



Understanding Cultural Competence

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Cultural Competence

“Cultural competence is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals and enable that system, agency or those professionals to work effectively in cross-cultural situations”

Terry Cross, 1988



Understanding Cultural Competence

Overview

- Context
- Things to Ponder
- Importance of culture
- Cultural Competence: Some Standards
Defense
- Racialization of Crime
- Some Next Steps



The Context

- Anti-oppressive legal practice must address equity and social justice across a wide range of social difference.
- Often easiest to conceptualize “isms” through single prisms of sexism, racism, heterosexism, classism and other categories of discrimination.
- Lived experience involves simultaneous activation of privilege and disadvantage in multiple areas.
- Substantial documentation of of systemic and persistent inequities that affect ethnoracial and ethnocultural groups points to the need to prioritize race and ethnicity in discussions about cultural competence and equity.



The Context

- There is diversity among people of colour who, in addition to race may also experience discrimination based on religion, ethnicity, class, gender, sexual orientation, disabilities, age, country of origin and citizenship status
- Racism, racial abuse and racist violence impact on the health and mental health of individuals and communities.
- Individual and systemic racism are barriers to the health and mental health of people of colour



Realities

- Systemic Racism has been part of the fabric of Canada since it's "founding".
- The relationship that people of colour and young people have with the criminal justice system far exceeds their presence in the general population e.g. racial profiling, sentencing decisions, corrections, etc.
- Compared to American criminal justice system, there is relatively little Canadian research on differential treatment of people of colour.
- Still prevalent perception that race relations in Canada are characterized by tolerance and compassion and that Canada is a more egalitarian country than the United States.



Realities

- Most adolescent “deviant” activities are fairly minor and short-lived; maturation process takes care of it. But being arrested and entering the criminal justice system, creates a negative impact on lifestyle choices and career. Many young people of colour are “criminalized” in this way.
- More than 10 years after “Report on Systemic Racism in the Criminal Justice System”, not much has changed for the better. E.g. Natives constitute about 3% of the general population but 17% of prisoners in the federal system



Realities

- African Canadians are 27 times more likely to be imprisoned before their trials on charges of drug trafficking and importing charges and about 20 times as likely to be imprisoned for drug possession charges.
- African Canadians make up 3 per cent of the Ontario provincial population but 15 per cent of prison admissions
- “Racialization” of crime by media a major problem



Culture

Culture

- Individuals and families are members of multiple cultures.
- Culture is a multi-faceted concept: race, age, SE status, sexual orientation, gender, etc and; dynamic.
- Multilingualism is an asset.
- Respect the unique, culturally defined needs of clients
- Acknowledge culture as a dominant force in shaping behavior, values and institutions



Cultural Competence: Some Standards

Goals of Cultural Competence Standards in the Legal Profession:

- Build critical mass of support for cultural competence
- Maintain and improve quality of culturally competent services provide by the legal system, and programs delivered by all professionals
- Establish professional expectations so that lawyers and other legal practitioners can assess, monitor and evaluate their cultural competence practice
- To inform clients/consumers, the Law Society and other regulatory bodies about the professions standards for cultural competence practice and to provide appropriate documentation
- To establish enhance and expand legal ethical guidelines



Cultural Competence: Some Standards

- **Ethics and Values:**
 - Functioning in accordance with values, ethics and standards of the legal profession. Recognizing how professional values might conflict with or accommodate the needs of diverse clients.
- **Self Awareness:**
 - Understanding of own personal and cultural values, social location, beliefs and power as a first step in appreciating importance of multicultural identities in the lives of people
- **Cross Cultural Knowledge**
 - Develop specialized knowledge and understanding about the history, traditions, values, family systems, communication approaches and artistic expressions of major client groups.



Cultural Competence: Some Standards

- **Cross Cultural Skills:**
 - Use of appropriate approaches, skills and techniques that reflect lawyers' understanding of the role of culture in helping others
- **Empowerment and Advocacy**
 - Lawyers should be aware of the effect of deleterious impact of racism, sexism, ageism, heterosexism or homophobia, anti-Semitism, ethnocentrism, classism, etc, on the lives of clients and the need for social advocacy and social action to better empower diverse clients and communities



Cultural Competence: Some Standards

- **Diversity within the legal profession**
 - Supporting and advocating for recruitment, admission and hiring; and retention efforts in the legal profession that ensure diversity and equity in employment within the profession.
- **Professional Education**
 - Commitment to educational, training opportunities and knowledge exchanges to consistently build capacity in cultural competence
- **Language Diversity**
 - Providing and advocating for information, referrals and services in the language appropriate to the client, which might include the use of interpreters



Racialization of Crime

- A common perception is that members of racialized communities commit a disproportionately high share of all offenses, thus the reflection in levels of confinement. Whether the perception is factual is open to debate. The following are some of the less debatable causes:
 - Poverty;
 - Single parent families;
 - Segregation and stagnated socialization;
 - Lack of cultural perspective and competence;
 - High unemployment and poverty rates;
 - Subjective decision-making in the justice system;
 - Absence of or poor legal representation;
 - Under-representation of ethnic/racial administrative and direct service providers;
 - Lack of education;
 - Overt discrimination and racism.



Some Next Steps

- Advocate for equitable treatment
- Advance support for the provision of cultural sensitivity and competency training for law enforcement, judges, teachers, attorneys, service providers, and concerned citizens;
- Use more objective decision-making criteria throughout the system; Implement better justice data collection and analysis systems;
- Provide better monitoring and accountability demands of the operation of the system.
- Support more research that is specific to systemic barriers and legal disparities in justice for members of marginalized populations



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