.statcan.ca/Daily/English/040601/d040601a.htm](http://www.statcan.ca/Daily/English/040601/d040601a.htm). Consulted February 9, 2006.

<sup>67</sup> B'nai Brith Canada. 2006. *Report on anti-Semitic incidents, Prejudice and intolerance in Canada, 2005*. B'nai Brith Canada Human Rights League. Toronto.

Moreover, an Attorney General's prosecutor from the Bureau des affaires criminelles of the Direction générale des poursuites publiques of the Ministère de la Justice du Québec specializes in propaganda and hate crimes and acts as a resource-person in lawsuits launched for this type of crime.

A form of assistance to victims of discrimination could also be contemplated. At present, victims of racism and discrimination have a very limited number of resources to guide them in their initiatives or to obtain psychological support.

## **QUESTIONS SUBMITTED TO THE CONSULTATION**

### ***Access to employment***

What remains to be done to ensure equitable treatment of persons from cultural communities, immigrants and visible minorities on the labour market?

### ***Education***

What changes should be made in the school environment to ensure that students develop in an environment free of prejudice and discrimination?

### ***Health and social services***

Prejudice and cultural misunderstandings constitute important obstacles in accessing and adapting services to persons from cultural communities. Other than the measures already implemented by the Ministère de la Santé et des Services sociaux, what actions are likely to produce services that are adequate and free of discrimination?

### ***Public security and justice***

What measures should be introduced to further improve relations between cultural communities and the police?

What changes should be made in the legal system to promote greater openness by judicial actors to the realities of litigants from diverse origins?

### ***Seeking remedy***

Despite a large number of people who feel they are victims of discrimination, the number of complaints is relatively low. How do you explain this discrepancy?

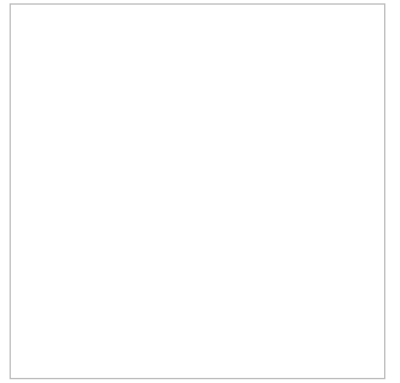
What improvements could be made in handling complaints and recourse?

### ***Vulnerable groups***

What specific measures must be put forth to prevent and respond to the special situations experienced by vulnerable groups?

### ***Assistance for victims***

What form of assistance could the government consider to better support victims of racism?



**Immigration  
et Communautés  
culturelles**

**Québec** 