

May 20, 2003

**United Nations Presentation by Siksika Nation
Speaking Notes**



It is a great pleasure to speak to you today here in New York. It is a beautiful city but very much different from our home that is on the bluffs and plains that are located in what is called western Canada.

It is unfortunate however that once again we have come to let you know about some very deep grievances we have with the Government of Canada. This is a disappointment to us and as I will explain, a disappointment for most First Nations peoples in Canada.

Canada is country that people like to love, a country known around the world as being kind, friendly and compassionate. EXCEPT when it comes to the FIRST NATIONS PEOPLES, the descendents of the original inhabitants of that vast land...including my people.

I do not need to remind anyone here of the deplorable conditions our people live in. Many of our people endure unlivable housing conditions, barely survive with poor education and are faced with high unemployment on a year-to-year basis. Put those kinds of daily living issues together with the devastating results of government funded and church based residential schools of the not so distant past and it is not difficult to guess the giant health and social hurdles our peoples are faced with. A paternalistic policy called the Indian Act was only just the beginning but it has been enough to keep our peoples dependent on government and desperate enough to turn to substances like alcohol, drugs and as I will explain more fully here, pharmaceutical drugs.

How did we get here? Certainly we all make individual choices but Canada's policy both current and historical on First Nation's peoples continues to keep us down, making individual choice a luxury.

Canada is changing the governance structures in our communities without full and meaningful consultations with our governments. We have put Canada on notice by filing legal action but that does not seem to stop this uncompromising Canadian regime on its mission to fully devolve itself of

deplorable. This consent is broad based, blanket (birth to death information) and ignores the rights to privacy in a very basic sense.

Now there is a very deep wrinkle to this issue.

The fact is that not only does Canada want us to sign our names on the dotted line to continue to provide services under the law, but also wants to monitor and reactivate a program it calls DRUG UTILIZATION REVIEW. This Canada based program is something that very few of our people know anything about. What our technical people tell us is that it is a program that allows Canada to monitor and decrease prescription drug misuse by First Nations.

Some of you may say, what is the harm in that but from our perspective, here is where the problem begins.

Canada is saying to our people that in order to get your health services you MUST sign their consent form. Oh, we have the option of not signing for sure... yes, we can pay up front for the service... but in order to be reimbursed by Canada, it is saying you will need to sign the consent form.

What choice is there in that? As Canada understands fully, there is very real issue with poverty in our communities. By saying we have a choice to pay up front, the government is reminding us that indeed we really do not have a choice but to sign because very few of us will be able to pay those dollars up front.

It gets better. We can choose to pay up front and be reimbursed by government; great... except when we go to be reimbursed by them, they are saying we must sign the consent form.

This initiative boggles the mind.

Canada's consent form allows for a wide variety of people to view our personal health information.

Pharmacists across the country will be able to view it.

Service providers can view it, with little or no criteria attached.

Canada's officials can view it.

With this consent form, First Nations individually and collectively will have literally no say as to what will or will not happen to health information. With this consent form there are no real safeguards that we are comfortable with that will ensure our information is kept as private as the non-First Nations person.

In some respects, we are not very surprised by the tactics of the government of Canada on this issue of consent. Indeed, given the nature of the assimilationist policy since Europeans first arrived on our lands, consent is just another example of active movement by Canada to rid itself of what it deems a burden on its public purse, namely First Nations peoples. The policy-based derogation of our treaty rights to health care is an ongoing endeavor of the government of Canada and it manifests itself in initiatives like the consent form and changes to health and social policy.

The deeply disturbing fact about this is that it occurs right under the nose of the Canadian community and no one, NO ONE, says or does a thing about it. We are stifled in our own diplomatic efforts because the government and its vast bureaucracy understand that our activities to lobby against the abrogation or derogation of our treaty rights is linked to our ability to finance that lobby. Because our funds are directly linked to government, that process inherently disables our efforts. Which is why we find ourselves here.

In the Universal Declaration of Human Rights, Article 12 it states:

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

The UN Covenant on Civil and Political Rights, Article 17:1 further states:

“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.”

NO ONE except the First Nations living in Canada. We implore you today to assist us in our efforts to have Canada cease its uncompromising agenda to assimilate our peoples. What we are saying to you here today is to show you how insidious the effort is with this latest effort in obtaining the individual consent of each First Nation in the area of health care service delivery.

The stance that Canada has taken on this issue is repugnant. In 2003, the paternalistic nature of government is surely a thing of the past. But no, Canada says to us, "this is for your own good, trust us, we will make it better." On September 1, 2003, our peoples will have no choice but to sign this ill conceived consent form and once again the future of our treaty rights to health care will be jeopardy. Canada will have through their consent initiative individual permission to alter the face and character of what our forefathers ensured for us on our behalf. This is policy-based genocide.

Our response to it has been through diplomacy. We reject the government of Canada's consent form and the process its bureaucracy has proceeded. In Treaty 7 area right now we are discussing with independent privacy commissioners, including the federal Privacy Commissioner this week, this very same issue. We have an alternate plan to this problem. One that respects our own responsibility to the issue of health information protection and underlines Canada's fiduciary obligations to our people.

IN CONCLUSION:

Health information protection is as important to First Nations peoples as it is to the non-First Nations individuals. I would say even more so because as is our traditions we also must protect the collective rights of what is ours, health information included.

With this Canada consent initiative, the government is saying to us... the imperative to protect your personal health information is lesser than the one it has to administratively put a stop to prescription drug misuse.

We strongly disagree.

Prescription drug misuse is rooted in a socially deplorable condition brought on by government policy that saw us becoming Canadians. Except that what Canada didn't anticipate is that we are a resilient people, a people strong in

the Indian burden. As the friendly government they are, they are calling it Self-government but we are calling it GENOCIDE.

As you are aware, First Nations in our area are afforded health care delivery as a result of our Treaty with the Crown in 1877. Signed by Chief Crowfoot in our home territory, this Treaty is a sacred and solemn promise by the Queen and her governments to ensure the provision of services including health care to our peoples in exchange for allowing Europeans to live in our traditional territories. It was a promise made by us to live peacefully with the Europeans in exchange for ensuring our needs as we required were taken care of. Canada through changing policy over time is changing that promise. Canada should be ashamed. Reneging on its promise, Canada now says it provides health care services to our people not based on the sacred treaty but based on the goodness of its heart and has entrenched it in government policy.

Let me explain the latest example.

In recent months First Nations peoples in Canada have been contending with a very disturbing issue as it relates to the privacy of our peoples personal health information.

It is just recently that Canada is awakening to its obligations to ensure that our personal health information is kept private and confidential. On the face of it, this appears to be a good thing. EXCEPT IT IS NOT. Canada is ignoring all privacy concerns in an effort to make it look better in the eyes of Canadians and indeed the world.

In the next four months, the Government of Canada is on an uncompromising agenda to force First Nation's peoples to sign individual consent forms in order to continue to receive our treaty rights to health care. We are not too concerned with consent; we recognize that protection of health information is ●greatly important.

The issue is that CANADA'S CONSENT FORM goes far beyond what is legally or morally acceptable.

This initiative is driven by Canada alone; we have had no say in its development or implementation. It is coercive in nature and is ethically

our connections to our grandfathers and grandmothers. We understand fully what those Treaties were meant to be, Canada is hoping we will just go away.

If Canada truly wanted to deal with the problems of prescription drug misuse it would talk to us about how to fix it and not set down blanket policy that it deems necessary to make the issue go away. The scope of the problem if this initiative continues to be rammed down our throats has still yet to be determined. The residual effect to people at the grassroots level has not yet been discussed and quite frankly Canada just does not care.

This latest administrative effort to obtain First Nations individual consent is by all intents and purposes another example of the policy based genocide that is occurring in the kind and compassionate country of Canada.

So today we ask for the support of the International community here at the United Nations through the writing of letters to the Government of Canada on this issue. We have come to a moment in time when diplomacy is ineffectual. We need your help and we need it now.

Thank you.