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Public Statement

Whitewashing of Canada's Indigenous rights record must end: Groups urge federal government not to waste opportunity of historic United Nations review

Indigenous peoples' organizations and human rights groups are calling on the federal government to acknowledge the serious concerns of First Nations, Inuit and Metis peoples in Canada and to make clear commitments to action when its record is reviewed before a UN human rights body next week.

The UN Committee on Economic, Social and Cultural Rights (UNCESCR) will be reviewing Canada's compliance with its obligations under this human rights treaty on February 22 and 23 in Geneva.

"This review is a crucial opportunity for the federal government to indicate how it plans to make good on its commitments to uphold the rights of Indigenous peoples," said Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs. "But if it's going to do that, it has to stop the whitewashing that has characterized Canada's interactions with UN human rights bodies in recent years and demonstrate its willingness to deal with the real issues facing Indigenous peoples in Canada. Canada must demonstrate its political will to be a true and honest partner by collaborating with Indigenous peoples to institute free, prior and informed consent free (FPIC) in the laws, policies and procedures of the federal government especially when issuing permits for mega-projects like BC Hydro's Site C and Kinder Morgan's Trans Mountain Expansion Project."

The UNCESCR review is the first opportunity for the federal government to engage with a human rights body since the election of the Liberal government.

"Unfortunately, Canada is already off to a bad start," said Alex Neve, Amnesty International Canada. "The recently elected federal government has pledged to build a new relationship with Indigenous peoples based on respect for rights as set out in the Treaties, the Constitution and international human rights instrument. We were deeply disappointed that their written response to the UN Committee continued the previous government's practice of downplaying and misrepresenting the profound gaps in human rights faced by Indigenous peoples in Canada."

A wide range of organizations have submitted their own reports to the UNCESCR about the situation of Indigenous peoples. This includes reports by Amnesty International, the Assembly of First Nations, Chiefs of Ontario, First Nations Child and Family Caring Society, the Indigenous Bar Association and the Native Women's Association of Canada. Many Indigenous representatives made presentations to the Committee on Monday during the first day of hearings in Geneva.

Canada's written response to the Committee, dated February, includes a number of troubling omissions and misrepresentations, including:

- Canada ignored a specific question from the Committee about measures being taken to ensure Indigenous peoples right to free, prior and informed consent in respect to resource development projects. Despite a series of Supreme court decisions, including the recent Tsilhqot'in Nation decision, that affirm that Canada's legal obligations may include a duty to obtain consent, the federal response talks only of consultation.
- The federal response merely notes that "many Indigenous people experience inequities in the conditions that determine health", citing problems such as food insecurity and water quality "and weaker community infrastructure" without noting the role of the federal government as funder of these inadequate services.
- The response makes a brief mention of the Truth Reconciliation Commission report without acknowledging its finding that the residential schools were part of a "coherent policy" of cultural genocide.
- The response cites a 2015 RCMP report on murders of Indigenous women and girls to claim that there had been 32 such murders since the previous 2014 report, without acknowledging that the update only includes those murders within RCMP jurisdiction and without acknowledging concerns about gaps in the data presented in the two reports. This is also despite public statement by government ministers that the actual numbers of missing and murdered Indigenous women and girls may be much higher than the RCMP figures acknowledge.
- Despite election promises to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, the *Declaration* is never mentioned in the written response.

Canada's response makes only passing reference to the Canadian Human Rights Tribunal's recent finding that the systematic underfunding of child and family services on reserve is a form of racial discrimination. Canada's response actually provides greater detail on an earlier Tribunal ruling, more favourable to the government, that was subsequently overturned by two levels of courts.

Cindy Blackstock of the First Nations Child and Family Caring Society said, "I am disappointed by the short mention of this case in Canada's report to CECSR given the vulnerability of 163,000 First Nations children that Canada is discriminating against and the urgent need for the federal government to act on the numerous solutions to fix the problem. We look forward to Canada explaining in detail why it has failed to act given that the Tribunal ordered the federal government to immediately cease the discrimination."

Canada will make an oral presentation and answer questions from the Committee on Wednesday and Thursday.

Many of the submissions to the Committee concern the state of water in Indigenous communities and territories, from the consequences of underfunding of drinking water and sanitation systems, to the decades-old, unresolved issues of mercury contamination of the river system at the Grassy Narrows First Nation in northern Ontario, to the disastrous impact on Indigenous of plans to build the massive Site C dam on the Peace River in north eastern British Columbia.

Judy Da Silva, who has travelled to Geneva from the Grassy Narrows First Nation, said, "Some of our children continue to be born with mercury poisoning and for decades nothing has been done to clear the poison from our river. In the past Canada has not respected our rights but I still have hope that the tide will finally turn for us and that the Prime Minister will honour his word."

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