

Regarding Consultation on Proposed Policy
Registering Charities that Focus on Eliminating Racial Discrimination

The Ontario Council of Agencies Serving Immigrants (OCASI) and the Alternative Planning Group in Toronto are pleased to have this opportunity to comment on the proposed policy regarding Registering Charities that Focus on Eliminating Racial Discrimination.

The Alternative Planning Group (APG) comprises the following community-based planning organizations in Toronto: Council of Agencies Serving South Asians (CASSA), Chinese Canadian National Council Toronto Chapter (CCNCTO), Hispanic Development Council (HDC), and the African Canadian Social Development Council (ACSDC),

OCASI & APG commend you on this initiative to support anti-racism work in Canada. While the overall intent of the proposed policy is positive, we would like to raise the following concerns:

1) Narrowness of Definition:

Although the initial statement of purpose is ambiguous, it seeks to make a seemingly simple and straightforward statement in the spirit of supporting anti-racism. It states:

"The policy describes how applicants that focus on eliminating racial discrimination can be registered as charities under the advancement of education or other purposes beneficial to the community categories. The policy is also relevant for immigrant, refugee, ethno-cultural, or other organizations seeking to include such objects in their governing documents."

This would exclude social justice groups or coalitions who may argue that "race" is only part of a larger nexus of social problems. Thus, if an organization's mandate were premised on a larger systemic analysis, which includes race, gender, and class inequality together, and they do not explicitly include such activity in their governing documents, then perhaps they would not comply with the charity policy because their work would fall outside the strict mandate of focusing only on "eliminating racial discrimination."

Another example could be of a group that works on poverty and race but does not have a specific mandate for the "elimination of racial discrimination". Such a group would not comply with the rules of this policy for charity status. For example, feminist/women's advocacy organizations that may focus on the barriers that exist in the systemic co-location of gender and ethno-racial inequality would fall outside the precise wording of the charitable policy.

In the real and overlapping world of social justice advocacy, the phrase 'focus' in the following statement conveys ambiguity and may complicate the definition: "applicants that **focus** on eliminating racial discrimination can be registered as charities"

For example, an organization offers a project such as an anti-racism workshop, which will focus on eliminating racial discrimination. Does this mean that the entirety of said organization complies with the charitable policy, regardless of the larger mandate of the organization?

2) Professional Organizations/Associations:

Some ethno-racial organizations (e.g. an Asian, Hispanic, or Black Business Association) may work to lessen racial inequality in their fields, but may not have a mandate to "eliminate racial discrimination". In

fact, they might even argue that they are "only" a professional organization. Where would such organizations fit?

3) "International" prohibition:

Some organizations based on identity politics may indeed have an international focus, but are acting locally and thinking globally. Does this invalidate them as a candidate because of the stipulation that, "They cannot include a focus on international relations, which is the purview of the state"? Many organizations have this dual purpose or multi-function.

Organizations that work on eliminating racial discrimination in the context of refugees and migrant workers rights could have a focus on international relations by virtue of International Conventions that govern such rights, and the global movement of refugees and migrant workers. At the same time, they may be focusing their work on the impact of these movements/legislation on the domestic front. Where would these organizations fit?

4) "Not advocating for legislative change"

Most anti-racist and social justice advocates in some way advocate for "real-world" social and political change, which by definition includes legislative change. In fact, legislative change is essential for the elimination of racial discrimination. The statement "not advocating for legislative change" would invalidate most active organizations. If an organization makes a deputation to a Municipal Working Group on Immigration and Refugee Issues, or to the Parliamentary Standing Committee on Citizenship and Immigration, does this make such work advocating for legislative change?

The present language of the policy is unclear on what constitutes "legislative change". Would this include participation and collaboration with bodies that may have links to "legislative change", such as the Human Rights Commission, The Canadian Race Relations Foundation, or The Law Society among others? In many respects, such advocacy and collaboration may indeed lead directly or indirectly to legislative change.

5) Duty vs. Political Act:

OCASI and the APG suggest that when policy "recommendations" are made to any department of the government by community groups, it can be seen as "exercising" a democratic right and thus fulfilling a 'duty' rather than committing a political act. One could argue as well that accepting existing laws can also be perceived as a "political act".

6) Social Cohesion:

The activity of fostering "social cohesion" is often inextricably linked with working towards eliminating racial discrimination, for many social justice groups and organizations. Such groups may not explicitly state their work in eliminating racial discrimination in their mission or mandate.

For example, this could include organizations/groups in Canada that are actively trying to build peaceful and cooperative social networks between groups otherwise considered at conflict in their country or region of origin such as Indians and Pakistanis or the Roma and Serbians.

OCASI and the APG propose that fostering social cohesion should be considered as an acceptable activity under the category of purpose.

In light of the above, the Council & APG make the following recommendations:

- a) Revisit the phrase and wording of "applicants that focus on eliminating racial discrimination can be registered as charities" to clarify the ambiguity of focus.
- b) Consider how the present definition may include Professional organizations and associations that may not have the elimination of racial discrimination as a mandate, but whose activities are framed by the need to address systemic racial inequalities.
- c) Consider how organizations that are active locally, and are based on identity politics that may have an international focus can be included in the present definition.
- d) Revisit the phrase and wording of "Not advocating for legislative change", so that it does not exclude organizations on the basis of their work in making deputations to civic committees or working in collaboration with organizations that are legislative change agents
- e) Revisit interpretation of making 'policy recommendations', so that it is not seen as a political act.
- f) Include fostering "social cohesion" as a an acceptable category under other purposes

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