



Note No.: GENEV-7536

Reference: Canada's response to JAL CAN 4/2021

The Permanent Mission of Canada to the Office of the United Nations and World Trade Organization at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the joint letter JAL CAN 4/2021 dated 7 July 2021. The Permanent Mission of Canada further has the honour to submit Canada's response.

The submission consists of one document.

The Permanent Mission of Canada to the Office of the United Nations and World Trade Organization at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Julie E. Norton
Geneva, 12 October 2021

RESPONSE OF CANADA TO THE JOINT COMMUNICATION FROM SPECIAL PROCEDURES, REFERENCE AL CAN 4/2021

Introduction

1. On 7 July 2021 the Special Rapporteur on the rights of Indigenous peoples, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-occurrence, and Special Rapporteur on violence against women, its causes and consequences sent a Joint Communication to Canada (Ref: AL CAN 4/2021).
2. This Joint Communication expresses concerns in relation to the implementation of the recommendations formulated in the 2019 Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, as well as Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual (2SLGBTQQIA+) people in Canada. It also seeks information from Canada regarding previous inquiries such as the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission.
3. The Government of Canada welcomes the opportunity to respond to this Joint Communication.
4. Canada takes its international human rights obligations very seriously and is committed to maintaining constructive dialogue with United Nations mechanisms, including the Special Procedures, which are a vital aspect of a strong and effective international human rights system. Canada thus engages with the Special Rapporteurs and Independent Expert in good faith, and provides the following information in response to the Joint Communication.

National Inquiry into Missing and Murdered Indigenous Women and Girls

5. The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls called on all governments – Indigenous, federal, provincial, territorial, and municipal – in partnership with Indigenous peoples, to work together to address the issues highlighted in the Calls for Justice and to specifically develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA+ people.
6. Following a series of pre-engagement sessions led by Indigenous partners, the COVID-19 pandemic caused the Government of Canada, as well as all partners, to quickly switch to virtual meetings to continue discussions on this important work.
7. During early summer 2020, a governance structure, comprised of over 100 Indigenous women and 2SLGBTQQIA+ people, was established to co-develop a National Action Plan. At the centre of co-development was a Core Working Group and a National Family and Survivor's Circle, whose respective roles included coordinating the development of the plan with, and providing advice to, each of the sub-working groups. Eight contributing partners represent the Core Working Group, comprised of representatives from the federal, provincial and territorial governments; First Nations, Inuit, and Métis communities, 2SLGBTQQIA+ groups; and representatives from urban and data/research communities. The Core Working Group was

comprised of leads of each of the sub-working groups plus other Indigenous women leaders in Canada. The completion of the National Action Plan by this group required the collaboration of numerous partners, many with differing priorities and perspectives, to gain their insight and validation and this work took time to successfully come to fruition.

8. Throughout this process, free culturally-safe, culturally appropriate, and trauma informed mental health supports were available 24-7 to all members of the process to ensure the health and safety of all contributors.
9. On June 3, 2021, the Core Working Group, with the support of partners and the Government of Canada, launched the [National Action Plan](#). It includes sections that were co-developed through a consensus model, in addition to components produced entirely by First Nations, Inuit, and Métis peoples, urban, 2SLGBTQQIA+, and data collection/research communities, the provinces and territories, and the federal government. The National Action Plan includes a vision and guiding principles; goals; common short-term priorities; action plans from the National Family and Survivors Circle, contributing partners, and provinces and territories; and, a discussion of immediate next steps and ideas for monitoring work to ensure that progress continues. The National Action Plan is meant to evolve over time and will be updated as required.
10. The federal government component, included in its release on June 3, 2021, outlines the Government of Canada's current and future efforts to end gender-based violence and systemic racism that contribute to the national tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people. It includes initiatives organized around four major themes: culture, health and wellness, justice, and human safety and security, with hyperlinks to additional information on currently-active federal programs.
11. Empowerment for women, girls, and 2SLGBTQQIA+ people is a focus of all the components of the National Action Plan. While much of the document provides recommendations relevant to specific distinctions or communities, the federal government component contains numerous initiatives and programs, many already being administered. These include distinctions-based supports and services for Indigenous children and families (page 19), adequate and affordable housing to serve Indigenous women, children, and 2SLGBTQQIA+ people (page 20), training and economic opportunities for youth and women (page 22), and accessibility to culturally safe supports for survivors and families (page 26).
12. Moving forward, the Government of Canada will continue to coordinate efforts among over 24 federal government departments along with Indigenous partners, community-based groups, governments at all levels including Indigenous, provincial, territorial, and municipal, on the implementation plan for both the National Action Plan and the federal government component. This will include monitoring and progress reporting. The National Family and Survivor's Circle will be part of the process to ensure that families and survivors remain at the centre of the development and application of the implementation process.
13. Currently the Government of Canada is working with Indigenous partners to explore options for a new governance structure to begin co-developing an implementation plan during the fall of 2021. It is critical that this new governance approach remains flexible and adaptable so that any outstanding gaps and emerging priorities can be effectively addressed, and new engagement

mechanisms and dialogues/forums can be created as needed.

14. The Government of Canada began taking action to address the Calls for Justice and the safety and security of Indigenous women, girls, and 2SLGBTQQIA+ people before the Final Report was released. This work on important initiatives included changing legislation and making investments, many of which are reflected in the following two federal budget announcements:
 - First, the 2020 [Fall Economic Statement](#) was released on November 30, 2020, and indicated that the Government of Canada proposed to invest an additional \$781.5 million CAD over five years starting in 2021–2022, and \$106.3 million CAD ongoing to combat systemic discrimination against Indigenous peoples and expand efforts to combat gender-based violence. This includes \$724.1 million CAD over five years starting in 2021-2022, and \$96.6 million CAD ongoing to expand culturally relevant supports for Indigenous peoples facing gender-based violence and support new emergency shelters and transitional (second stage) housing across the country, including in the North and in urban centres.
 - Second, [Budget 2021](#) was released April 19, 2021, and proposes to invest \$2.2 billion CAD over five years, and \$160.9 million CAD ongoing, to help build a safer, stronger, and more inclusive society. These investments respond directly and concretely to the National Inquiry into Missing and Murdered Indigenous Women and Girls and includes initiatives that will help deliver on the commitments outlined in the federal government component. In addition, Budget 2021 also invested \$18 billion CAD to address the socio-economic root causes that contribute to this national tragedy. Work will continue with partners on exploring further measures to address violence against Indigenous women, girls, and 2SLGBTQQIA+ people beyond what has been announced to date.
15. More information on further actions being taken by the Government of Canada to address violence against Indigenous women and girls can be found at: <https://www.rcaanc-cirmac.gc.ca/eng/1590523702000/1590523850562>.
16. The Government of Canada is committed to addressing this national tragedy and will continue to do what is right and necessary to honour missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ people and to foster the healing of families, survivors, and Indigenous communities.

Previous Inquiries

17. Prior to the National Inquiry into Missing and Murdered Indigenous Women and Girls, other major inquiries studying the relationship between Canada and Indigenous peoples were held.
18. The Royal Commission on Aboriginal Peoples, established in 1991, was mandated to investigate the relationship between Indigenous peoples in Canada, the Government of Canada, and Canadian Society as a whole, and to propose practical solutions. The Truth and Reconciliation Commission was established in 2008 with a mandate to inform all Canadians about what happened in Indian Residential Schools. Though different in scope and objectives, the final reports of these commissions provide important insights and recommendations regarding the relationship between the Government of Canada and Indigenous peoples.

Royal Commission on Aboriginal Peoples

19. The Royal Commission on Aboriginal Peoples was officially established in 1991, and the final report containing 440 recommendations was presented to Canada in October 1996.
20. In January 1998, Canada released its official response to the report, titled *Gathering Strength: Canada's Aboriginal Action Plan*, which stated Canada's commitment to increasing Indigenous nations' self-government capacity, and to improving services in communities. It included a statement of reconciliation, a statement of renewal, and four key objectives within which the Action Plan was framed: renewing the partnerships; strengthening Aboriginal governance; developing a new fiscal relationship; and supporting strong communities, people and economies.
21. The statement of reconciliation focused on residential schools and their legacy. With the release of *Gathering Strength*, Canada committed \$350 million CAD for community-based healing as a first step to address the legacy of physical and sexual abuse at residential schools.
22. In 1998 and 2000 Canada released progress reports on *Gathering Strength*, highlighting action in various areas such as signing of memoranda of understanding towards self-government agreements with First Nations.
23. Since the final report of the Royal Commission on Aboriginal Peoples from 1996, Canada has undertaken several measures to renew the nation-to-nation, Inuit-Crown, and government-to-government relationships between Canada and Indigenous peoples, and has made significant progress on supporting self-determination, improving service delivery, and advancing reconciliation.
24. For example, based on a recommendation from the Royal Commission on Aboriginal Peoples, Indigenous and Northern Affairs Canada was formally dissolved in 2019 to create two new departments – Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada. The Commission was clear that as self-determination was realized, the jurisdiction for the delivery of services like health and education would be managed by Indigenous peoples, and programs would no longer be delivered by the Government of Canada.
25. Canada has affirmed its commitment to reconciliation with Indigenous peoples through the practice of establishing modern treaty and self-government agreements with Indigenous partners. Since 1991, Canada has signed 22 modern treaties (18 of which include self-government or have associated self-government agreements), three stand-alone self-government agreements, and two sectoral self-government agreements in education. Canada is also engaged in over 160 active discussion tables with Indigenous groups across Canada that are exploring new ways of working together to advance reconciliation and self-determination.
26. The Royal Commission on Aboriginal Peoples solidified and guided the movement towards a more inclusive partnership between the Crown and Indigenous peoples, beginning the process which would eventually lead to the implementation of the Indian Residential Schools Settlement Agreement in 2007.

27. The Indian Residential Schools Settlement Agreement is a court approved class action settlement which was agreed to by legal counsel for former students, legal counsel for the Churches, the Assembly of First Nations, other Indigenous organizations, and the Government of Canada. The implementation of this agreement was a historic step towards a fair and lasting resolution to the legacy of Indian Residential Schools. One of its elements was the establishment of the Truth and Reconciliation Commission to learn the truth and document the legacy of the residential school experience and facilitate reconciliation among former students, their families, their communities, and all Canadians. The Truth and Reconciliation Commission was officially launched in 2008. Its Final Report, which includes 94 Calls to Action, was released in 2015.

Truth and Reconciliation Commission

28. The Government of Canada is committed to fully implementing the Truth and Reconciliation Commission's Calls to Action. Given the scope of the task and the wide range of partners involved, implementation will require time, continued substantial investments, sustained partnerships, and in many cases legislative changes.

29. Of the 94 Calls to Action, 76 are shared or sole responsibility of the federal government, while 18 call upon civil society organizations, schools, churches, and corporations to advance reconciliation. Since the release of Truth and Reconciliation Commission's Final Report in December 2015, over 80 percent of the Calls to Action under sole or shared federal responsibility are complete or well underway.

30. Canada has made recent progress on a number of Calls to Action. Three bills recently received Royal Assent. The legislation to establish the National Day for Truth and Reconciliation (Call to Action 80) received Royal Assent on June 3, 2021. The first National Day for Truth and Reconciliation, as an official federal statutory holiday, will be marked on September 30, 2021. An *Act to amend the Oath to Citizenship* (Call to Action 94) received Royal Assent on June 21, 2021. Also on June 21, 2021, an *Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples* (Call to Action 43), received Royal Assent. This legislation, developed in collaboration with Indigenous peoples across the country, provides a pathway for the fulfillment of Calls to Action 43 and 44 at the federal level in consultation and cooperation with Indigenous peoples through the alignment of laws, the development of an action plan, and the tabling of annual reports on the progress of implementation.

31. Additionally, Calls to Action that are fully implemented to date include: enacting Indigenous child-welfare legislation (Call to Action 4); acknowledging Indigenous Languages Rights (Call to Action 13); enacting an *Indigenous Languages Act* (Call to Action 14); developing written policy regarding independence of Royal Canadian Mounted Police (Call to Action 25); launch of the National Inquiry into Missing and Murdered Indigenous Women and Girls (Call to Action 41); funding for Canada 150 projects on reconciliation (Call to Action 68); funding for the National Centre for Truth and Reconciliation (Call to Action 78); funding for Canada Council for the Arts projects on reconciliation (Call to Action 84); and, increased funding for the Canadian Broadcasting Corporation/Radio Canada (Call to Action 84).

32. The location and identification of residential school cemeteries and the unmarked graves of First Nations, Métis, and Inuit children at sites across Canada are tragic reminders of the mistreatment

of Indigenous children. Canada is committed to supporting Indigenous peoples and communities as they continue to respond to and heal from the intergenerational trauma of residential schools.

33. Budget 2019 committed to continue the work started by the Truth and Reconciliation Commission and to implement Calls to Action 72 to 76 regarding missing children and burial information.
34. In August 2021, Canada announced additional investments to support Indigenous-led, survivor-centric, and culturally informed initiatives and investments to help Indigenous communities respond to and heal from the ongoing impacts of residential schools. Funding will go toward supplementing existing investments for community-led processes to research and locate burial sites as well as to commemorate and memorialize the children who died at residential schools. Related funding for health supports, environmental remediation, and a national monument commemorating the legacy of residential schools were also announced at this time. In addition to these financial investments, a Special Interlocutor and a National Advisory Committee will be established to support this important and ongoing work.
35. The webpage entitled *Delivering on Truth and Reconciliation Commission Calls to Action* provides more detailed information on how Canada is implementing the Calls to Action. The website is anticipated to be updated in Summer 2021. The webpage can be found at: <https://www.rcaanc-cirnac.gc.ca/eng/1524494530110/1557511412801>.

Conclusion

36. The Government of Canada remains committed to renewing the relationship with Indigenous peoples based on the recognition of rights, respect, co-operation, and partnership.
37. Canada maintains its steadfast support for the United Nations system, including the United Nations Human Rights Special Procedures mandate holders in promoting and protecting the human rights of all persons. Independent, constructive criticism is critical to Canada successfully meeting its human rights obligations.
38. Canada would like to thank the Special Rapporteurs and Independent Expert for the opportunity to respond to their Joint Communication of 7 July 2021.