**Canada’s Contribution to the report of the
United Nations Special Rapporteur on the Rights of Indigenous Peoples on**

**Covid-19 Recovery and Indigenous Peoples’ Rights**

Canada has prepared the following contribution in order to inform the report of the Special Rapporteur on the rights of Indigenous peoples on “Covid-19 Recovery and Indigenous Peoples’ Rights”, to be presented to the Human Rights Council at its forty-eighth session in September 2021.

Canada’s submission was prepared in consultation with the federal departments of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC).

Of note, Canada’s contribution focuses on a subset of questions identified by the Special rapporteur in his [call for inputs](https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CallforInputCOVIDRecovery.aspx).

Also of note, all figures are in Canadian dollars (CAD$) unless otherwise noted.

**Impact of states’ COVID-19 recovery laws and policies on Indigenous peoples**

**1. How have COVID-19 laws, policies and economic recovery plans contributed to- or interfered with - national and international environmental regulations of natural resources and other development activities that impact Indigenous peoples’ lands?**

The existing protective mechanism of ISC, the [Environmental Review Process](https://www.sac-isc.gc.ca/eng/1345141628060/1612813855724), has continued to be used throughout the pandemic. This process ensures that the environmental impacts of projects on First Nations reserve lands continue to be carefully considered prior to the issuance of permits, leases or funding. This process ensures that the depth of environmental reviews is commensurate with the risk and likelihood of significant adverse environmental effects associated with carrying out any project.

**2. What measures have governments taken to protect the lands, territories and resources of Indigenous peoples against invasions and land-grabbing during the COVID-19 economic recovery phase? Have investments and natural resource development plans on Indigenous lands and territories agreed upon through a process of good faith informed consultation with the Indigenous peoples concerned, with the objective of obtaining consent?**

As Canada transitions to a COVID-19 economic recovery phase, it is important to continue to use alternative ways to advance negotiations with Indigenous partners that enable self-determination, and address rights to lands as well as resources (e.g. through the establishment of secure virtual meetings). The Government of Canada continues to work collaboratively with Indigenous groups who are actively engaged at Canada’s negotiation tables (over 150) to discuss treaty, self-government, and other constructive arrangements to find alternatives to in-person negotiation sessions. The functionality and accessibility of these tables will continue to remain a priority in the recovery stage and aftermath of COVID-19. This allows a continued dialogue about recognition and implementation of Indigenous rights through co-developed solutions.

The COVID-19 pandemic has raised questions on how Canada can engage in meaningful consultations with Indigenous peoples. It is important to develop nimble and flexible ways to meaningfully consult Indigenous communities, such as taking necessary measures to postpone, delay or lengthen consultation processes in order to respond to the concerns of Indigenous communities. Canada must be particularly sensitive to Indigenous peoples who assert that they do not have the capacity to participate in consultation processes during this time.

There is a risk that Indigenous peoples could challenge the adequacy of consultations undertaken at this time and claim that the continuation of consultation activities in the current context are not meaningful. CIRNAC holds regular teleconferences with federal departments, and provincial and territorial government partners to share information on consultation challenges and best practices in order to support Canada in meeting its consultation obligations.

**3. How have States’ economic recovery measures sought to ensure that Indigenous peoples benefit equally from public investments and national social protection programs?**

The Government of Canada’s COVID-19 response funding includes, where appropriate, distinctions-based support to ensure First Nations, Inuit, and Métis representative organizations have the necessary resources to lead response efforts for their respective citizens. There have been a series of Indigenous-specific COVID-19 response funds created to account for the different cultural and geographic realities, as well as specific socioeconomic considerations for Indigenous peoples.

First, Indigenous businesses are the backbone of communities across the country and are an important part of the Canadian economy. Right now, they are facing challenges and economic hardships due to COVID-19. That is why the Government of Canada has taken action to make sure that Indigenous business owners have access to the support they need to get through this crisis.

Early in the pandemic, Canada committed up to $306.8 million in relief measures for small-and medium-sized Indigenous businesses in the form of interest-free loans and non-repayable contributions. From the total amount, $240 million is being directed to business owners. The majority of these funds is being managed by the National Aboriginal Capital Corporation Association, and delivered by Aboriginal financial institutions and Métis capital corporations across Canada.

Originally, each eligible business could receive up to $40,000, including up to $30,000 as an interest-free loan and a maximum of $10,000 as a non-repayable contribution. As of December 4, 2020, each eligible business can now receive an additional amount up to $20,000, of which $10,000 is an interest-free loan and $10,000 is a non-repayable contribution. The maximum total funding available for Indigenous businesses is now $60,000, of which up to $40,000 is an interest-free loan and up to $20,000 is a non-repayable contribution. This mirrors what is available to non-Indigenous businesses through the Canada Emergency Business Account.

The Government of Canada has also announced the Indigenous Community Business Fund (ICBF), which provides $117 million in new funding to support community-owned and micro-businesses whose revenues have been affected by the COVID-19 pandemic.

Part of the funding was provided directly to First Nations, Inuit and Métis communities so that they could address their own economic priorities, including potentially providing funding to microbusinesses that were unable to access other pandemic support funding.

Second, the Government of Canada also created the COVID-19 Indigenous Tourism Stimulus Development Fund, which provided $16 million in new funding to support Indigenous tourism through the pandemic and into recovery. The Indigenous Tourism Association administered this fund to Indigenous tourism businesses across the country that have lost revenue due to COVID-19. In addition to the Indigenous-specific tourism support, Indigenous tourism businesses can access the suite of relief measures available to all Canadian businesses through Canada’s COVID-19 Economic Response Plan. This includes the Regional Relief and Recovery Fund, and the newly announced Highly Affected Sectors Credit Availability Program, which will support the hardest-hit businesses, including those in sectors like tourism and hospitality, hotels, arts and entertainment.

Third, Canada’s national economic recovery plan includes a $10 billion infrastructure investment: the 2020 Fall Economic Statement confirmed that $1.8 billion of that investment will be directed to infrastructure projects in Indigenous communities. $17.3 million was provided to the governments of Yukon, Northwest Territories, and Nunavut to support critical air services to Northern and remote communities to ensure the continued supply of food, medical supplies, and other essential goods to remote and fly-in communities. The funds secured for COVID-19 support in the three Northern territories, specifically in support of health and social services preparations and air services, were determined in conjunction with the territorial governments. The territorial governments are responsible for distributing the funds accordingly.

Fourth, and as announced as part of its 2020 Fall Economic Statement, the Government of Canada is also providing $332.8 million to support First Nations, Inuit and Métis communities that have experienced declines in own-source revenues (OSR)[[1]](#footnote-1). The goal of this funding is to ensure that communities that use OSR to supplement their community programming can continue to provide important community programs and services to their members.

Fifth, Pauktuutit Inuit Women of Canada have called for support for Inuit women and children who are experiencing domestic violence. The Government of Canada committed to fund the construction and operation of four shelters across Inuit Nunangat (and one in Ottawa) as part of the Fall Economic Statement.

Sixth, First Nations, Inuit and Métis persons also have access to all other measures provided through the Government of Canada’s COVID-19 Economic Response Plan. This includes measures such as temporary changes to the Employment Insurance Program, Canada Recovery Benefit, Canada Recovery Sickness Benefit, and Canada Recovery Caregiving Benefit.

In sum, as of December 18, 2020, over $4.2 billion has been announced in specific COVID-19 support to Indigenous and northern communities and organizations:

* $926.7 million to support the ongoing public health response to COVID-19 in Indigenous communities.
* $1.1 billion to be delivered through the distinctions-based Indigenous Community Support Fund.
* $10 million for emergency family violence prevention shelters on reserve and in Yukon to support women and children fleeing violence.
* $137.3 million for health and social services support to the governments of Yukon, Northwest Territories, and Nunavut.
* $34.3 million for territorial businesses, through CanNor’s Regional Relief and Recovery Fund.
* $25 million for enhancement to the Nutrition North Canada Subsidy.
* $17.3 million in support for Northern Air Carriers.
* $15 million for CanNor’s Northern Business Relief Fund.
* Up to $306.8 million in interest-free loans and non-repayable contributions to help small and medium-sized Indigenous businesses.
* $75.2 million in 2020-21 in distinctions-based support for First Nations, Inuit, and Métis Nation students pursuing post-secondary education.
* $270 million to supplement the On-Reserve Income Assistance Program to address increased demand on the program, which will help individuals and families meet their essential living expenses.
* $44.8 million over five years to build 12 new shelters, which will help protect and support Indigenous women and girls experiencing and fleeing violence. The Government of Canada will also provide $40.8 million to support operational costs for these new shelters over the first five years, and $10.2 million annually ongoing. Starting this year, $1 million a year ongoing will also be provided to support engagement with Métis leaders and service providers on shelter provision and community-led violence prevention projects for Métis women, girls, LGBTQ and two-spirited people.
* $117 million to support community-owned and micro-businesses through the Indigenous Community Business Fund.
* $16 million to support Indigenous tourism businesses through the COVID-19 Indigenous Tourism Stimulus Development Fund.
* $82.5 million in mental health and wellness supports to help Indigenous communities adapt and expand mental wellness services, improving access and addressing growing demand, in the context of the COVID-19 pandemic.
* $112 million to support a safe return to elementary and secondary schools for First Nations on reserves.
* $41 million has been allocated to Canada’s Territories to safely restart their economies and make the country more resilient to possible future surges.
* $120.7 million to help Indigenous early learning and child care facilities safely operate during the pandemic.
* $59 million for First Nations to adapt their on reserve community infrastructure.
* $25.9 million to provide immediate support to Indigenous post-secondary institutions in 2020-21.
* $332.8 million in 2021-22 to support First Nations, Inuit and Métis communities to offset declines in OSR and to help ensure that Indigenous communities can continue to provide the same level of core community programs and services to their members.
* $186.8 million over two years to address needs and gaps in supportive care facilities and provide additional home care in Indigenous communities in order to protect elder and other vulnerable community members.
* $144.2 million in 2021-22 to the Indigenous Skills and Employment Training Program to bolster support to those hit hardest by the pandemic by providing training and supports to young Indigenous people, Indigenous people with disabilities, and out-of-territory and vulnerable Indigenous people to prepare them for good jobs. This funding also helps improve labour market data and service delivery.
* $3 million to CanNor for foundational economic development projects that will support small businesses in Canada’s Territories.

In addition to the COVID-19 financial supports, Canada’s existing programs continue to provide important funding and opportunities for Indigenous communities, businesses, and partners.

**Participation and inclusion of Indigenous peoples in state COVID-19 recovery plans**

**4. Please describe the ways in which States have consulted with Indigenous communities in developing recovery plans. How have these processes helped to make State recovery measures more inclusive and responsive to Indigenous peoples’ rights?**

Canada has been working closely with Indigenous peoples to support the response to the pandemic and consider best practices in terms of plans for recovery.

Early in the pandemic, CIRNAC established an officials’ level working group with modern treaty and self-governing partners. This group has been meeting on a weekly basis since spring 2020, and is a recognized forum for sharing information related to Canada’s response to the pandemic and seeking input on needs and opportunities to support partners in their response to and recovery from the pandemic.

The Government of Canada has also developed [permanent bilateral mechanisms](https://www.rcaanc-cirnac.gc.ca/eng/1499711968320/1529105436687) (PBMs) with First Nations, Inuit, and Métis leaders, which allows for regular and ongoing dialogue for each of the PBMs and includes the identification of joint priorities to ensure Indigenous perspectives are respected and included. Building on those relationships, First Nations, Inuit, and Métis leadership perspectives on federal recovery efforts were sought and included in adopted measures.

For Métis specifically, a COVID-19 Table has been created that involves Health Canada, the Public Health Agency of Canada, and ISC. It has met regularly since March 2020 to ensure Métis representative organizations were informed of the COVID-19 response measures, the evolving science around transmission, vaccine development, and vaccine rollout. The Government of Canada also consulted with Métis representative organizations about relevant considerations while exploring whether to invoke the *National Emergencies Act*.

Canada also engaged with First Nations, Inuit, and Métis on restrictions that were put in place by Transport Canada for seagoing vessels. Through these engagements, Canada was able to respond to the COVID-19 concerns of remote and isolated Indigenous communities by delaying the lifting of restrictions on ship traffic in those areas. They were also engaged during the process of exploring a reduction in those measures as the COVID-19 situation evolved over the year.

More generally, and from the very beginning, Indigenous groups consulted by the Crown have cited various systemic discriminatory gaps as complicating factors in any COVID-19 response. In response, Canada created the Indigenous Community Support Fund (ICSF) in Spring 2020 to support Indigenous-led design and implementation of community-based responses to COVID-19. Coverage includes: support for Elders, measures associated with addressing food security, educational and other supports for children, mental health assistance, emergency response services, and preparedness measures to prevent the spread of COVID-19.

Canada’s Parliamentary Standing Committee on Indigenous and Northern Affairs (the Committee) also undertook a study over the past fall and winter on the impact of the pandemic on Indigenous peoples. The Committee repeatedly heard from more than 100 individuals and organizations, including Indigenous community members, leaders and experts from across the country, that long-standing inequities, historical underfunding and systemic barriers made Indigenous peoples more at risk of contracting infectious diseases such as COVID-19 than other Canadians. Inadequate infrastructure (e.g., housing, telecommunications, water and wastewater, health care facilities) in some cases contributed to the spread of COVID-19, with serious consequences. Limited access to health care, higher rates of underlying chronic medical conditions, economic barriers, and social and geographic isolation also compounded the effects of the pandemic. Furthermore, challenges accessing personal protective equipment, test results and epidemiological data; stress and burnout facing health care and other essential workers; and racism and discrimination were also raised during the study. In March 2021, a report entitled “[*COVID-19 and Indigenous Peoples: From Crisis Toward Meaningful Change*” was issued by the Committee.](https://www.ourcommons.ca/Content/Committee/432/INAN/Reports/RP11143866/inanrp06/inanrp06-e.pdf)This report contains 42 recommendations aimed at ensuring that no one is left behind during and after the COVID-19 pandemic. These included some key recommendations identifying investments in infrastructure as vital to help addressing long-standing inequities, while stimulating economic recovery.

Lastly, the COVID-19 pandemic has had an unequal impact on the population in Canada, particularly women, and the Government of Canada recognizes that a robust and inclusive recovery is necessarily a feminist recovery as well. The Government of Canada has created a Task Force on Women in the Economy to advance gender equity and address systemic barriers and inequities faced by women. The Task Force will harness the best ideas from a diverse group of experts, including several Indigenous experts, to advise the government on a feminist, intersectional action plan that addresses issues of gender equality in the wake of the pandemic.

**5. How have States and Indigenous communities prepared for the distributions of COVID-19 vaccine in culturally appropriate and equitable ways? Were strategies developed and implemented in consultation with the participation of the Indigenous peoples concerned?**

Respecting nation-to-nation relationships, Canada is engaging with National Indigenous Organizations to allow for dialogue on the vaccines rollout in their communities. All jurisdictions will work together with partners from many sectors, experts, Indigenous leaders and other Canadians:

* to allocate, distribute and administer vaccines as efficiently, equitably and effectively as possible; and,
* to monitor the safety, coverage and effectiveness of COVID-19 vaccine.

On November 3, 2020, Canada’s National Advisory Committee on Immunization released interim guidance on priority populations for a COVID-19 vaccine, which includes Indigenous peoples. This information was shared with Indigenous partners ahead of the release. On December 4, 2020 the National Advisory Committee on Immunization released its final guidance on the Prioritization of Initial Doses of COVID-19 Vaccine(s), which includes adults in Indigenous communities.

The Government of Canada is working closely with key partners to support an integrated and coordinated approach to support the administration of a COVID-19 vaccine for Indigenous peoples and communities.

To support linkages between provincial, territorial and Indigenous partners, ISC has established a COVID-19 Vaccine Planning Working Group and advocates at all levels of government for the inclusion of Indigenous partners in vaccine co-planning and distribution discussions. ISC works closely with Indigenous partners, the Public Health Agency of Canada, Health Canada, the Department of Public Safety, and other federal departments, as well as their provincial and territorial counterparts, to support First Nations, Inuit and Métis communities, including urban communities and organizations, in responding to COVID-19 and protecting the health and safety of all Indigenous peoples and communities. Furthermore, a task group, co-chaired by ISC and the National Association of Friendship Centres, has been established to focus specifically on ensuring coordination of efforts and culturally-safe access to the COVID-19 vaccine for Indigenous peoples living in urban and related homelands.

Based on input from partners, Canada continues to advocate for measures to ensure prioritization for all Indigenous peoples for access to the COVID-19 vaccine, including the lowering of target age ranges for vaccination for Indigenous populations to reflect the health context of different communities, and that vaccine roll-out should include all Indigenous communities – remote, isolated and urban (including unsheltered individuals and those living in congregate settings).

As of March 9, 2021, Canada is aware that: 506 First Nations and Inuit communities have vaccination campaigns underway (for either priority groups or all adults); more than 162,155 doses have been administered to Indigenous communities; and several First Nations communities or long-term care facilities have completed vaccinations.

**Data collection and dissemination**

**6. How have States and Indigenous peoples collected and analysed data on the impact of COVID-19 on Indigenous peoples? Please specify to what extent economic, social, cultural or other barriers have hindered collection of such data. How can data collection procedures be improved to disaggregate information on Indigenous peoples, including specific populations such as youth, women, elderly, LGBTI and persons with disabilities?**

Canada recognizes the value of distinctions-based, disaggregated public health data to reliably support Indigenous communities during the COVID-19 pandemic and in the future. Data initiatives must include disaggregated data for all Indigenous peoples, regardless of where they live, including Inuit within and outside Inuit Nunangat, among citizens of the Métis Nation, and First Nations living on-reserve and in Northern communities, off-reserve, and in urban areas. For this to be realized, Canada supports the requests from First Nations, Inuit and Métis leaders for the collection of such disaggregated data, with help from provincial and territorial governments and public health agencies. Distinctions-based, Indigenous-led analysis of this information is also necessary for advancing culturally appropriate and science-based approaches.

Canada also recognizes that within the context of an infectious disease such as COVID-19, which is known to spread from urban epicentres to more rural and remote settings, and given the high mobility of many First Nation, Inuit and Métis individuals and families, there is benefit to strategic alliances in which First Nation, Inuit and Métis leaders and service providers are able to share and/or link datasets to produce a more comprehensive understanding of COVID-19 spread over time, geographies, nations, and jurisdictions. Such information is key to interrupting COVID-19 spread within and across Indigenous communities.

ISC participates in the Assembly of First Nations COVID-19 Data Working group and the Indigenous Advisory Circle of the COVID-19 Immunity Task Force, which brings together university, hospital and public health expertise to map the scope of COVID-19 in Canada. In addition to working directly with Indigenous partners on public health surveillance initiatives, ISC also facilitates partnerships between Indigenous organizations and other government departments to support efforts including data capacity building.

The Rapid Implementation of a Shared COVID-19 Tracking and Response Platform for First Nations, Inuit, and Métis Populations in Canada is focused on bringing together interested First Nations, Inuit and Metis, and allied leaders in health information and other areas of relevant subject matter expertise – from regional and national levels. Together, they use datasets and visual reporting to improve understanding of COVID-19 spread within and across First Nations, Inuit, and Métis populations, as well as identify the gaps as it relates to COVID-19 and Indigenous data. This initiative will allow for better understanding and modelling of COVID-19 spread among Indigenous populations in Canada.

In the short term, Canada hopes that this work will help mitigate some of the adverse and disproportionate impacts of COVID-19 on First Nations, Inuit and Métis. In the longer term, Canada recognizes the importance of improving federal, provincial and territorial data partnerships with First Nations, Inuit and Métis Nation leaders, and Indigenous health service providers. Such improvements would be based on investments in their capacity to gather, analyse, and communicate disease surveillance and research information in a manner that does not stigmatize, but rather, values the strengths of Indigenous Peoples. Canada’s absolute priority is – and will remain – the health and safety of Indigenous communities, and we are taking active measures to address related data gaps.

**7. How have recovery solutions positively - or negatively - impacted public health surveillance, health information systems (such as trackers and GIS mapping), and community-based surveillance and data-collection processes within Indigenous communities?**

Provinces and territories collect COVID-19 surveillance data for their entire population, including First Nations, Inuit, and Métis peoples, and report this data to the Public Health Agency of Canada. Across Canada, data-sharing agreements between provincial and territorial governments and Indigenous organizations have been reached, resulting in distinctions-based COVID-19 data. Additional work is required to ensure additional distinctions-based data initiatives continue to be developed and remain in place after COVID-19. For First Nations living on-reserve, information on COVID-19 case infection is reported daily via a network of ISC regional medical officers and staff.

**Indigenous peoples’ COVID-19 responses and efforts at recovery**

**8. How have Indigenous peoples’ institutions and public health systems collaborated and worked together to address the health care crisis caused by the pandemic? Have States integrated or developed policies and strategies to incorporate Indigenous traditional medicine into the national healthcare system?**

No Canadian input at this time.

**9. Please provide examples of Indigenous-led COVID-19 recovery efforts. What lessons can be learned from Indigenous traditional practices and community-based programs in creating green and sustainable recovery efforts and to prevent and mitigate the effects of future pandemics?**

The Government of Canada’s Harvesters Support Grant has supported a distinctions-based approach to respond to the unique food security and cultural needs and priorities of Inuit communities throughout Inuit Nunangat and northern First Nation communities. The Grant has been designed to maximize Indigenous control and decision-making. Recognizing that each community has unique harvesting needs, priorities and traditions, dedicated Grant agreements have been developed to ensure that Indigenous governments and organizations have authority to determine how to best support their communities. This includes programs that restore cultural traditions and economies centered around harvesting, and support the Inuit and First Nation way of life and means of adaptation amid the COVID-19 pandemic.

Métis governments also showed their high capacity and adaptability in responding to the needs of their citizens. Creative solutions around housing included the purchase of tiny homes and repurposing of public buildings that were out of use due to public health measures, to ensure Métis leadership could properly implement quarantine measures within their communities. Specific considerations for citizens whose incomes did not meet the threshold for normal income supports received specific supports (e.g. elders, artists), and Métis organizations supported local, community-based food security measures to support members who would not have access to regular food banks and other charitable support organizations.

As part of the pandemic response, there has been enhanced work among Métis Nation of Saskatchewan and First Nations partners in responding to citizens’ needs in a consolidated effort in targeted locations to either address or minimize outbreaks in Indigenous populations. Efforts were focused on limiting transportation, providing protective equipment to health care and essential workers, encouraging families to stay at home and shelter in place with additional supports for food, rent supplements, and school supplies, and providing temporary accommodation to vulnerable populations.

1. Own-source revenue is the revenue that an Indigenous government raises by collecting taxes and resource revenues, or by generating business and other income. [↑](#footnote-ref-1)