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Senator for Ontario | Sénatrice pour l'Ontario*

News Release

Senator Pate Introduces Legislation to Address Systemic Racism in the Criminal Legal System and Beyond

OTTAWA, WEDNESDAY, SEPTEMBER 30, 2020— This Orange Shirt Day marks several months since Senators stood together to promise action as Canadians marched in the street to demand an end to systemic racism and the shameful legacy of colonialism in this country. Today, Senator Kim Pate introduced two bills that could deliver concrete anti-racist steps forward for the criminal legal system.

[Bill S-207](#) would ensure judges have the authority to grant alternatives to mandatory minimum penalties where imposing such a penalty in an individual case would be discriminatory or unfair. The Truth and Reconciliation Commission, National Inquiry into Missing and Murdered Indigenous Women and Girls and Parliamentary Black Caucus each called for reconsideration and elimination of mandatory minimum penalties because of their role in ensuring the continued mass incarceration of Black and Indigenous Peoples. There is no evidence that mandatory minimum penalties prevent or deter crime. Instead, they discriminate by preventing judges from being able to consider individual circumstances—including the effects of systemic discrimination—that may warrant a lesser sentence.

A notice of intent to sponsor the bill in the House of Commons has been submitted by Nathaniel Erskine-Smith, M.P. for Beaches-East York.

[Bill S-208](#) provides for no-cost, no-application expiry of criminal records once a person has spent time in the community with no subsequent criminal convictions. The burden of failing to navigate Canada's increasingly costly and complex system for record relief—in terms of barriers to jobs, education, volunteer work, and even finding housing and receiving long-term care—has fallen disproportionately on Black and Indigenous Peoples. When people are able to access these vital lifelines for community integration, all of us benefit from safer and more resilient communities.

A notice of intent to sponsor this bill in the House of Commons has been submitted by the Honourable Judy Sgro, M.P. for Humber River–Black Creek.

“Systemic racism is evident throughout our criminal legal system and our collective failure to address it is most starkly revealed in Canada’s prisons,” said Senator Pate. “Despite great ideas and good intentions, the over-representation of racialized people in the criminal legal and prison system continues to escalate exponentially. Change is needed now and inaction is not acceptable, not when 10% of those in federal prisons are Black Canadians, 32% are Indigenous Peoples and an incredible 44% of women in federal penitentiaries are Indigenous.”

“Judges hear all the facts and circumstances surrounding crimes. Their ability to recognize and address the effects of systemic inequality should not continue to be fettered by the inflexibility of mandatory minimum penalties. Prison sentences too often tear apart families and communities. Criminal records impede community integration. This pandemic has revealed massive racial, gender, economic, health, social and legal inequality. These bills could provide two vital steps toward remedying these wrongs and promote the hope of equality for future generations.”

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Background Information:

- Fact sheet on Bill S-207: https://sencanada.ca/media/366687/senpate_factsheet_judicial-discretion_2019-11-20_e.pdf
- Fact sheet on Bill S-208: https://sencanada.ca/media/366685/senpate_factsheet_record-expiry_2019-12-09_e.pdf

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