



Native Women's
Association of Canada



L'Association des
femmes autochtones
du Canada

Good morning ladies and gentlemen,

Good morning members of the Committee,

It gives me great pleasure to address this forum this morning from Ottawa, located on the unceded, unsurrendered territory of the Algonquin-Anishinaabe People in Canada.

The Native Women's Association of Canada (NWAC) very much welcomes this opportunity to present during this discussion on EMRIP's Study on the Rights of the Indigenous Child under UNDRIP.

In the Canadian context in particular, this international focus on the rights of Indigenous children under UNDRIP is especially critical given the numerous human rights challenges which Indigenous women and their children routinely face on a daily basis in the country.

The recent highly damning disclosure of an unmarked, undocumented burial site of 215 Indigenous children on the grounds of a former residential school in Kamloops in British Columbia acutely drives this key point home.

In Canada, Indigenous children have often counted for far less than their non-Indigenous contemporaries in the eyes of the Canadian state – a shocking fact which rings true right up to the present day.

Astoundingly, while, on one hand, the full impact of the Kamloops residential school scandal has dominated national news headlines in weeks gone by, on the other, for years the Government of Canada has continued to drag its feet to make good the numerous human rights wrongs of the past and present vis-à-vis Indigenous women and their children.

For the purposes of the EMRIP study on the Rights of the Indigenous Child under UNDRIP, NWAC submitted a written discussion paper several months ago.

Nowhere is Canada's aforementioned foot-dragging more evident than in this detailed written submission.

Through its focus on the follow-up by the Government of Canada to the final reports of the 2015 Truth and Reconciliation Commission and the 2019 National Inquiry into Missing and Murdered Indigenous Women and Girls, NWAC's paper aptly illustrates the considerable extent to which the rights of Indigenous children under UNDRIP are not ensured in Canada.

Both independent inquiries reinforced the key principle that Canada should institute broad non-monetary reparations for the past conduct of its representatives and other private persons acting on its behalf in relation to Indigenous children and their wider communities.

Yet, as I will explain, precious little has been done to act on these recommendations in practice.

The paradox will therefore not be lost on many Indigenous families that, while Canada has recently taken swift action to enact legislation to anchor the UNDRIP Declaration in federal law through the passage of Bill C-15, it has been painfully slow to act on the swathes of recommendations of recent state-initiated inquiries, a significant number of which - if implemented - would impact positively on the everyday lives of Indigenous children.

Colleagues and Friends,

As an illustrative case in point, I would like to say a few words about the Government of Canada's follow-up to the National Inquiry into MMIWG.

In June 2019 the National Inquiry into Missing and Murdered Indigenous Women and Girls issued its Final Report with its 231 recommendations in the form of Calls for Justice, a number of which concerned Indigenous children.

The National Inquiry Final Report termed the violence committed against Indigenous peoples in Canada as amounting to a race-based genocide, illuminating both the depth and scope of the human rights violations committed against Indigenous communities in Canada.

The 231 legal imperatives in the form of the Calls for Justice are the means by which Canada should right past wrongs.

Despite their being too numerous to enumerate in the space of this short presentation, it was significant that some 17 Calls for Justice were directed at agencies immediately implicated in the education and welfare of Indigenous children, covering an array of related issues.¹

In addition, distributed throughout the Final Report can be found other important Calls for Justice with a bearing on children and young persons, including in relation to violence prevention in the family, language rights, and support for the children of missing and murdered Indigenous women.²

Furthermore, in view of the transformative nature of the overall 231 Calls for Justice and the related urgency for sweeping change in how Indigenous communities are treated in Canada, many other Calls for Justice inevitably impact on Indigenous children.

What progress?

Regrettably, more than two years after the publication of this key human rights report, little has been done to act on these recommendations.

On 3 June 2021 the Government of Canada finally published its long overdue National Action Plan in response to the National Inquiry. The National Action Plan is essentially a collection of summary plans provided by a number of Indigenous organizations, as well as federal, provincial, and territorial governments. Astonishingly, the federal contribution is limited to just three pages in length and is titled the '*The Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+*'.

Of note, the Federal Pathway plan focuses on a handful of short-term goals, which primarily relate to the follow-up process and not the content of

1 *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Volume 1b* (June 2019) 193-196.

2 *ibid* 178-179, and 181.

the Calls for Justice. Paradoxically, there are Calls for Justice that the Federal Government could action right now, but have delayed addressing.

The Calls to Justice also demanded that Government establish a plan with devoted funding, timetables for implementation, and resources dedicated to sustainable, long-term solutions. Where is this plan? If the Canada truly recognizes the urgency and need for immediate action, why does the Federal Pathways plan contain so few goals and details?

Furthermore, had the federal government not waited more than a full year before it created the Core Work Group and Sub-working groups the current National Action Plan might have already succeeded in achieving all of the above.

Various Indigenous and civil society actors, several former National Inquiry Commissioners, and family members have criticized the Federal Pathway plan's lack of substance. Simply put, in its current form, the Government of Canada's Federal Pathway plan does not point to a viable way forward on how, when, and by whom the 231 Calls for Justice as a whole will be acted upon in practice and how they will be financed.

Failure to act on the Truth and Reconciliation Commission's Calls to Action

Similarly, *more than six years on*, Government of Canada follow-up to the 94 Calls to Action of the Truth and Reconciliation Commission's Final Report have been troublingly scant.

The document issued 94 key recommendations framed as *Calls to Action*, many of which concerned Indigenous children and young persons, including in the domains of child Welfare, education, language and culture, health, and justice.

In addition, under the rubric of *Reconciliation*, numerous other Calls to Action were issued, a number of which inevitably impacted on children and

young persons.³ In particular, recommendations were clustered under the following categories:

- National Council for Reconciliation;
- Education for reconciliation;
- Youth Programs;
- Missing Children and Burial Information.

By and large, however, many of the 94 Calls to Action remain disappointingly unimplemented in practice in Canada.

The CBC News' *'Beyond 94: Truth and Reconciliation in Canada'* research database reported, as of 22 June 2021, that in relation to 20 Calls to Action no state steps towards implementation had been taken, while projects had been proposed, but had not started, in relation to a very sizeable 37 Calls to Action. In the case of just 13 Calls to Action was progress described as being 'complete'.⁴

It remains clear that *nearly six years* after the Truth and Reconciliation Commission issued its 94 Calls to Action much remains to be done to ensure that the Calls to Action are implemented at the domestic level and that in doing so Canada meets its international human rights obligations, including in relation to Indigenous children.

Final remarks

NWAC is pleased to have had this opportunity to present to you today and to submit a written contribution to EMRIP's study on *'The rights of the indigenous child under the UN Declaration on the Rights of Indigenous Peoples'*.

It remains an incontrovertible reality that Indigenous children in Canada have historically suffered and continue to be subjected to a range of

³ *Honouring the Truth, Reconciling for the Future* – Summary of the Final Report of the Truth and Reconciliation Commission of Canada (2015) 319-337.

⁴ Please see: <https://newsinteractives.cbc.ca/longform-single/beyond-94?&cta=1>

violations of rights captured in UNDRIP and firmly anchored in the various hard-law human rights conventions ratified by the country.

As such, Indigenous children are routinely treated in a manner which would generate outrage if the wider non-Indigenous population in Canada were so treated.

Discrimination, of course, lies at the heart of the matter.

If the national disgrace generated by the Kamloops residential school burial scandal this past month can change anything, then it can only be hoped that it is to the deep-seated attitudes of political decision-makers that Indigenous children somehow count for less than other children in Canada.

//Ends.