

**UNITY IS  
OUR POWER**

NUPGE CONVENTION 2022

# Justice for Indigenous Peoples



The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 400,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

The office of the National Union of Public and General Employees is situated on the traditional and unceded territory of the Algonquin Anishinaabeg people and is now home to many diverse First Nations, Inuit, and Métis communities. We recognize and acknowledge the crimes that have been committed and the harm that has been done. And, we dedicate ourselves, as a union, to moving forward in partnership with Indigenous Peoples in a spirit of reconciliation and striving for justice.

## 1. Justice for Indigenous Peoples

There is no debating that Canadians must come to terms with the injustices that have been committed against Indigenous peoples here on their traditional lands. It is the responsibility of each person in Canada to work to repair the relationship between Indigenous people (First Nations, Inuit, and Métis) and non-Indigenous people in Canada to build a society in which all can thrive.

The report from the Truth and Reconciliation Commission (TRC) provides an invaluable tool for developing a roadmap to acknowledge this history and reconcile relationships. The TRC, which examined the impact of residential schools in Canada, is but one of a long string of studies and reports. NUPGE is committed to turning these findings into concrete action.

In this process, the voices and perspectives of Indigenous peoples must be at the forefront and inform our positions. Our union must work to be an ally to Indigenous peoples and their communities. We can also play an important role in defending and advancing the rights of Indigenous workers.

## 2. Colonization in Canada

While it is true that Indigenous people in Canada share many of the same experiences of racism as other racialized communities, it is vital to recognize the impact of colonization as part of the discussion.

What we now call Canada is the traditional homeland of many peoples, as most of these lands were either stolen or inappropriately acquired by European settlers. Indigenous leaders understood treaties to be living agreements that established how multiple sovereign groups would coexist peacefully while sharing the land, nation to nation.<sup>1</sup> Conversely, settler nations viewed treaties as real estate agreements and legal instruments that surrendered Indigenous rights. Indigenous nations negotiated their own agreements long before colonization and colonial law came to Canada. Elements from those agreements—such as wampum belts—and other sacred objects, like Treaty medals and silver chains, were part of Treaty signings. These elements, though a vital part of the treaty to Indigenous people, are largely viewed as ceremonial by the government of Canada.<sup>2</sup> Fundamentally, Canada is a country built on land theft and resource theft.

Furthermore, Canada's entire history is characterized by a wide range of government policies that promoted the marginalization and oppression of Indigenous communities, including the suppression of their languages and cultures.

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1 Taylor MacLean, "6 Common Myths about Treaties in Canada," University of Toronto: Centre for Indigenous Studies, accessed January 25, 2022, <https://indigenoustudies.utoronto.ca/news/treaty-myths/>.

2 "Two Row Wampum – Gä•sweñta'," Onondaga Nation, accessed January 25, 2022, <https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswentala/>.

The *pass system* was a system of laws, regulations, and policies that prevented Indigenous people from leaving their reserves for any reason without permission.<sup>3</sup> Circles for Reconciliation writes:

The pass system has had lasting effects on generations of Indigenous people. Over half a century of segregation and restrictions on mobility contributed to the loss of culture, strained family relations, caused feelings of distrust towards the government and police, and brought about socioeconomic inequalities between Indigenous and non-Indigenous communities (as well as between reserve and off-reserve communities). One can only imagine the sense of shame that adults, both men and women, would feel when having to ask permission to go hunting, to go fishing, or to go visit their own children. What did this do to the self confidence and self worth people felt? Furthermore, this control of Indigenous people, in their movements, in their rituals, in their farming and hunting and even in their visits to their children, without question helped create an intergenerational sense of dependency.<sup>4</sup>

In her book, *Aboriginal People and Colonizers of Western Canada to 1900*, Vol. 5, historian Sarah Cooper argues:

The pass system was never a law; it was never codified in the Indian Act, and it can only be described as a 'policy.' From the time of the earliest discussions about such a system, there was recognition among officials that it ran directly counter to the treaties and had no validity in law. Official rationales advanced for maintaining the system after 1885 were that Indians had to be kept separate from the rest of society for their own good, as contact tended to be injurious to them. Reserve farmers could be made to remain with their crops at critical times. It was also retained after 1885 to prevent future 'rebellious' movements, and in response to the non-Aboriginal public which demanded that the spheres to be kept separate. There were even calls for the 'Indian Removal' to the northerly regions.<sup>5</sup>

Throughout Canadian history, there are clear examples of genocide against Indigenous people. Jeffery Amherst, a Field Marshal in the British Army and later a Governor of Quebec, advocated for what would now be called biological warfare against Indigenous people. In his correspondence to Henry Bouquet, he endorsed the idea of giving blankets carrying the smallpox virus, "as well as to try every other method that can serve to extirpate this execrable race."<sup>6</sup>

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3 Keith Douglas Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927*, (Edmonton: AU Press, Athabasca University, 2009), 71-73.

4 "The Pass System – Segregation in Canada," Circles for Reconciliation, July 2021, <https://circlesforreconciliation.ca/the-pass-system-gathering-theme/>.

5 Sarah Carter, *Aboriginal People and Colonizers of Western Canada to 1900*, Volume 5 (Toronto: University of Toronto Press, 1999), 163.

6 Jordan Gill, "'Extirpate this execrable race': The dark history of Jeffery Amherst," *CBC News*, April 29, 2017, <https://www.cbc.ca/news/canada/prince-edward-island/jeffery-amherst-history-complex-1.4089019>.

In their paper, *What We Have Learned: Principles of Truth and Reconciliation*, The Truth and Reconciliation Commission of Canada states:

Physical genocide is the mass killing of the members of a targeted group, and biological genocide is the destruction of the group's reproductive capacity. Cultural genocide is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.

In its dealing with Aboriginal people, Canada did all these things.<sup>7</sup>

One of the most obvious attempts at cultural genocide was amending the *Indian Act* to criminalize participation in Potlatch and Sun Dances. The rationale behind these amendments was that Potlatch was anti-Christian and prevented Indigenous people from full assimilation into settler society.<sup>8</sup> In 1914, another amendment was passed to bar Indigenous people from participating in any kind of dance, show, exhibition, stampede, or pageant when dressed in regalia unless they had official permission from Indian Affairs officials. In 1933, the ban was expanded to all Indigenous people, regardless of how they dressed. The 1914 and 1933 amendments were designed to prevent Indigenous people from attending fairs and stampedes without permission from Indian Affairs officials.<sup>9</sup>

The significance of the potlatch and dances in Indigenous culture cannot be overstated. The U'mista Cultural Society explains:

We dance to celebrate life, to show we are grateful for all our treasures. We must dance to show our history, since our history is always passed on in songs and dances. It is very important to tell the stories in exactly the same way. We put our stories into songs and into dances so they will not change. They will be told the same way every time. We use theatre and impressive masks to tell our ancestor's adventures so the people witnessing the dance will remember it.

The ceremony to tell our stories and to show social changes such as birth, marriage, name giving, standing up a new chief and death is called a Potlatch. In the Chinook language it means 'to give'. The people we invite are not only guests. They are also witnesses of our Potlatch and we give them presents for being a witness.<sup>10</sup>

7 Truth and Reconciliation Commission of Canada, *What we have learned : principles of truth and reconciliation*, (Ottawa: Truth and Reconciliation Commission of Canada, 2015), 5.

8 Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, (Vancouver: UBC Press, University of British Columbia, 1992), 206-209.

9 "Chapter 9 - The Indian Act," Indian and Northern Affairs Canada, February 8, 2006, [https://web.archive.org/web/20080209111022/http://www.ainc-inac.gc.ca/ch/rcap/sg/sg25\\_e.html](https://web.archive.org/web/20080209111022/http://www.ainc-inac.gc.ca/ch/rcap/sg/sg25_e.html).

10 "The History of the Potlatch Collection," U'mista Cultural Centre, accessed February 9, 2022, <https://www.umista.ca/pages/collection-history>.

Ceremony and dance are an integral way of preserving history and building community. Banning them was a direct attack on Indigenous culture. As a result of these bans, many Indigenous people complied out of a fear of imprisonment. Conversely, many Indigenous people defied the bans and continued to practise their culture in secret, although many were arrested and charged with various crimes. In 1921, a man named Dan Cranmer held the largest potlatch recorded on the Northwest coast of British Columbia. 45 people were arrested and given the choice of surrendering their potlatch regalia or going to jail. 22 people went to jail.<sup>11</sup>

The potlatch ban was never formally repealed but simply deleted from Canadian legal codes in 1951; but its effects were felt long after the end of the ban. Barb Cranmer, a Kwakwaka'wakw filmmaker and granddaughter of Dan Cranmer, said,

even though the ban was lifted in the '50s, it still took years for people to get over that. It took people a long time to feel comfortable about standing up and saying, 'This is who we are,' and to feel good about being 'Namgis.' It wasn't until the 1970s that [the potlatch] started to become a normal part of our lives once again, with the idea that we could potlatch without repercussions or imprisonment.<sup>12</sup>

While the residential school system is the most well-known example of colonization and assimilation (and will be discussed later in this paper), it was not the only attempt made to sever the bonds between Indigenous children and their parents, communities, and culture. The Sixties Scoop describes a period in which child welfare agencies across the country sought to separate Indigenous children from their families and culture by fostering them and/or adopting them out to white families.

In 1951, amendments to the *Indian Act* allowed the provinces to provide services to Indigenous people when those services didn't exist federally (such as child protection). This change, combined with the ignorant and racist views held by most employees of child welfare agencies—such as, Indigenous ways of life were harmful to children, and white families could provide superior care—led to huge increases in the number of Indigenous children in provincial care. For example, in British Columbia in 1951, only 29 Indigenous children were in the care system. By 1964, this had increased to 1,466 Indigenous children with status in the care system.<sup>13</sup> Nationally, by the 1970s, 1 in 3 Indigenous children was separated from their family by adoption or fostering.<sup>14</sup>

11 "Potlatch Ban," Living Tradition: The Kwakwaka'wakw Potlatch on the Northwest Coast, accessed February 9, 2022, [https://umistapotlatch.ca/potlatch\\_interdire-potlatch\\_ban-eng.php](https://umistapotlatch.ca/potlatch_interdire-potlatch_ban-eng.php).

12 Ibid.

13 Report of the Aboriginal Committee, *Liberating Our Children – Liberating Our Nation* (British Columbia: Community Panel Child Protection Legislation Review, 1992),

14 Raven Sinclair, "Identity lost and found: Lessons from the sixties scoop," *First Peoples Child & Family Review* 3, no. 1 (2007): 66, <https://fpcfr.com/index.php/FPCFR/article/view/25/63>.

The policies that allowed child welfare authorities to enact the scoop began in the 1950s and lasted into the 1980s. Indigenous children were placed with non-Indigenous families in Canada, the USA, and internationally. The number of Indigenous children taken from their families during the Sixties Scoop is estimated to be more than 20,000.<sup>15</sup>

The devastating effects of the Sixties Scoop cannot be overstated. Generations of Indigenous children were removed from their families and communities and often had no contact with them ever again. Some children were never told they were Indigenous. Generations of Indigenous children lost the connection to their culture, which impacted both the children and their communities. Indigenous children faced racism in school, in society and, in later years, in the workplace, without being able to discuss it or receive support from their Indigenous family and community.

In 1982, Indigenous communities in Manitoba successfully got the provincial government to commission a report on the crisis of Indigenous children being placed with non-Indigenous families in mass numbers. The report, *No Quiet Place: Review Committee on Indian and Metis Adoptions and Placements*, also known as The Kimelman Report, was published in 1985 by Associate Chief Judge Edwin C. Kimelman. The landmark report concluded that Indigenous people were right: 25% of children placed for adoption were adopted outside of Manitoba, virtually all of those children were Indigenous, and that the child welfare system was guilty of cultural genocide.<sup>16</sup>

In 2009, Beaverhouse First Nation Chief Marcia Brown Martel filed a class action lawsuit in Ontario on behalf of Indigenous children affected by the Sixties Scoop. On February 14, 2017, Superior Court Justice Edward Belobaba ruled in favour of the plaintiffs.<sup>17</sup> In October 2017, the federal government announced an “agreement in principle” for all Indigenous children who were taken from their homes and had their identities taken from them in the Sixties Scoop. The agreement will pay eligible individuals between \$25,000 to \$50,000. The agreement also established an endowment of at least \$50 million for an Indigenous Healing Foundation.<sup>18</sup> It should be noted that only individuals who “are registered Indians (as defined in the *Indian Act*) and Inuit as well as people eligible to be registered Indians,” were able to seek compensation.<sup>19</sup> As of February 2022, the total number of claims received is 34,770 with 19,822 claims approved, 10,251 claims denied, and 4,697 claims unresolved.<sup>20</sup>

15 Niigaanwewidam James Sinclair, Sharon Dainard, and David Gallant, “Sixties Scoop,” in *The Canadian Encyclopedia*, (Historica Canada: 2021), <https://www.thecanadianencyclopedia.ca/en/article/sixties-scoop>.

16 “Chapter 14: Child Welfare,” The Aboriginal Justice Implementation Commission, accessed October 28, 2021, <http://www.ajic.mb.ca/volumel/chapter14.html>.

17 Tu Than Ha and Gloria Galloway, “Ontario judge sides with Sixties Scoop survivors,” *The Globe and Mail*, February 14, 2017, <https://www.theglobeandmail.com/news/national/ontario-judge-sides-with-60s-scoop-survivors-damages-to-be-decided/article34015380/>.

18 Ontario Sixties Scoop Steering Committee, “Sixties Scoop survivors’ decade-long journey for justice culminates in historic pan-Canadian agreement,” October 6, 2017, <https://www.newswire.ca/news-releases/sixties-scoop-survivors-decade-long-journey-for-justice-culminates-in-historic-pan-canadian-agreement-649748633.html>.

19 “Frequently Asked Questions,” Class Action Sixties Scoop Settlement, accessed March 8, 2022, <https://sixtiesscoopsettlement.info/faq/>.

20 “Sixties Scoop Settlement,” Class Action Sixties Scoop Settlement, February 2022, <https://sixtiesscoopsettlement.info/>

### 3. Colonialism Alive and Well in Canada

The existing inequality between Indigenous and non-Indigenous people in Canada is a consequence of a history of government policies intended to force the assimilation of Indigenous peoples into white settler society. This body of policies and laws resulted in widespread human rights violations through means such as segregation, land theft, forced removal of children, and restriction of economic and civic participation.

It is important to note that through all the times mentioned above, some Indigenous people resisted the laws and systems that forced assimilation or other colonial practices on them. Indigenous people should not be viewed as victims, passively succumbing to colonialization. Despite the efforts of settler nations, Indigenous people resisted and persevered.

It is inaccurate to say that this history of racism and colonization has passed. In reality, its ongoing legacy is clear when you look at the obstruction of Indigenous self-determination, governments' failure to recognize treaty and land rights, the lack of access to services and resources, and excessive surveillance by criminal justice and child welfare systems.

While there are many commonalities in how Indigenous peoples experienced (and continue to experience) the effects of colonization, we must also remember that we are not referring to a single community with one common history or culture. There are numerous Indigenous nations and distinct cultural groups—each with its own unique history and traditions. We must not ignore the great diversity that exists among and within some 60 Indigenous cultures found in what is now called North America.

It is equally important to point out that these communities must not, and cannot, be considered as historical entities frozen in time. Indeed, like any culture or community, they are growing, changing, and are an increasingly important presence in all aspects of our shared economy and society. NUPGE will continue to share resources and information on Indigenous history, culture, and struggles, past and present.

### 4. Discovery of Unmarked Graves

The widespread abuse Indigenous children experienced at residential schools is well known. The Truth and Reconciliation Commission of Canada (TRC) was formed in 2008 and published several reports in 2015, including their *Calls to Action* and *The Survivors Speak*, which collected the stories of close to 7,000 residential school survivors and their families.<sup>21</sup>

To be clear, the abuses committed at residential schools were known for decades prior to the work done by the TRC. Mandatory attendance at residential schools was slowly phased out in

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<sup>21</sup> Daniel Schwartz, "Truth and Reconciliation Commission: By the numbers," CBC News, June 2, 2015, <https://www.cbc.ca/news/indigenous/truth-and-reconciliation-commission-by-the-numbers-1.3096185>.



the 1950s and 1960s as the public began to understand the impact of the schools on families.<sup>22</sup> Survivors of residential schools spoke up about their experiences, and historians had published detailed accounts, such as *A National Crime* by John Milloy. However, prior to the TRC reports, the history and legacy of the residential school system did not have the same kind of national attention. There was also a tendency to view residential schools as relics of the past with no repercussions in the present.

There is an obvious fallacy in viewing residential schools as a relic of the past, given that the last school closed in 1996. But the trauma inflicted on Indigenous children by the residential school system is ongoing and impacted the survivors, their families, and their communities. The TRC discusses this at length in its publication, *What We Have Learned: Principles of Truth and Reconciliation*:

The closing of the schools did not bring the residential school story to an end. Their legacy continues to this day. It is reflected in the significant disparities in education, income, and health between Aboriginal people and other Canadians—disparities that condemn many Aboriginal people to shorter, poorer, and more troubled lives. The legacy is also reflected in the intense racism and the systemic discrimination Aboriginal people regularly experience in this country. More than a century of cultural genocide has left most Aboriginal languages on the verge of extinction. The disproportionate apprehension of Aboriginal children by child-welfare agencies and the disproportionate imprisonment and victimization of Aboriginal people are all part of the legacy of the way that Aboriginal children were treated in residential schools.

Many students were permanently damaged by residential schools. Separated from their parents, they grew up knowing neither respect nor affection. A school system that mocked and suppressed their families' cultures and traditions destroyed their sense of self-worth and attachment to their own families. Poorly trained teachers working with an irrelevant curriculum left them feeling branded as failures. Children who had been bullied and physically or sexually abused carried a burden of shame and anger for the rest of their lives. Overwhelmed by this legacy, many succumbed to despair and depression. Countless lives were lost to alcohol and drugs. Families were destroyed, and generations of children have been lost to child welfare.<sup>23</sup>

Despite the overwhelming evidence collected by the TRC, some Canadians chose to ignore it.

In 2017, then Conservative senator Lynn Beyak delivered a speech in the Senate in which she criticized the TRC reports for focusing on the negative aspects of the residential school system and ignoring the “good deeds” done at the schools by “kindly and well-intentioned men and

22 “Sixties Scoop,” First Nations & Indigenous Studies: The University of British Columbia, accessed March 8, 2022, [http://indigenousfoundations.arts.ubc.ca/sixties\\_scoop/](http://indigenousfoundations.arts.ubc.ca/sixties_scoop/).

23 Truth and Reconciliation Commission of Canada, *What we have learned : principles of truth and reconciliation*, (Ottawa: Truth and Reconciliation Commission of Canada, 2015), 103.

women.”<sup>24</sup> Yet the TRC documented the deaths of over 6,000 students at residential schools. Statistically, the odds of an Indigenous child dying at a residential school (1 in 25) was greater than the odds of a Canadian soldier dying in World War II (1 in 26).<sup>25</sup>

Though Beyak faced intense criticism from the public and continued to make racist and ignorant decisions—such as encouraging Indigenous people to “trade your status card for a Canadian citizenship,” and posting several racist letters on her website from Canadians in support of her words—Beyak remained a senator, with minimal consequences until she resigned in 2021.<sup>26</sup> In her resignation speech, Beyak retracted her apology and said she stood by her remarks about the good deeds done at residential schools.<sup>27</sup> By retiring before her fellow senators were able to debate a motion that would have expelled her from the Senate permanently, Beyak gets to keep her pension.<sup>28</sup>

4 months after Beyak resigned, 215 unmarked and previously undocumented gravesites were found using ground-penetrating radar at the site of the Kamloops Indian Residential School.<sup>29</sup>

This discovery began a national reckoning of Canada’s residential school system. In the months that followed, hundreds of other unmarked graves were found at former residential school sites in British Columbia, Alberta, Saskatchewan, and Manitoba. Many other First Nations have begun planning or carrying out their own searches using ground-penetrating radar. The number of unmarked graves discovered as of March 1, 2022, is approximately 2,156.

It should not have taken the discovery of thousands of unmarked graves to wake up Canadians to the atrocities committed at residential schools. Survivors and their families should not have been subjected to the racist remarks of Lynn Beyak and other Canadians like her. But now that public awareness of Canada’s colonial past is higher than ever, we must use this momentum to push for change against present-day colonialism and systemic discrimination.

24 John Paul Tasker, “Conservative senator defends ‘well-intentioned’ residential school system,” *CBC News*, March 8, 2017, <https://www.cbc.ca/news/politics/residential-school-system-well-intentioned-conservative-senator-1.4015115>.

25 Daniel Schwartz, “Truth and Reconciliation Commission: By the numbers,” *CBC News*, June 2, 2015, <https://www.cbc.ca/news/indigenous/truth-and-reconciliation-commission-by-the-numbers-1.3096185>.

26 Lynn Beyak, “More of the Same Is Not the Answer,” Lynn Beyak: Senate of Canada, September 1, 2017, <https://web.archive.org/web/20170914004607/http://lynnbeyak.sencanada.ca/p108070/>.

27 The Current, “Lynn Beyak’s resignation good for the Senate, good for Canada, says Sen. Murray Sinclair,” *CBC Radio*, January 27, 2021, <https://www.cbc.ca/radio/thecurrent/the-current-for-jan-27-2021-1.5888592/lynn-beyak-s-resignation-good-for-the-senate-good-for-canada-says-sen-murray-sinclair-1.5889535>.

28 John Paul Tasker, “Lynn Beyak, the senator who defended residential schools, is resigning,” *CBC News*, January 25, 2021, <https://www.cbc.ca/news/politics/beyak-retirement-1.5886435>.

29 Jana G. Pruden and Mike Hager, “Anthropologist explains how she concluded 200 children were buried at the Kamloops Residential School,” *The Globe and Mail*, July 16, 2021, <https://www.theglobeandmail.com/canada/article-kamloops-residential-school-unmarked-graves-discovery-update/>.

## 5. Violence against Indigenous Women, Girls, and 2SLGBTQIA+ People

Like the history of residential schools in Canada, the problem of violence against Indigenous women, girls, and 2SLGBTQIA+ people is not a recent revelation. Academic research has pointed to specific links between colonization and historical and contemporary violence. Indigenous women, First Nations, and non-profit organizations have been sharing their stories and sounding the alarm bells for decades. The Public Inquiry into the Administration of Justice and Aboriginal People released in 1991 examined the brutal torture, rape, and murder of Helen Betty Osborne and the significant role that racism played in the case.<sup>30</sup> Amnesty International released their 2004 report, *Stolen Sisters*, which examined factors contributing to a heightened risk of violence against Indigenous women in Canadian cities. The Native Women's Association of Canada's (NWAC) *Sisters In Spirit* campaign ran from 2005 to 2010 and produced the first national database of missing and murdered Indigenous women in Canada. In 2014, inspired by the work done by NWAC, the RCMP released *Missing and Murdered Aboriginal Women: A National Operational Overview*, which looked at police reported data from 1980 to 2012. The report found a total of 1,181 police-reported incidents of unresolved cases involving missing Indigenous women and murdered Indigenous women, with homicides accounting for 1,017 of the cases.<sup>31</sup>

After repeated calls for action from Indigenous groups, allies, and non-profit organizations, in 2016, the federal government established the National Inquiry into Missing and Murdered Indigenous Women and Girls. The final report, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, was released in June 2019. The final report contained testimonies from more than 2,380 family members, survivors of violence, experts and Knowledge Keepers that were shared over 2 years of cross-country public hearings and evidence gathering. It revealed that "persistent and deliberate human and Indigenous rights violations and abuses are the root cause behind Canada's staggering rates of violence against Indigenous women, girls and 2SLGBTQIA people," and delivered 231 Calls for Justice aimed at governments, institutions, social service providers, industries and all Canadians.<sup>32</sup>

The final report made headlines for calling the violence against Indigenous women, girls, and 2SLGBTQIA+ people genocide:

The truths shared in these National Inquiry hearings tell the story – or, more accurately, thousands of stories – of acts of genocide against Indigenous women, girls, and 2SLGBTQIA people. The violence the National Inquiry heard amounts to a race-based genocide of Indigenous Peoples, including First Nations, Inuit and Métis, which especially

30 "Chapter 19: Racism," The Aboriginal Justice Implementation Commission, accessed October 28, 2021, <http://www.ajic.mb.ca/volumell/chapter9.html>.

31 "Missing and Murdered Aboriginal Women: A National Operational Overview," Royal Canadian Mounted Police, May 27, 2014, <https://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview#sec3>.

32 National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls," accessed January 7, 2020, <https://www.mmiwg-ffada.ca/final-report/>.

targets women, girls, and 2SLGBTQIA people. This genocide has been empowered by colonial structures evidenced notably by the Indian Act, the Sixties Scoop, residential schools and breaches of human and Indigenous rights, leading directly to the current increased rates of violence, death, and suicide in Indigenous populations.<sup>33</sup>

Rather than accept the word of the commissioners and thousands of Indigenous people interviewed for the report, Canadian politicians did not unanimously accept the use of the word genocide to describe the epidemic of violence against Indigenous women, girls, and 2SLGBTQIA+ people. Andrew Scheer, then leader of the federal Conservatives, said that the “ramifications of the term genocide are very profound,” and insisted that, “the tragedy involved with missing and murdered Indigenous women and girls is its own thing, its own tragedy, and doesn’t fall into that category of genocide.”<sup>34</sup>

Denying the findings of the final report undermines the spirit of reconciliation and is an insult to the survivors, their family members, and everyone who testified for the report or who has been affected by violence against Indigenous women and girls. Immediate disagreement from a leader of a federal party in Canada casts doubt on the report’s findings and undermines its message. This lack of acceptance of the report at face value sends the message to Canadians that the problem has been exaggerated.

Needless to say, the problem has not been exaggerated. The Native Women’s Association of Canada (NWAC) created an initiative called *Safe Passage*, which shows anonymized data about Indigenous women and girls who are missing, had a suspicious death, and were victims of murder or violence. To date, they have collected data on 937 cases. 74% of the cases are women and girls who were murdered or victims of violence.<sup>35</sup>

Dr. Pamela Palmater spoke to some of the issues behind the violence in *Reclaiming Power and Place*:

If you speak to Indigenous women today, they will tell you that the crisis is far from over. The Indian Act still discriminates against Indigenous women and their descendants in the transmission of Indian status and membership in First Nations. Indigenous women suffer far greater rates of heart disease and stroke; they have higher rates of suicide attempts; they disproportionately live in poverty as single parents; their overincarceration rates have increased by 90% in the last decade; and 48% of all children in foster care in Canada are Indigenous. With this list of harrowing statistics, is it any wonder that thousands of our sisters are missing or murdered?<sup>36</sup>

33 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a*, (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019), 50, [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf).

34 John Paul Tasker, “It is ‘its own thing’: Andrew Scheer disagrees with Indigenous inquiry’s genocide finding,” *CBC News*, June 10, 2019, <https://www.cbc.ca/news/politics/scheer-mmiwg-genocide-1.5169000>.

35 “Safe Passage: An Initiative of NWAC,” Native Women’s Association of Canada, accessed March 3, 2022, <https://experience.arcgis.com/experience/f545d93082d24547b5100784b709c303>.

36 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a*, (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019), 53, [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf).

The numbers vary by region, but overall, Indigenous women in Canada are 7 times more likely than non-Indigenous women to be a victim of murder and 3 times more likely to be violently or sexually assaulted.<sup>37</sup> Women in Nunavut are 13 times more likely to be the victims of violent crime than women in Canada as a whole.<sup>38</sup> According to the 2014 *General Social Survey (GSS) on Victimization*, the rate of sexual assault self-reported by Indigenous women (113 per 1,000) was more than triple that of non-Indigenous women (35 per 1,000).<sup>39</sup> Indigenous women and girls are 10 times more likely to be victims of human trafficking and commercial sexual exploitation than non-Indigenous women and girls.<sup>40</sup> Data from Statistics Canada indicates that 6 in 10 Indigenous women have experienced some form of intimate partner violence, and 4 in 10 Indigenous women experienced physical abuse by an intimate partner in their lifetime. The risk for intimate partner violence also increases for Indigenous women who are part of one or more other equity seeking groups:

LGBTQ2S Indigenous women (86%) were more likely to experience lifetime IPV compared with non-LGBTQ2S Indigenous women (59%). In addition, Indigenous women who are lesbian, gay, bisexual, or another sexual orientation other than heterosexual (LGB+) were five times more likely than non-Indigenous women who are lesbian, gay, bisexual, or another sexual orientation other than heterosexual (LGB+) to have experienced an intimate partner who revealed or threatened to reveal information about their sexuality or sexual orientation (25% versus 5%, respectively). Similarly, a significantly larger proportion of Indigenous women with a disability (74%) experienced IPV in their lifetime compared with Indigenous women without a disability.

The intersection of multiple identities contributes to a better understanding of the disproportionate risk of IPV and the differences in consequences following experiences of IPV among certain populations. While Indigenous women experience a higher prevalence of experiencing IPV compared with non-Indigenous women, the intersection of Indigenous identity with other socioeconomic and demographic characteristics adds another layer of risk and increases the vulnerability to experiences of violence.<sup>41</sup>

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37 Native Women's Association of Canada, *Our Calls, Our Actions: NWAC's Action Plan to End the Attack Against Indigenous Women, Girls, and Gender-Diverse People*, (Native Women's Association of Canada, 2021) <https://www.nwac.ca/wp-content/uploads/2021/06/NWAC-action-plan-FULL-ALL-EDITS.pdf>.

38 Pauktuutit Inuit Women Canada and Dr. Elizabeth Comack, *Addressing Gendered Violence against Inuit Women: A review of police policies and practices in Inuit Nunangat*, (Pauktuutit Inuit Women Canada, January 31, 2020), [https://pauktuutit.ca/wp-content/uploads/Pauktuutit\\_Addressing-Gendered-Violence\\_English\\_Full-Report-1.pdf](https://pauktuutit.ca/wp-content/uploads/Pauktuutit_Addressing-Gendered-Violence_English_Full-Report-1.pdf).

39 "Victimization of Indigenous Women and Girls," Department of Justice Canada, July 2017, <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2017/docs/july05.pdf>.

40 Rose Murphy, "Advocates call for action to protect Indigenous women from sexual exploitation, trafficking," *CBC News*, March 8, 2022, <https://www.cbc.ca/news/canada/nova-scotia/indigenous-women-trafficking-sexual-exploitation-1.6373597>.

41 Loanna Heidinger, "Intimate partner violence: Experiences of First Nations, Métis and Inuit women in Canada, 2018," Statistics Canada, May 19, 2021, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00007-eng.htm>.

Colonization impacted greatly on Indigenous systems of gender, gender identity, and sexuality. Though many Indigenous people and communities resisted settler labels and power structures, many others have been impacted and influenced to this day. Sarah Hunt unpacks this in *An Introduction to the Health of Two-Spirit People: Historical, contemporary and emergent issues*, and says,

through the *Indian Act*, residential schools, Christian teachings and other assimilative policies and processes, Aboriginal people were forced to follow a heteropatriarchal model of marriage in order to gain rights and status. The implementation of gendered power relations among Aboriginal men and women were at the core of these efforts. Residential schools racialized native children as “Indians” while enforcing strict divisions between girls and boys through European dress and hairstyles, as well as physically separating them in different dorms. Additionally, the loss of Aboriginal languages has resulted in much of the knowledge about Two-Spirit roles being lost or marginalized in some communities, depending on the extent to which traditional knowledge has been retained.

Colonial processes, which continue today, imposed new social norms and legal rights which altered Aboriginal gender roles and understandings of sexuality. Aboriginal communities are still impacted by the imposition of colonial gender and sexual norms, as well as discrimination against gender-fluidity and homosexuality. Rather than being respected, many Two-Spirit people face targeted violence in their communities.<sup>42</sup>

It’s difficult to find exact figures on rates of violence committed against Two-Spirit people because Statistics Canada does not collect intersectional data that studies how race, gender, gender identity, and sexuality interact. Despite this, recent studies (several of which were conducted in the US) indicate that Two-Spirit people face higher levels of violence than other Canadians due to a combination of racism, sexism, homophobia, and transphobia, depending on their individual identity.<sup>43</sup>

The data presented in this paper is only the tip of the iceberg of statistical data, research papers, and anecdotal evidence that points to an epidemic of violence against Indigenous women, girls, and 2SLGBTQIA+ people in Canada. In response to *Reclaiming Power and Place*, the federal government announced the creation of a National Action Plan to end violence against Indigenous women, girls, and 2SLGBTQIA+ people. Several Indigenous groups and individuals were involved in the development of the National Action Plan, though the NWAC called the project dysfunctional and removed themselves from the process.

42 Sarah Hunt, *An Introduction to the Health of Two-Spirit People: Historical, contemporary and emergent issues*, (Prince George: National Collaborating Centre for Aboriginal Health, 2016), 5, <https://www.ccnca-nccah.ca/docs/emerging/RPT-HealthTwoSpirit-Hunt-EN.pdf>.

43 Ibid.

NWAC President Lorraine Whitman said the organization was shut out of major decision-making processes, and that “we were clearly an afterthought and perhaps even an unwelcome intruder in the government’s process. In addition, on the committees that we were permitted to sit at, we were subjected to lateral violence and hostility. It eventually reached levels that forced us to walk away.”<sup>44</sup>

In 2021, the NWAC released their own action plan called *NWAC Action Plan: Our Calls, Our Actions*, which lists over 65 concrete actions. The Assembly of First Nations also released an action plan in 2021 called *Breathing Life into the Calls for Justice: An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People*. They describe their action plan as “a starting point to act on the 231 Calls for Justice identified by the National Inquiry into Missing and Murdered Indigenous Women and Girls and [it] is meant to be an ‘evergreen’ First Nations-led national framework.”<sup>45</sup> It’s important to note that other, Indigenous-created documents addressed violence and action plans prior to the announcement of a National Action Plan. Les Femmes Michif Otipemisiwak (Women of the Métis Nation) published *Métis Perspectives of Missing and Murdered Indigenous Women, Girls and LGBTQ2S+ People* in June 2019, which included 62 Calls for Miskotahâ (Michif word for change).<sup>46</sup>

The federal government also released the National Action Plan in 2021 on the second anniversary of the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. It has faced criticism from Indigenous women’s organizations and advocates for not being an adequate response to the crisis.<sup>47</sup> Indeed, the National Action Plan includes only 7 immediate steps, most of which are focused on data collection, creating various tables and bodies, a public awareness campaign, and developing an Implementation Plan for the National Action Plan.<sup>48</sup>

This is a far cry from the real action that’s urgently needed to end violence against Indigenous Women, Girls, and 2SLGBTQIA+ people. There are certainly gaps in the data, especially inter-sectional data and data that focuses on Inuit and Métis people, but there is more than enough research that demonstrates how a web of inequality contributes to violence. There are also many Indigenous-created plans and educational tools for ending violence. What is desperately needed is a commitment from all levels of government to financially support the long-term implementation of these plans.

44 Jamie Pashagumskum, “NWAC pulls out of ‘dysfunctional’ national action plan process with feds,” *APTN National News*, June 1, 2021, <https://www.aptnnews.ca/national-news/nwac-pulls-out-of-dysfunctional-national-action-plan-process-with-feds/>.

45 AFN Women’s Council, *Breathing Life into the Calls for Justice: An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQIA+ People*, (Assembly of First Nations: June 2021), <https://www.afn.ca/wp-content/uploads/2021/06/First-Nations-Action-Plan-Report.pdf>.

46 Les Femmes Michif Otipemisiwak, *Métis Perspectives of Missing and Murdered Indigenous Women, Girls and LGBTQ2S+ People*, (Les Femmes Michif Otipemisiwak, June 20, 2019), <https://metiswomen.org/wp-content/uploads/2021/06/LF-MO-MMIWG-Report.pdf>.

47 Ka’nehsí:io Deer, “MMIWG national action plan is an inadequate response to the crisis, say Indigenous women’s advocates,” *CBC News*, June 3, 2021, <https://www.cbc.ca/news/indigenous/mmiwg-national-action-plan-indigenous-women-advocates-1.6052156>.

48 *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQIA+ People*, (June 3, 2021), [https://4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/NAP\\_Report\\_EN.pdf](https://4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/NAP_Report_EN.pdf).

To be clear, our criticism of the National Action Plan is not directed at the Indigenous people and organizations that participated in its development, but at the federal government which designed the framework and held majority control in the development process. If Prime Minister Justin Trudeau truly accepts the findings of *Reclaiming Power and Place*, as he says he does, refusing to take meaningful action constitutes continuing genocide.

## 6. Colonization Present in Socio-economic Discrepancies

It would be a mistake to claim that there has not been any progress in the standard of living for many Indigenous people in Canada. However, it is also undeniably true that a substantial gap persists between Indigenous people and non-Indigenous people with respect to a wide range of socio-economic factors in Canada. According to a 2011 Fact Sheet by the Assembly of First Nations:<sup>49</sup>

- 1 in 4 children in First Nations communities lives in poverty. That's almost double the national average.
- The life expectancy of First Nations people is 5 to 7 years less than for non-Indigenous peoples in Canada, and infant mortality rates are 1.5 times higher among First Nations.
- Tuberculosis rates among First Nations people living on a reserve are 31 times the national average.
- A First Nations youth is more likely to end up in jail than to graduate from high school.
- First Nations children, on average, receive 22% less funding for child welfare services than other children in Canada.
- A report by the Canadian Femicide Observatory for Justice and Accountability found that 148 women and girls were killed in Canada in 2018. That's a rate of one death every 2.5 days. Indigenous women and girls represent about 5% of the population of Canada, but made up 36% of women and girls killed last year.

In addition, we must acknowledge the differences in experience amongst Indigenous peoples. These include the differences in socio-economic status and living conditions

- among First Nations, Inuit, and Métis,
- between Status and Non-status First Nations people, or
- between those living on a reserve and those living off a reserve, and
- between rural and urban residents.

For example, about 12% of all Canadian women live in poverty, but that number climbs to 44% for Indigenous women living off a reserve, and 47% for Indigenous women living on a reserve.<sup>50</sup>

49 "Quality of Life of First Nations," Assembly of First Nations, June 2011, [https://www.afn.ca/uploads/files/factsheets/quality\\_of\\_life\\_final\\_fe.pdf](https://www.afn.ca/uploads/files/factsheets/quality_of_life_final_fe.pdf).

50 Lynne Groulx, "Groulx: Women are making strides toward equality. But Indigenous women are being left behind," *Ottawa Citizen*, March 8, 2022, <https://ottawacitizen.com/opinion/groulx-women-are-making-strides-toward-equality-but-indigenous-women-are-being-left-behind>.



Although there are significant challenges and inequities we must address, we must also not fall into the trap of associating Indigenous peoples in Canada with impoverishment and deprivation. It is important to acknowledge the resilience of these peoples, the richness of their cultures, and their important contributions to our communities.

There are communities that have achieved remarkable things while confronted by the forces of racism and policies of colonization. There are historical and contemporary Indigenous community leaders, artists, academics, and activists who have made outstanding contributions in their respective fields. The cultural contributions of Indigenous artists and performers alone have been incredible.

## 7. The State of Child Welfare

In 2007 the First Nations Child and Family Caring Society and the Assembly of First Nations filed a complaint under the *Canadian Human Rights Act*. The complaint alleged that the federal government discriminated against First Nations children by underfunding the child welfare system on reserves and by not complying with Jordan's Principle. This principle, or policy, states the needs of a First Nations child requiring a government service take precedence over jurisdictional disputes about who pays for it.

In 2016, the Canadian Human Rights Tribunal ruled that the federal government discriminated against First Nations children. The tribunal ordered it to pay \$40,000 to each child affected by the child welfare system on reserves, along with their primary guardians, as long as the children weren't taken into foster care because of abuse. It also directed the federal government to pay \$40,000 each to all First Nations children, along with their primary guardians, who were denied services, or forced to leave home to access services covered by Jordan's Principle, from Dec. 12, 2007 (when the House of Commons adopted the policy) to Nov. 2, 2017 (when the tribunal ordered Canada to change its definition of Jordan's Principle and review previously denied requests).<sup>51</sup>

In January 2022, it was announced that the federal government and Indigenous leaders reached an agreement-in-principle to set aside \$20 billion for compensation and \$20 billion for long-term reform of the child welfare system on reserves. The parties have until March 31, 2022, to finalize the agreement.<sup>52</sup> It's shameful that the federal government talks about reconciliation but has spent so much time and money fighting the tribunal's ruling.

Regarding our history of colonialism and residential schools, Canadians are only getting half of the story. Many Canadians didn't become aware of the true horrors of the residential school system until the discovery of the unmarked graves. Many Canadians are still unaware of the

51 Olivia Stefanovich, "Federal Court upholds landmark compensation order for First Nations children," *CBC News*, September 29, 2021, <https://www.cbc.ca/news/politics/federal-court-decision-human-rights-tribunal-child-welfare-1.6074346>.

52 Olivia Stefanovich and Nick Boisvert, "Ottawa releases early details of landmark \$40B First Nations child welfare agreement," *CBC News*, January 4, 2022, <https://www.cbc.ca/news/politics/first-nations-child-welfare-agreements-in-principle-1.6302636>.

present-day abuses being committed against Indigenous children. And how can they know the true extent of the problem when governments don't work together to publish annual reports detailing the number of Indigenous children in the child welfare system, as well as the reasons for apprehending them?

52.2% of children under 15 in foster care are Indigenous, while Indigenous people make up only 7.7% of the population.<sup>53</sup> Many infants enter care as soon as they're born, due to the discriminatory practice of birth alerts: where a social worker flags an expectant parent to hospital staff (without the parent's knowledge), because they feel the parent may be a threat to their child.<sup>54</sup> Some, like former MP Mumilaaq Qaqqaq, have called foster care a modern-day residential school system.<sup>55</sup> It's easy to see the connections: Indigenous children are being taken from their parents and, in most cases, are separated from their cultures.

An investigation by the Quebec Human Rights and Youth Rights Commission found that Inuit children flown to Montreal (due to lack of resources in the North) are deprived of proper education and sometimes discouraged from speaking their own language.<sup>56</sup> And under Section 43 of the Criminal Code, teachers and foster parents are allowed to physically harm children in their care as a means of correction.<sup>57</sup> There are currently more children in foster care now than there were at the height of the residential school system.<sup>58</sup> We must end the cycle of intergenerational trauma.

Bill C-92 (which became a federal law in 2019) allows First Nations, Inuit, and Métis communities to have jurisdiction over child and family services. It states that a 3-party agreement should be reached within a year of a request. If an agreement has not been reached, but reasonable efforts were made, the child welfare laws designed by the Indigenous group come into play and supersede provincial or territorial ones.

In March 2020, Cowessess First Nation asked to enter an agreement with the governments of Saskatchewan and Canada to take legal control of its own child welfare. In March 2021, Cowessess First Nation ratified the *Miyo Pimatisowin Act*, which sets out the principles and components of their own child and family services program.

53 "Reducing the number of Indigenous children in care," Government of Canada, January 17, 2022, <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

54 Bayleigh Marelj and Tessa Vikander, "Several Canadian provinces still issue birth alerts, deemed 'unconstitutional and illegal' in B.C.," *IndigiNews*, January 15, 2021, <https://indiginews.com/vancouver-island/status-of-birth-alerts-across-canada>.

55 Teresa Wright, "Foster care is modern-day residential school system: Inuk MP Mumilaaq Qaqqaq," *CTV News*, June 4, 2021, <https://www.ctvnews.ca/canada/foster-care-is-modern-day-residential-school-system-inuk-mp-mumilaaq-qaqqaq-1.5457464>

56 Steve Rukavina, "Damning report on Inuit children in Montreal youth protection brings little hope change will come," *CBC News*, May 21, 2021, <https://www.cbc.ca/news/canada/montreal/human-rights-commission-report-inuit-1.6034427>.

57 "Correction of child by force," Justice Laws Website, accessed March 7, 2022, <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-43.html>.

58 embensadoun, "More Indigenous family separations now than during residential schools, advocate says," *Global News*, June 27, 2021, <https://globalnews.ca/news/7983112/indigenous-family-separations-advocate>.

A funding agreement with the federal government for \$38 million over 2 years was finalized in July 2021.<sup>59</sup>

In October 2020, the Louis Bull Tribe asked to enter an agreement with the governments of Alberta and Canada to take legal control of its own child welfare. An agreement was not reached, and as such, Louis Bull Tribe should have been awarded legal control over its own child welfare in October 2021. As of January 2022, the Alberta government is still not cooperating and has not transferred all relevant cases.<sup>60</sup>

While some First Nations are designing their own child welfare systems, there is much that can be done immediately to improve existing child welfare systems. The Spirit Bear Plan created by First Nations Child and Family Caring Society must be adopted by the federal government. The Spirit Bear Plan identifies 5 actions that would make a huge difference in the lives of Indigenous children:

- **Canada** to immediately comply with all rulings by the Canadian Human Rights Tribunal ordering it to immediately cease its discriminatory funding of First Nations child and family services. The order further requires Canada to fully and properly implement Jordan's Principle ([www.jordansprinciple.ca](http://www.jordansprinciple.ca)).
- **Parliament** to ask the Parliamentary Budget Officer to publicly cost out the shortfalls in all federally funded public services provided to First Nations children, youth, and families (education, health, water, child welfare, etc.) and propose solutions to fix them.
- **Government** to consult with First Nations to co-create a holistic Spirit Bear Plan to end all of the inequalities (with dates and confirmed investments) in a short period of time sensitive to children's best interests, development, and distinct community needs.
- **Government Departments** providing services to First Nations children and families to undergo a thorough and independent 360° evaluation to identify any ongoing discriminatory ideologies, policies or practices and address them. These evaluations must be publicly available.
- **All Public Servants** including those at a senior level, to receive mandatory training to identify and address government ideology, policies and practices that fetter the implementation of the Truth and Reconciliation Commission's Calls to Action.<sup>61</sup>

Underfunding public services for Indigenous children and families sets up the next generation of Indigenous children for failure. There can be no reconciliation when Indigenous people are provided with a lower quality of public services than are the rest of the people in Canada.

59 Alex Boyd, "They made headlines for discovering 751 unmarked graves. Now Cowessess First Nation wants to be a leader in child welfare," *Toronto Star*, January 5, 2022, <https://www.thestar.com/news/canada/2022/01/04/they-made-headlines-for-751-unmarked-graves-now-cowessess-first-nation-wants-to-be-a-leader-in-child-welfare.html>.

60 Brittany Hobson, "First Nation says Alberta is preventing it from taking control of child welfare," *CBC News*, January 9, 2022, <https://www.cbc.ca/news/canada/edmonton/alberta-first-nation-child-welfare-1.6309002>.

61 "Spirit Bear Plan," First Nations Child & Family Caring Society, accessed November 8, 2021, <https://fncaringociety.com/spirit-bear-plan>.

A 2018 report from the Ontario Human Rights Commission referred to a “child-welfare-to-prison pipeline” that is due to the long-term effects of being placed in care, having higher rates of youth homelessness, lower levels of post-secondary education, low income, and high unemployment, and increased prevalence of chronic health problems for children.<sup>62</sup> The data is right there: the current system is failing Indigenous children. We cannot allow it to continue failing future generations.

## 8. Justice System

In their report *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*, the Council of Canadian Academies states, “current realities with policing in Indigenous communities, as well as crime, victimization and incarceration, are tied to a historical context. The impact of colonialism continues to reverberate in Indigenous communities. Confronting this history is part of the challenge of achieving relevant and decolonized policing.”<sup>63</sup>

Indigenous peoples are disproportionately admitted to correctional services at the provincial and federal levels. In 2018–2019, 31% of provincial/territorial admissions were Indigenous, and 29% of federal admissions were Indigenous. In some provinces, the percentage of Indigenous admissions skyrocketed to 75%. It’s important to note that, at both the provincial/territorial and federal levels of adults admitted to custody, Indigenous women were admitted at higher rates than Indigenous men. At the provincial/territorial level, Indigenous women accounted for 42% of female custody admissions, while Indigenous men accounted for 28% of male custody admissions. At the federal level, Indigenous women represented 41% of female admissions to custody compared to Indigenous men at 29% of male admissions to custody.<sup>64</sup>

Indigenous people are overrepresented among those accused by police of violent crimes and also overrepresented as victims of crime. In 2016, the rate of Indigenous people accused of homicide was 11 times higher than that of non-Indigenous people. In 2014, 28% of Indigenous people reported themselves as victims of crime, compared with 18% of non-Indigenous people. In 2017, Indigenous people made up 24% of homicide victims in Canada, and their homicide rate was 6 times the rate of non-Indigenous people.<sup>65</sup> The actual numbers are likely much higher, as there is no standardization of how police collect statistics on crimes, and we know that, overall, most crime is not reported to police.<sup>66</sup> Sexual assaults are especially underreported. Data collected through the 2019 General Social Survey found that only 6% of sexual assaults

62 “Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare,” Ontario Human Rights Commission, accessed January 14, 2021, <https://www.ohrc.on.ca/en/interrupted-childhoods>.

63 The Expert Panel on Policing in Indigenous Communities, *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*, (Ottawa: Council of Canadian Academies, 2019), xiii, <https://cca-reports.ca/wp-content/uploads/2019/04/FullReport-Toward-Peace-Harmony-and-WellBeing.pdf>.

64 Jamil Malakieh, “Adult and youth correctional statistics in Canada, 2018/2019,” Statistics Canada, December 21, 2020, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00016-eng.htm>.

65 The Expert Panel on Policing in Indigenous Communities, *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*, (Ottawa: Council of Canadian Academies, 2019), 50, <https://cca-reports.ca/wp-content/uploads/2019/04/FullReport-Toward-Peace-Harmony-and-WellBeing.pdf>.

66 “More crimes going unreported: survey,” *CBC News*, September 28, 2010, <https://www.cbc.ca/news/canada/more-crimes-going-unreported-survey-1.897562>.

were reported to police, meaning crimes that predominantly affect women and 2SLGBTQIA+ people are the most underreported crimes.<sup>67</sup> This is particularly true for people who have lost faith in the justice system, feel that the justice system has failed them, or fear that involving police may lead to further violence against them.

This is not a new problem. The overrepresentation of Indigenous people in Canadian prisons began after World War II.<sup>68</sup> In April 1988, the Manitoba government created the Public Inquiry into the Administration of Justice and Aboriginal People, commonly known as the Aboriginal Justice Inquiry. The inquiry was created in response to 2 incidents: the 1971 murder of Helen Betty Osborne and the 1988 death of John Joseph Harper (the executive director of the Island Lake Tribal Council, who was shot during an encounter with the police). The inquiry issued its report in the fall of 1991, which included 296 recommendations to fix the racism in Manitoba's justice system. 30 years later, the majority of the recommendations have not been implemented, and the same problems remain.

Police violence against Indigenous people that ends in death continues to be a problem. Research done by the Yellowhead Institute found that both Indigenous and Black people are overrepresented in police-involved deaths in Canada. Between 2007 and 2017, Indigenous peoples represented one third of people shot to death by RCMP police officers.<sup>69</sup> The recent deaths of Regis Korchinski-Paquet and Chantel Moore both involved police. In the case of Korchinski-Paquet, the Special Investigations Unit cleared all police officers of wrongdoing. In the case of Moore, the New Brunswick Police Commission found no evidence of wrongdoing and announced it would not pursue charges against the officer who shot Moore 4 times.<sup>70</sup>

Police violence against Indigenous people that does not end in death persists too. In March 2020, Chief Allan Adam of the Athabasca Chipewyan First Nation was approached by the police in a casino parking lot for having expired licence plate stickers. Dashcam footage shows nearly 12 minutes of the incident, which includes Adam saying he's tired of being harassed by the RCMP, and an officer then taking a flying leap at Adam, tackling him to the ground, and punching him repeatedly in the head. Adam was arrested and charged with resisting arrest and assaulting a peace officer. The charges were dropped in June 2020. The officer that had inflicted the majority of the violence had previously faced charges of assault, mischief, and of unlawfully being in a dwelling house from an incident in 2019. Those charges were dropped after the officer agreed to enter into a one-year peace bond that includes mandatory domestic violence counseling. The officer remains on active duty.

67 Adam Cotter, "Criminal victimization in Canada, 2019," Statistics Canada, August 25, 2021, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00014-eng.htm>.

68 Jonathan Rudin, "Aboriginal Over-representation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going," *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 40 (2008): 687, <https://digitalcommons.osgoode.yorku.ca/sclr/vol40/iss1/22/>.

69 Krista Stelkia, "Police Brutality In Canada: A Symptom Of Structural Racism And Colonial Violence," Yellowhead Institute, July 15, 2020, <https://yellowheadinstitute.org/2020/07/15/police-brutality-in-canada-a-symptom-of-structural-racism-and-colonial-violence/>.

70 Aidan Cox, "No wrongdoing by N.B. officer who killed Chantel Moore, provincial police commission finds," *CBC News*, November 18, 2021, <https://www.cbc.ca/news/canada/new-brunswick/chantel-moore-new-brunswick-police-commission-1.6253487>.

This systemic racism is seen again and again. In his opinion piece on the investigation into Colten Boushie's death, Assistant Professor Robert Henry wrote,

Here is where we see what Commissioner Lucki and others have trouble with, that systemic racism is both background and foreground. While the teens were arrested, placed in separate cells, and held because they were viewed as "criminal," Gerald Stanley's son and wife were allowed to carpool together in a vehicle the RCMP allowed them to take from the crime scene, to go to the RCMP detachment, give their statements, go home.

Cells versus carpools. This is what systemic racism looks like. The ability to be seen as innocent, as truthful, to be treated with dignity. This is what is hard to talk about, and what is harder to bring out with reports and inquiries. But it is something we need to understand if we actually want to engage in reconciliation and not let it be another word in the Canadian "nice" vocabulary. That innocence, truth, and honesty are inscribed on who one is.<sup>71</sup>

Racism is also active in investigative cases by police about the deaths of Indigenous people. In 2018, the Office of the Independent Police Review Director published a systemic review called *Broken Trust: Indigenous People and the Thunder Bay Police Service*. The review found that systemic racism exists in the Thunder Bay Police Service at an institutional level that affected the investigations into the deaths of Indigenous people.<sup>72</sup> 9 of the sudden-death investigations reviewed were determined to be so problematic that they should be reconducted by a multi-disciplinary investigative team. In March 2022, 14 more Indigenous sudden deaths have been recommended for review. A leaked report obtained by CBC News revealed that the 14 cases are not an exhaustive list, indicating that there may be other sudden-death cases that warrant further investigation. There are also 25 cases involving missing and murdered Indigenous women and girls, some of which have remained unresolved for over 2 decades, which the report recommends be reviewed.<sup>73</sup>

The data presented in this paper is just the tip of the iceberg that points towards systemic racism in the justice system: the over-policing of Indigenous people, the overrepresentation of Indigenous people in the judicial process, mandatory minimum penalties, and racial bias in verdicts. Bill C-22 would have eliminated many of the mandatory minimum penalties under the Criminal Code and restored more judicial discretion in sentencing. Unfortunately, this bill was treated as a low-priority item and was given only a few hours of debate, dying on paper when the 2021 federal election was called.

71 Robert Henry, "Holding cells vs. carpools: what systemic racism looks like in investigation into Colten Boushie's death," *CBC News*, April 8, 2021, <https://www.cbc.ca/news/indigenous/opinion-colten-boushie-crcc-report-robert-henry-1.5972938>.

72 "One Year After Broken Trust: Report on Implementation," Office of the Independent Police Review Director, February 2020, <https://www.oiprd.on.ca/wp-content/uploads/One-Year-After-Broken-Trust-Report-on-Implementation.pdf>.

73 Logan Turner, "14 sudden death cases of Indigenous people in Thunder Bay, Ont., recommended for police reinvestigation," *CBC News*, March 8, 2022, <https://www.cbc.ca/news/canada/thunder-bay/reinvestigations-called-for-thunder-bay-sudden-deaths-1.6376992>.

There have been dozens of studies and decades of research that show prison rehabilitation does not work.<sup>74</sup> We have reports spanning back decades that say police forces need to incorporate cultural awareness into their training. Many have done that. The RCMP have stated that they have been promoting cultural-awareness training for 30 years.<sup>75</sup> It is clear that cultural-awareness training alone is not working. Canada's criminal justice system is in desperate need of an overhaul, and Indigenous people need community sanctions that will provide realistic alternatives to imprisonment. More funding is needed to build healing centres and to support Indigenous people in halfway houses and during parole. Culturally relevant services are needed for Indigenous inmates to address the root causes of their law breaking. We need lawyers who have studied the history of Indigenous peoples and the law (including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, treaties and Indigenous rights, Indigenous law, and Indigenous-Crown relations).

Simply requiring police to take cultural-sensitivity training is inadequate for them to understand Indigenous people's experiences and dismantle racism baked into the entire justice system. Métis lawyer Patricia Barkaskas maintains

this is a conversation that the federal government should be having with Indigenous people and with Indigenous nations about what it is that they need, and it comes back to sovereignty . . . We have a long history as Indigenous people with the RCMP as the military arm of the Canadian state that is meant to eradicate us, and those histories don't disappear.<sup>76</sup>

As calls to defund the police and redistribute budgets to social services grow, we must recognize that Indigenous people also face discrimination and violence from social services such as child welfare and health care.

## 9. Racism in Health Care

Health care and well-being are another area where government is failing Indigenous peoples abysmally. Water is a building block of life: it's necessary to life, to maintaining overall health and preventing the spread of disease-causing germs. In 2012, without a legislative framework to implement it, Canada adopted the United Nations General Assembly's position that "the human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights."<sup>77</sup>

Reliable access to clean, safe drinking water has been a problem on reserves for decades. During the pandemic, governments stressed the importance of frequent hand washing. By

74 "Rethinking Criminal Justice in Canada: Round Table Report," Institute for Research on Public Policy, October 2018, <https://irpp.org/wp-content/uploads/2018/10/Rethinking-Criminal-Justice-in-Canada.pdf>.

75 Ibid.

76 Angela Sterritt, "It's putting a Band-Aid on a broken leg: Indigenous leaders say police training inept, join calls to defund," *CBC News*, June 13, 2020, <https://www.cbc.ca/news/canada/british-columbia/indigenous-leaders-say-training-not-working-1.5610501>.

77 "Human right to water," International Decade for Action 'WATER FOR LIFE' 2005-2015, United Nations Department of Economic and Social Affairs (UNDESA), May 29, 2014, [https://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](https://www.un.org/waterforlifedecade/human_right_to_water.shtml).

failing to speed up the removal of boil-water advisories, the federal government put Indigenous people on those reserves at a higher risk for COVID-19. As of March 2022, there are still 36 long-term drinking-water advisories in effect in 29 communities.<sup>78</sup> There's no excuse for not making these projects the top priority. Other long-term issues that affect Indigenous communities, like unsafe and inadequate housing, and distrust in the government and health care systems (leading to vaccine hesitancy) also exacerbated the effects of the pandemic.

We have access to research that has made connections between colonial policies and present-day Indigenous health (such as reports from the Truth and Reconciliation Commission and National Inquiry into Missing and Murdered Indigenous Women and Girls). But we also have recent case studies that demonstrate overt racism in Canadian health care.

In 2008, Brian Sinclair was sent to the Health Sciences Centre's Emergency Department in Winnipeg for a routine catheter change. 34 hours later, he was found dead in his wheelchair, waiting to be seen. Health care workers had "assumed Sinclair was drunk and "sleeping it off," had been discharged previously and had nowhere to go, or was homeless and had come to avoid the cold."<sup>79</sup> The inquest into Sinclair's death concluded in 2014 with 63 recommendations to overhaul the emergency department, but was criticized by Sinclair's family for not addressing the racial stereotypes that led to Sinclair's death.<sup>80</sup>

In September 2020, Joyce Echaquan died in a Quebec hospital, shortly after livestreaming health care workers making racist comments directed at her. An investigation has been launched into her death. Premier François Legault apologized to Echaquan's family, but denied that systemic racism existed in Quebec.<sup>81</sup> In October 2021, coroner Géhane Kamel released her report on Echaquan's death, which stated, "while Echaquan's death was accidental, the racism and prejudice the Atikamekw woman was subjected to contributed to her demise."<sup>82</sup> Kamel's report carried several recommendations for preventing future situations like Echaquan's, the first of which is "for the Quebec government to recognize the existence of systemic racism within our institutions and make a commitment to contribute to its elimination."<sup>83</sup>

In October 2020, Georges-Hervé Awashish died in a Quebec hospital. In the days before his death, he reported hearing nurses laughing about Echaquan's death and saying, presumably in

78 "Ending long-term drinking water advisories," Government of Canada, March 14, 2022, <https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660>.

79 The Brian Sinclair Working Group, "Out of Sight: A summary of the events leading up to Brian Sinclair's death, the inquest that examined it and the Interim Recommendations of the Brian Sinclair Working Group," The Brian Sinclair Working Group, September 2017, 2, <https://www.dropbox.com/s/wxf3v5uh2pun0pf/Out%20of%20Sight%20Final.pdf?dl=0>.

80 "Brian Sinclair's family loses confidence, pulls out of inquest," CBC News, February 18, 2014, <https://www.cbc.ca/news/canada/manitoba/brian-sinclair-s-family-loses-confidence-pulls-out-of-inquest-1.2541167>.

81 René Bruemmer, "After Echaquan report, Legault repeats there is no systemic racism in Quebec," *Montreal Gazette*, October 5, 2021, <https://montrealgazette.com/news/quebec/after-echaquan-report-legault-repeats-there-is-no-systemic-racism-in-quebec>.

82 Sidhartha Banerjee, "Coroner's report into Joyce Echaquan death urges Quebec to recognize systemic racism," *Global News*, October 1, 2021, <https://globalnews.ca/news/8235822/quebec-coroner-report-joyce-echaquan-systemic-racism/>.

83 Lindsay Richardson, "Would Joyce Echaquan still be alive if she were white? Quebec coroner says 'I think so,'" APTN National News, October 5, 2021, <https://www.aptnnews.ca/national-news/would-joyce-echaquan-still-be-alive-if-she-were-white-quebec-coroner-says-i-think-so/>.



reference to Awashish, “We have one. We have one. An Indian sleeping here in the room. We should inject him with toxic products. His problem will be solved. He’s not walking anymore, anyway.”<sup>84</sup> Awashish was moved to a different floor, and his family was in the process of having him transferred to a different hospital. The regional health authority that oversees the hospital ordered an external investigation and concluded that the hospital “has nothing to reproach itself for with respect to the delivery of care and services.”<sup>85</sup>

The experiences of Brian Sinclair, Joyce Echaquan, and Georges-Hervé Awashish, and the thousands of anecdotal accounts from Indigenous people, make it clear that there’s racism in our health care systems. There are obvious examples, like racist comments from medical professionals. But there are more subtle forms as well, like failing to recognize the distinct health needs of the Indigenous people who do not live on reserves, as some First Nations people do not live on reserves, and Inuit and Métis do not live on reserves.

In 2020, Health Sciences Association of Alberta (HSABC/NUPGE), a NUPGE Component, released *Confronting Racism with Solidarity: An analysis of the 2020 HSA Workplace Racism Survey*. 4.04% of participants identified as First Nations, and 4.55% identified as Métis. More than half of Indigenous participants reported experiencing hostile, derogatory, or negative racial slights at work in the past 5 years. These came from patients, colleagues, supervisors, and leadership.<sup>86</sup>

A particularly horrifying example of racism in our health care systems is the forced sterilization of Indigenous women. In February 2022, W5 published a story about health care professionals adding tubal ligation to the C-section consent form. Often, the tubal ligation was added only minutes before the procedure started or on transit to the operating room. Health care professionals took advantage of women who were going through one of the biggest challenges in their lives. During childbirth, especially just before surgery, emotions tend to be heightened and many may be medicated. Melika Popp, one of the lead plaintiffs in a class-action lawsuit for the forced sterilization of Indigenous women in Saskatchewan, said, “It didn’t really feel at the time I had the option of saying no. Like these doctors are there to help me, I believed it at the time. And I believe I was in survival mode.”<sup>87</sup>

84 Angelica Montgomery, “Family demands answers after frightened Atikamekw man flees hospital, later returns and dies,” *CBC News*, December 17, 2020, <https://www.cbc.ca/news/canada/montreal/indigenous-health-care-quebec-george-hervey-awashish-1.5844249>.

85 Jesse Feith, “No wrongdoing in Quebec Indigenous man’s death, health authority says,” *Montreal Gazette*, October 28, 2020, <https://montrealgazette.com/news/quebec/no-wrongdoing-in-quebec-indigenous-mans-death-health-authority-says>.

86 Samantha Pointing, “Confronting Racism with Solidarity: An analysis of the 2020 HSA Workplace Racism Survey,” (*Health Sciences Association*: July 2020), 25, <https://hsabc.org/sites/default/files/news/web%20Confronting%20racism%20with%20solidarity%20report.pdf>.

87 Creeson Agecutay, “Canadian doctors decide whether Indigenous women are fit to be mothers,” *CTV News*, February 18, 2022, <https://www.ctvnews.ca/w5/canadian-doctors-decide-whether-indigenous-women-are-fit-to-be-mothers-1.5787101>.

Over 100 women have contacted Popp's lawyer since the lawsuit was launched in 2017. There are currently 5 class-action lawsuits about the forced sterilization of Indigenous women—in British Columbia, Alberta, Saskatchewan, Manitoba, and Quebec—involving thousands of women.

Racism in our health care systems can't be curbed until there is cultural-competency training for all health care professionals, and until governments make a point of hiring and retaining Indigenous health care providers in all levels of service. Indigenous patients should also have access to an Indigenous healer or Indigenous healing practices if requested. Many resources have already been developed by Indigenous groups. Fetal Alcohol Spectrum Disorder (FASD), for example, is estimated to occur more often in Indigenous births, but no government agency compiles that data. Indigenous groups have already done significant research and work in making culturally appropriate FASD information pamphlets and prevention initiatives, but they need funding to continue their work and expand their reach.

## 10. Racism in Mental Health Care

Indigenous people's mental and emotional health needs and their spiritual care are severely underserved. Data from Statistics Canada indicates that Indigenous people are 3 times more likely than non-Indigenous people to commit suicide, with Métis 2 times more likely, and Inuit 9 times more likely.<sup>88</sup> Suicide is the second leading cause of death for young people aged 10 to 29 across Canada. But Indigenous youth are anywhere between 5 to 8 times more likely to commit suicide than their non-Indigenous peers. A report from Amnesty International at the University of Toronto points out that while mental health advocacy in any scenario is positive, there is a severe lack of mental health services available in rural areas.<sup>89</sup> Mental health risks are increased for Indigenous people who are part of other equity-seeking groups such as 2SLGBTQIA+ people, or people with disabilities.

Attawapiskat First Nation was promised a youth centre in 2016 after a suicide crisis devastated the community: in a 10-month span, there were over 100 suicide attempts in a community of under 2,000 people. Chief Bruce Shisheesh pointed to several triggers including housing issues (overcrowding and mold in homes), bullying, drug addiction, and the emotional damage caused from the residential school system.<sup>90</sup>

88 "Suicide among First Nations people, Métis and Inuit (2011-2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," Statistics Canada, June 28, 2019, <https://www150.statcan.gc.ca/n1/daily-quotidien/190628/dq190628c-eng.htm>.

89 Maryssa Barras, "A Statistical Report on the State of Indigenous Mental Health in Canada," Candlelight: Amnesty International at the University of Toronto, November 14, 2018, <https://amnesty.sa.utoronto.ca/2018/11/14/a-statistical-report-on-the-state-of-indigenous-mental-health-in-canada/>.

90 Kate Rutherford, "Attawapiskat declares state of emergency over spate of suicide attempts," *CBC News*, April 9, 2016, <https://www.cbc.ca/news/canada/sudbury/attawapiskat-suicide-first-nations-emergency-1.3528747>.

Over 5 years later, the federal government still has not fulfilled its promise. Attawapiskat is one of many communities in dire need of resources for youth. A February 2019 article by APTN news indicated the government is “currently reviewing the advisors’ work to inform next steps for the way forward,” but there haven’t been any updates about the project since then.

In June 2018, Indigenous Youth Voices submitted *A Roadmap to the Truth and Reconciliation Commission’s Call to Action #66* to the federal government. The document is comprised of testimonial from Indigenous youth leaders, organizations, groups, and councils from across the country, as well as survey responses from over 500 Indigenous youth. In 2019, the federal government announced that a Toronto-based charity would be given \$15.2 million over 3 years to implement Call to Action #66. Gabrielle Fayant and André Bear, both former Special Youth Advisors to the Minister of Indigenous-Crown Relations and authors of the report, said the government’s announcement fell short of what is needed and ignores key recommendations from the report.<sup>91</sup>

Though the opioid crisis has been gaining more attention in the media in the last couple of years, less attention has been paid to the numbers of Indigenous people impacted by the opioid crisis. In British Columbia, 12.8% of all overdose deaths in 2012 were of First Nations people. This is 4.2 times higher than the rate for non-Indigenous people. The First Nations Health Authority maintains that the health gap between First Nations and non-First Nations is getting wider due to social stigma, access to treatment, social determinants, and intergenerational trauma.<sup>92</sup>

A report from Statistics Canada, called *Indigenous people and mental health during the COVID-19 pandemic*, crowdsourced data from approximately 1,400 Indigenous people. 6 out of 10 participants reported that their mental health has become “somewhat worse” or “much worse” during the pandemic since physical distancing began, with 64% of that number representing women and 54% representing men.<sup>93</sup> The same report discusses some of the well-documented disparities in mental health between Indigenous and non-Indigenous people living in Canada:

They have been linked to the intergenerational effects of residential schools, the forced relocation of communities and removal of children from families and communities, and mental health services gaps. Studies have reported adverse mental health outcomes resulting from stressors such as childhood adversity, trauma, and discrimination. Social determinants of health such as poverty, unemployment, housing and food security also play a role in mental health challenges experienced by Indigenous peoples.

91 Jamin Mike, “‘Epic Fail’: Government Bungled Response to Youth Reconciliation Call to Action, Advisors Say,” *The Tyee*, September 6, 2019, <https://thetyee.ca/News/2019/09/06/Government-Bungled-Response-Youth-Reconciliation-Call-To-Action/>.

92 “The Impact of the Opioid Crisis on First Nations in BC,” First Nations Health Authority, May 2019, <https://www.fnha.ca/AboutSite/NewsAndEventsSite/NewsSite/Documents/FNHA-Impact-of-the-Opioid-Crisis-on-First-Nations-in-BC-Infographic.pdf>.

93 Paula Arriagada, Tara Hahmann, and Vivian O’Donnell, “Indigenous people and mental health during the COVID-19 pandemic,” Statistics Canada, June 23, 2020, <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00035-eng.htm>.

Previous releases have demonstrated various socioeconomic and health vulnerabilities to the impacts of COVID-19 among Indigenous people, which may compound existing mental health challenges.<sup>94</sup>

The causes behind the mental health conditions affecting many Indigenous people are complex and multilayered. But that's no excuse not to act on the recommendations for improving Indigenous mental health provided by Indigenous communities. Several Calls to Action in The Truth and Reconciliation Commission's final report include actions specific to mental health. Other Indigenous organizations and communities have also published work on Indigenous approaches to mental health.

Indigenous healing centres need ongoing funding, particularly in remote regions that are most underserved. Mental health practitioners that work in colonial systems need cultural-competency training, particularly on the history of residential schools and their legacy.

## 11. Racism in Education

According to Statistics Canada, in 2016, there were 1,673,785 people in Canada who self-identified as Indigenous, i.e., 4.9% of Canada's total population. The population growth of Indigenous peoples is projected to be much higher than that of non-Indigenous people over the next decades. Between 2006 and 2016, the growth of the Indigenous population in Canada was 42.6%.<sup>95</sup> It has been estimated that, by 2036, the Indigenous population will be between 1,965,000 and 2,633,000.<sup>96</sup>

Today's Indigenous population is quite young. According to the 2016 Census, the average age of the Indigenous population in Canada was 32.1 years—almost a decade younger than the non-Indigenous population.<sup>97</sup> A growing proportion of the Indigenous population resides in urban areas. According to 2011 Census data, Indigenous people who do not live on a reserve constitute the fastest-growing segment of Canadian society. In 2011, 56% of Indigenous people lived in urban areas, up from 49% in 1996.<sup>98</sup>

As with other public services, there are gaps in educational opportunities faced by Indigenous people. Across the country, there are backlogs of prospective Indigenous students who can't get into university because there aren't enough public funds, or because scholarships are awarded only to full-time students. Additionally, many Indigenous people are unable to get a satisfactory education on a reserve that allows them to go to post-secondary school or work

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94 Ibid.

95 "Aboriginal peoples in Canada: Key results from the 2016 Census," Statistics Canada, October 25, 2017, <https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm>.

96 "Projections of the Aboriginal population and households in Canada, 2011 to 2036," Statistics Canada, September 17, 2015, <https://www150.statcan.gc.ca/n1/daily-quotidien/150917/dq150917b-eng.htm>.

97 "Aboriginal peoples in Canada: Key results from the 2016 Census," Statistics Canada, October 25, 2017, <https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm>.

98 "2011 National Household Survey Aboriginal Demographics, Educational Attainment and Labour Market Outcomes," Government of Canada, August 15, 2013, <https://www.sac-isc.gc.ca/eng/1376329205785/1604610645621>.

off the reserve. There is also a lack of programs available for enhancing job skills, education, and training for adult Indigenous people.

There is no mandate that requires Indigenous content to be built into provincial education curriculums. Indigenous content in schools should not be elective, nor should it be limited to only social studies and history. Indigenous content should be included in all subjects, because Indigenous people have made contributions to all subjects.

In *Reclaiming Power and Place*, Dr. Pamela Palmater highlights the importance of teaching Indigenous history:

So why is it so important to understand the history of genocide in Canada? Because it's not history. Today's racist government laws, policies and actions have proven to be just as deadly for Indigenous peoples as the genocidal acts of the past. What used to be the theft of children into residential schools is now the theft of children into provincial foster care. What used to be scalping bounties are now Starlight tours (deaths in police custody) . . . Racism for Indigenous peoples in Canada is not just about enduring stereotypical insults and name-calling, being turned away for employment, or being vilified in the media by government officials – racism is killing our people.<sup>99</sup>

A current example of the discrimination Indigenous students face is how the free menstrual products program was recently enacted in Ontario. Despite this being a public-private partnership funded by Shoppers Drug Mart, Indigenous schools in Ontario will not receive any free menstrual products due to Indigenous schools being under federal jurisdiction.<sup>100</sup> Though the federal government has since announced that menstrual products will be provided for free in Indigenous schools, there never should have been a distinction.<sup>101</sup> The provincial and federal governments had ample time to work on a joint plan and announcement that wouldn't have othered Indigenous students in the first place.

## 12. Double Standards for Indigenous Protestors

In 2022, members of the so-called Freedom Convoy were allowed to block the downtown core of Ottawa with hundreds of big-rig trucks for 3 weeks. The event was cloaked as a working-class protest against a mandate that required all Canadian truckers entering the USA to be vaccinated. A similar mandate had been enacted weeks before in the USA. But the Freedom Convoy was organized and promoted by prominent figures in various far-right groups; it was a banner

99 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a*, (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019), 53, [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf).

100 Kate McGillivray, "MPP calls out province's free menstrual products plan for not including First Nations schools," *CBC News*, October 23, 2021, <https://www.cbc.ca/news/canada/toronto/mpp-calls-out-province-s-free-menstrual-products-plan-for-not-including-first-nations-schools-1.6219813>.

101 Holly McKenzie-Sutter, "Free menstrual products coming to on-reserve schools: Indigenous Services minister," *CTV News*, November 5, 2021, <https://www.ctvnews.ca/politics/free-menstrual-products-coming-to-on-reserve-schools-in-indigenous-services-minister-1.5654096>.

under which those who opposed vaccines and COVID restrictions gathered.<sup>102</sup> Approximately 5,000 to 18,000 people attended the largest rally, and approximately 250 occupied the streets the remainder of the time.<sup>103</sup>

Residents were subjected to truck horn blasts for prolonged periods of time, several times a day, and even after an injunction filed by a resident went into effect.<sup>104</sup> Hundreds of residents reported being harassed for wearing masks, and were called racist, homophobic, transphobic,<sup>105</sup> and sexist slurs. Several businesses were forced to close due to employees being assaulted, or because employers could not guarantee their safety when enforcing mask policies.<sup>106</sup> White supremacist flags and hate symbols were displayed multiple times throughout the occupation.<sup>107</sup>

Staff and volunteers at a soup kitchen experienced physical and verbal harassment when they denied meals to the occupiers.<sup>108</sup> Women and staff reported being afraid to go to and from a women's shelter, and many women reported being traumatized by the noise from the truck horns.<sup>109</sup> People with disabilities said home care workers were either scared to travel to work downtown, or couldn't get there due to a lack of public transportation.<sup>110</sup> As the occupation evolved, organizers encouraged participants to carry out convoy circles at public schools and the airport. Occupiers were also encouraged to flood 911 and non-emergency police lines with bogus calls.<sup>111</sup> Canadian economist Armine Yalnizyan estimated that workers who work in the blockaded areas lost \$11 million in wages each day of the occupation. With businesses being closed for 24 days, that's \$264 million in lost wages.<sup>112</sup>

102 "The 'Freedom Convoy' Is Nothing But A Vehicle For The Far Right," Canadian Anti-Hate Network, January 27, 2022, [https://www.antihate.ca/the\\_freedom\\_convoy\\_is\\_nothing\\_but\\_a\\_vehicle\\_for\\_the\\_far\\_right](https://www.antihate.ca/the_freedom_convoy_is_nothing_but_a_vehicle_for_the_far_right).

103 "Toronto police, city officials preparing for potential Queen's Park convoy protest," *CBC News*, February 3, 2022, <https://www.cbc.ca/news/canada/toronto/toronto-convoy-covid-protest-1.6338088>.

104 Blair Crawford, "Truck convoy: Judge adjourns class action suit to halt 'unbearable' air horns," *Ottawa Citizen*, February 5, 2022, <https://ottawacitizen.com/news/local-news/class-action-suit-claims-air-horns-causing-unbearable-torment>.

105 Rachelle Elsiufi, "Two weeks after convoy occupation, opposing rallies take to Ottawa's downtown," *CBC News*, March 5, 2022, <https://www.cbc.ca/news/canada/ottawa/opposing-rallies-protests-ottawa-downtown-covid-19-convoy-accountability-1.6374461>.

106 Kimberley Molina, "Centretown ice cream shop closes after worker reports assault on way to work," *CBC News*, February 7, 2022, <https://www.cbc.ca/news/canada/ottawa/moo-shu-ice-cream-employee-assaulted-ottawa-1.6341207>.

107 Alex Bollinger, "Anti-vaxx 'Freedom Convoy' protestors shouting slurs & using hate symbols against residents," *LGBTQ Nation*, February 8, 2022, <https://www.lgbtqnation.com/2022/02/anti-vaxx-freedom-convoy-protestors-shouting-slurs-using-hate-symbols-residents/>.

108 Shepherds of Good Hope (@sghottawa), "Friends, it's been a difficult 24 hours. Staff harassed for meals. A service user and security guard assaulted. Through it all, you have donated and filled our," Twitter, January 30, 2022, 1:25 p.m., <https://twitter.com/sghottawa/status/1487854425368633344>.

109 "Statement: Downtown Protest's Impact on Cornerstone's Emergency Women's Shelter," Cornerstone Housing for Women, February 2, 2022, <https://cornerstonewomen.ca/statement-downtown-protests-impact-on-cornerstones-emergency-womens-shelter/>.

110 Leah Larocque, "'We feel like we are collateral damage': Residents living with disability fear homecare won't come due to protests," *CTV News*, February 7, 2022, <https://ottawa.ctvnews.ca/we-feel-like-we-are-collateral-damage-residents-living-with-disability-fear-homecare-won-t-come-due-to-protests-1.5766883>.

111 "Trucker convoy: Provincial government goes to court over convoy fundraising; Police say there's a 'concerted effort' to flood 911 line," *Ottawa Citizen*, February 10, 2022, <https://ottawacitizen.com/news/local-news/trucker-convoy-day-14-dawns-in-ottawa-key-canada-us-bridge-closed>.

112 Armine Yalnizyan, "Why you'll help foot the bill for billions lost due to Ottawa protests — whatever your views," *Toronto Star*, February 23, 2022, <https://www.thestar.com/business/opinion/2022/02/23/were-all-going-to-foot-the-bill-for-the-billions-lost-in-ottawa-regardless-of-our-views.html>.

Convoy organizers appropriated Orange Shirt Day and Every Child Matters, holding a moment of silence on Parliament Hill “for the kids” and encouraging kids everywhere to take their masks off and walk out of school on February 11.<sup>113</sup> Convoy leader Pat King, who claims to have Indigenous ancestry (which he defines as being born in Canada), set up a teepee, performed a pipe ceremony, and held a drum circle, prompting condemnation from Algonquins of Pikwakanagan, the Algonquin Anishinabeg Nation Tribal Council and the Kitigan Zibi Anishinabeg, as they were not asked for permission to perform those acts on their territory.<sup>114</sup> The National War Monument and the Aboriginals Veterans’ Monument were desecrated by occupiers dancing and urinating on the monuments.

Dozens of bylaws were broken and parts of the Emergencies Act were enacted due to the pandemic. Arrests (of which there were approximately 191) were made with minimal force, and police did not make arrests and clear out vehicles until after Prime Minister Justin Trudeau enacted the *Emergencies Act* for the first time in Canadian history.<sup>115</sup>

Elsewhere in the country, other branches of the Freedom Convoy occupied other cities and blockaded border crossings. 2 high-profile blockades were enacted at the Sweetgrass-Coutts Border Crossing in Alberta and the Ambassador Bridge, which connects Windsor, Ontario, with Detroit, Michigan. Both locations are busy crossings. It’s estimated that the 6-day blockade of the Ambassador Bridge prevented billions of dollars in trade.<sup>116</sup> The Alberta blockade was a clear violation of the *Critical Infrastructure Defense Act*, which was a law drafted in response to the Wet’suwet’en pipeline protest.

The RCMP arrested 13 people at the Coutts Border Crossing who had a cache of weapons (including guns, ammunition, a machete, and multiple pairs of body armour) in their possession. Some of the body armour had patches with the Diagonol flag and the word “infidel” written on them.<sup>117</sup> The Diagonol are a far-right hate group associated with a group of live streamers called The Plaid Army. The Canadian Anti-Hate Network describes Diagonol as “increasingly becoming a militia network. Their goals are ultimately fascist: to use violence to take power and strip rights away from people who do not meet their purity tests based on ideology, race, and gender. With power or permission, they would execute their perceived enemies. Their motto is ‘gun or rope.’”<sup>118</sup> The infidel patch is used by several anti-Muslim hate groups.<sup>119</sup>

113 Creeson Agecutay, “Orange Shirt Day founder does not endorse ‘Freedom Convoy’ support,” *CTV News*, February 11, 2022, <https://www.ctvnews.ca/canada/orange-shirt-day-founder-does-not-endorse-freedom-convoy-support-1.5777912>.

114 Miles Morrisseau, “First Nations speak out against trucker convoy,” *Indian Country Today*, February 5, 2022, <https://indiancountrytoday.com/news/first-nations-speak-out-against-trucker-convoy>.

115 Rachele Elsiufi, “Two weeks after convoy occupation, opposing rallies take to Ottawa’s downtown,” *CBC News*, March 5, 2022, <https://www.cbc.ca/news/canada/ottawa/opposing-rallies-protests-ottawa-downtown-covid-19-convoy-accountability-1.6374461>.

116 Jennifer La Grassa, “Ambassador Bridge blockade stalled billions in trade — and there could be other effects: expert,” *CBC News*, February 15, 2022, <https://www.cbc.ca/news/canada/windsor/ambassador-bridge-protest-cost-1.6351312>.

117 Canadian Anti-Hate Network (@antihateca), “BREAKING: Gear seized by police at #Coutts includes a plate carrier with Diagonol patches. Diagonol is an accelerationist movement with members and chapters,” Twitter, February 14, 2022, 9:14 p.m., <https://twitter.com/antihateca/status/1493408315455549441>.

118 Peter Smith, “A Holocaust Denier Is Travelling Across Canada Building Up The Country’s Newest Far-Right Militia Movement,” Canadian Anti-Hate Network, January 11, 2022, [https://www.antihate.ca/holocaust\\_denier\\_travelling\\_canada\\_building\\_up\\_far\\_right\\_militia\\_diagonol\\_alex\\_vriend](https://www.antihate.ca/holocaust_denier_travelling_canada_building_up_far_right_militia_diagonol_alex_vriend).

119 Omar Mosleh, “What’s in a name? Alberta’s extremist groups splinter over how they should spread their message,” *Toronto Star*, January 31, 2019, <https://www.thestar.com/edmonton/2019/01/31/whats-in-a-name-albertas-extremist-groups-splinter-over-how-they-should-spread-their-message.html>.

There is debate to be had about whether the *Emergencies Act* was the correct response. There is also room to debate how well the city and the provincial and federal governments handled the occupation. But the double standard in treatment that the Freedom Convoy received compared to the heavy-handed treatment of Indigenous protestors is staggering and vile.

Contrast the images of occupiers lounging in a hot tub in the middle of the street with the treatment of Indigenous protestors and journalists protesting on Wet'suwet'en territory against the Coastal GasLink pipeline. Filmmaker Michael Toledano captured a video that graphically showed the excessive force used by the RCMP in November 2021:

The use of axes and chainsaws to breach the doors, the presence of dog teams, the presence of assault weapons, the manner in which we were surrounded. It all points to a very aggressive and punitive response by the RCMP that is meant to scare people out of both resisting fossil fuel projects but also lawfully documenting the actions of police.<sup>120</sup>

This violence against peaceful protestors occurred despite the August 2021, BC Supreme Court "precedent setting comments" about the RCMP's unlawful use of exclusion zones during Fairy Creek blockades against old-growth logging.<sup>121</sup> The RCMP exclusion zones tactic used to enforce an injunction at the Fairy Creek blockades mirrors that of how it was used against Wet'suwet'en protestors. In December 2019, an injunction extension was granted by the BC Supreme Court. It ordered that no one could come within 10 metres of any person or vehicle related to the Coastal GasLink pipeline on Wet'suwet'en territory. Shortly after, the RCMP established an exclusion zone to prevent anyone (including journalists) from coming within 27 kilometres of Gidimt'en camp (1 of 3 camps set up by Wet'suwet'en hereditary chiefs and their supporters). Grand Chief Stewart Phillip, president of the Union of BC Indian Chiefs, said the police exclusion zone denies Wet'suwet'en people access to their own territories and "smacks of outright racism and the colonial-era pass system sanctioned by the so-called rule of law."<sup>122</sup>

Another contrast can be observed between the convoy occupiers being allowed to set up infrastructure on downtown streets and in public parks (like supply tents, saunas, and stages) to the group of protestors (calling for justice for Black and Indigenous people) who blocked Laurier Avenue and Nicholas Street in 2020. This coalition protest was organized by several groups including the Justice for Abdirahman coalition, the Ottawa Black Diaspora Coalition, and the KZ Land Protectors. Hours after the Ottawa Black Diaspora Coalition tweeted about getting a meeting with City Council officials and the Ottawa Police Board (scheduled for the next day), Ottawa police forced protestors to disperse and laid charges against 12 protestors. The protest lasted only 36 hours.<sup>123</sup>

120 Jeremy Nuttall and Kieran Leavitt, "Critics call it 'unnecessary' and 'excessive.' Watch how these RCMP arrests on Wet'suwet'en territory went down," *Toronto Star*, November 29, 2021, <https://www.thestar.com/news/canada/2021/11/24/video-from-wetsuweten-territory-shows-how-rcmp-arrests-of-two-journalists-pipeline-opponents-went-down.html>.

121 Zoë Yunker, "A Judge Rebuked Illegal RCMP Tactics at Fairy Creek. They Continue," *The Tyee*, August 16, 2021, <https://thetyee.ca/News/2021/08/16/Judge-Rebuked-Illegal-RCMP-Tactics/>.

122 Sarah Cox, "RCMP exclusion zone called 'unlawful' as police arrest matriarchs at Unist'ot'en healing camp," *The Narwhal*, February 10, 2020, <https://thenarwhal.ca/rcmp-exclusion-zone-called-unlawful-as-police-arrest-matriarchs-at-unis-toten-healing-camp/>.

123 Josh Pringle, Jeremie Charron, and Megan Shaw, "Ottawa police remove demonstrators from downtown intersection following two-day call for action," *CTV News*, November 21, 2020, <https://ottawa.ctvnews.ca/ottawa-police-remove-demonstrators-from-downtown-intersection-following-two-day-call-for-action-1.5196862>.



There is no doubt that if the convoy had been a protest made up primarily of Indigenous protestors, law enforcement and government would not have indulged their occupation of city streets in the same manner. Indigenous protestors engaging in their right to protest peacefully are routinely subject to extreme violence from law enforcement. Professor emerita Joyce Green and Professor Gina Starblanket summed it up by saying,

for those with the privilege to claim “freedom” in this country, the government, cops and army are generally viewed as benevolent, helpful, and dedicated to protection of the rights of Canadians.

For Indigenous people, political, police and military institutions are rarely benign or contributors to our well-being. “Law and order” are used against Indigenous people, not in support of our rights and freedoms; not in recognition of our collective and individual trauma and impoverishment produced by the state, nor to guarantee our personal security.<sup>124</sup>

The stark differences in the ways the Freedom Convoy occupiers, the majority of whom were white people, and Indigenous protestors are treated is a clear example of what institutionalized racism looks like.

### **13. Addressing Poverty and Substandard Living Conditions**

Poverty, food insecurity, unsafe drinking water, lack of education, unsafe housing conditions, poor health, substance abuse, and overincarceration—these problems feed into each other and create a web of inequality for Indigenous people. We recognize that current governments do not all share the blame; this is the legacy of Canadian colonialism. But it is the job of current governments to end the cycle here.

The responsibility of reconciliation does not fall solely on the shoulders of the federal government: provincial, territorial, and municipal governments all have a part to play. Many Indigenous people living in urban areas access public services provided by the provinces and territories. And even in areas where provincial and territorial governments don’t have jurisdiction, they can make a difference by advocating for the federal government to step up and take action.

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<sup>124</sup> Joyce Green and Gina Starblanket, “Opinion: Freedom convoy given far more space than Indigenous protests,” *Regina Leader-Post*, February 22, 2022, <https://leaderpost.com/opinion/opinion-freedom-convoy-given-far-more-space-than-indigenous-protests>.

## 14. What Can Unions Do?

Assistant Professor Robert Henry said it best: “in Canada, systemic racism is embedded in and across our systems; we cannot continue to deny this if we want to live in an ‘era of reconciliation.’”<sup>125</sup>

The current inequalities experienced by Indigenous people have direct connections to colonial policies and legislation, many of which are still enshrined in law to this day. The trauma inflicted on Indigenous people through the residential school system and the Sixties Scoop is still being felt because the survivors, their children, and their grandchildren are still alive. The trauma spans generations. True reconciliation goes beyond recognizing the abuses inflicted by the residential school system and healing survivor trauma. It acknowledges the ongoing nature and impact of colonialism and actively works to remove it from current government policy.

The lack of knowledge Canadians have about our own history creates tension and distrust and reinforces racist attitudes towards Indigenous peoples. The government must commit to educating Canadians on the residential school system without continuously retraumatizing survivors by making them retell their experiences.

NUPGE doesn’t have the solutions to ending systemic racism and colonial policies against Indigenous people. But we and our Components are committed to supporting Indigenous-led initiatives, policies, and organizations that give Indigenous people sovereignty over their own affairs. Part of this commitment is educating non-Indigenous (particularly white Canadians) on the history of colonization in Canada and how it connects to present inequalities experienced by Indigenous people.

We must also make space for Indigenous people in our unions. This includes reevaluating union practices and traditions that might *other* members, or prevent them from fully participating in the union, or from joining union management. We must provide proper education to union staff and elected officers on understanding cultural differences and how to better support Indigenous union members.

To respect Indigenous sovereignty, we must also decolonize our collective agreements and allow Indigenous committees to determine their own protocols (e.g., making decisions through consensus as opposed to a majority vote).

The collection of race-based data is imperative to identify systemic inequalities and developing evidence-based policies. However, this data collection must be done in partnership with Indigenous communities and stored in a way that will not contribute to the over-policing of Indigenous people, or the development of more racist policies.

When Prime Minister Justin Trudeau invoked the *Emergencies Act* during the Freedom Convoy’s occupation of Ottawa, he said, “we are not preventing people from exercising their

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<sup>125</sup> Robert Henry, “Holding cells vs. carpools: what systemic racism looks like in investigation into Colten Boushie’s death,” *CBC News*, April 8, 2021, <https://www.cbc.ca/news/indigenous/opinion-colten-boushie-crcc-report-robert-henry-1.5972938>.

right to protest legally, we are reinforcing the principles, values and institutions that keep all Canadians free.”<sup>126</sup> It remains to be seen how the events of January and February 2022 will affect Indigenous-led protests.

As allies, we must be extra vigilant when watching future Indigenous-led protests and be ready to document and share examples of police brutality and hypocrisy in policing Indigenous protesters compared to white protestors. We need to have a conversation about why so many current and former police, RCMP, and military personnel supported or participated in the convoy. There were ample anecdotes and videos on social media of officers in uniform taking photos with the occupiers or telling them they supported them.<sup>127</sup> At least 15 Ontario police officers donated to the convoy via GiveSendGo.<sup>128</sup> The issue of law enforcement by members who espouse far-right ideology affects Indigenous people, Black people, people of colour, and 2SLGBTQIA+ people.

In her article, “Black and Indigenous protesters are treated differently than the ‘convoy’ because of Canada’s ongoing racism,” Professor Audra Diptée outlines a way forward after the Freedom Convoy:

The first step must be a recognition and admission that racist and discriminatory practices have been institutionalized — even if they are not explicitly stated.

The second step requires developing specific strategies and actionable steps that will address the colonial practice of violence against racialized people by the state and its supporting institutions such as the police.

Finally, there must be harsh repercussions for those acting on behalf of the state who support illegal protests and violate the right of racialized Canadians participating in organized protests in the fight for equity and justice.<sup>129</sup>

Above all else, Indigenous sovereignty must be respected. Any decisions must be made in consultation with the First Nations, Métis, and Inuit they impact. Indigenous people are not a monolith; a one-size-fits-all approach to addressing inequality will not work. On the whole, Indigenous people need more than just promises and committees from governments: they need dedicated funding and the freedom to take control of their own affairs.

126 Ben Cousins, “Emergencies Act a ‘turning point’ to end trucker ‘occupation’: Ottawa interim police chief,” *CTV News*, February 15, 2022, <https://www.ctvnews.ca/canada/emergencies-act-a-turning-point-to-end-trucker-occupation-ottawa-interim-police-chief-1.5781971>.

127 Brett Forester, “Police, military won’t say how many members are supporting convoy protests,” *APTN National News*, February 15, 2022, <https://www.aptnnews.ca/national-news/police-military-wont-say-how-many-members-are-supporting-convoy-protests/>.

128 Marco Chown Oved, Grant LaFleche, Alex McKeen and Sheila Wang, “Ontario police officers are named in leaked list of donors to the ‘Freedom Convoy,’” *Toronto Star*, February 22, 2022, <https://www.thestar.com/news/investigations/2022/02/22/ontario-police-officers-are-named-in-leaked-list-of-donors-to-the-freedom-convoy.html>.

129 Audra Diptée, “Black and Indigenous protesters are treated differently than the ‘convoy’ because of Canada’s ongoing racism,” *The Conversation*, February 17, 2022, <https://theconversation.com/black-and-indigenous-protesters-are-treated-differently-than-the-convoy-because-of-canadas-ongoing-racism-176653>.

As Justice Murray Sinclair remarked during the unveiling of the Final Report of the TRC, “Remember, reconciliation is yours to achieve. We owe it to each other to build a Canada based on our shared future, a future of healing and trust.”<sup>130</sup>

## 15. National Executive Board Resolution

### JUSTICE FOR INDIGENOUS PEOPLES

Canada has a lot of work to do to end the systemic inequality faced by Indigenous people.

Instead of working to immediately correct the discrimination in the child welfare system on reserves and to compensate the children and families involved, the federal government chose to spend millions of dollars and 15 years in legal battles.

Dozens of long-term drinking water advisories persisted throughout the COVID-19 pandemic, while governments were promoting the importance of hand washing.

The horrors of residential schools continue to come to light as more unmarked graves are discovered.

Multiple provinces have challenged or put up roadblocks that prevent First Nations from taking legal control of their own child welfare, as legislated by Bill C-92.

Faced with federal inaction, the Native Women’s Association of Canada (NWAC) released their own plan for ending violence against Indigenous women, girls, and gender-diverse people.

Poverty, food insecurity, unsafe drinking water, lack of education, unsafe housing conditions, poor health, substance abuse, and over incarceration—these problems feed into each other and create a web of inequality for Indigenous people.

### **Therefore, the National Union of Public and General Employees will**

Continue to monitor all levels of government and insist they implement the Truth and Reconciliation Commission’s 94 Calls to Action as well as the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls’ final report.

Establish an Indigenous Issues Committee made up of Indigenous representatives from Components.

Ensure that work produced by NUPGE is intersectional and examines the impact of issues on Indigenous people and Indigenous communities.

Support organizations who provide aid to residential school survivors, the families of missing

<sup>130</sup> “Residential schools report challenges us all: Editorial,” *Toronto Star*, December 15, 2015, <https://www.thestar.com/opinion/editorials/2015/12/15/residential-schools-report-challenges-us-all-editorial.html>

and murdered Indigenous women, girls, and people who are 2SLGBTQIA+, and organizations addressing disparities in child welfare systems.

Continue to educate members and the public about the racism and inequality Indigenous people face in Canada.