

**Canadian Human Rights Commission**

**Submission to the Expert Mechanism on the Rights of Indigenous Peoples on the Study on Laws, legislation, policies, constitutions, judicial decisions and other mechanisms in which States had taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration.**

**January 2024**

# **Introduction**

The Canadian Human Rights Commission (CHRC) is Canada’s national human rights institution. It has been accredited “A-status” by the Global Alliance of National Human Rights Institutions, first in 1999 and again in 2006, 2011, 2016 and 2023.

The CHRC was established by Parliament through the Canadian Human Rights Act (CHRA) in 1977.[[1]](#footnote-1) It has a broad mandate to promote and protect human rights. The Constitution of Canada divides jurisdiction for human rights matters between the federal and provincial or territorial governments. The CHRC, pursuant to the CHRA, has jurisdiction over federal government departments and agencies, Crown corporations, First Nations governments and federally-regulated private sector organizations.

The CHRC’s efforts to promote and protect human rights include screening and, where possible, mediating discrimination complaints, representing the public interest in the litigation of complaints, and conducting research in consultation with rights holders and stakeholders, issuing public statements, and tabling special reports in Parliament. The CHRC is committed to working with the Government of Canada as well as domestic and international partners and stakeholders to ensure continued progress in the protection of human rights, including Canada’s implementation of the rights and obligations enshrined in the human rights treaties to which Canada is a party.

The CHRC also has a mandate under the Employment Equity Act and supports the Accessibility Commissioner and the Pay Equity Commissioner in carrying out their mandates under the Accessible Canada Act and the Pay Equity Act, respectively. It also provides support to the Federal Housing Advocate as legislated by the National Housing Strategy Act. The CHRC is also designated as a body responsible for monitoring the Government of Canada’s implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in accordance with article 33.2 of the Convention.

In Canada, and across the world, Indigenous peoples and individuals face unique barriers to the protection and enjoyment of their human rights. The CHRC views the situation of Indigenous peoples in Canada as one of the most pressing human rights issues facing Canada today. The CHRC has been and continues to be a vocal advocate for Canada to do more to realize the human rights of Indigenous peoples. The legacy of the residential school system and the continuing discoveries of unmarked graves looms large over many aspects of Indigenous peoples’ lives and continues to have a detrimental effect on the well-being of Indigenous communities in Canada. The CHRC recognizes that Canada has a long and dark history of institutionalized child neglect, abuse and discrimination, including systematically separating Indigenous children from their families, culture and identity.

The CHRC welcomes the work of the UN Expert Mechanism on the Rights of Indigenous Peoples and supports this annual study to examine States’ progress on the realization of the exercise and enjoyment of the collective and individual norms affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (Declaration).

In support of the Expert Mechanism’s study on “Laws, legislation, policies, constitutions, judicial decisions and other mechanisms in which States had taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration,” the CHRC reports on Canada’s measures in these areas.

## **Laws**

Indian Act[[2]](#footnote-2)

The Indian Act, enacted in 1876, is federal legislation that governs in matters related to Indian status, bands and Indian reserves. It is perhaps the only legislation in the world that rules and manages a people based on their race, and has remained relatively unchanged for 150 years. It is outdated and continues to be criticized for being discriminatory and paternalistic. A more modern approach to governance that recognizes First Nations’ inherent right to self-government is long overdue and must be accomplished in consultation and collaboration with First Nations peoples.

The CHRC has and continues to call for major changes to the Indian Act and other legislation concerning Indigenous peoples’ rights in Canada before Parliament, the Senate, and through submissions to United Nations bodies.[[3]](#footnote-3) Public debate on this topic includes some Indigenous peoples’ reluctance to have the Indian Act repealed without first determining an instrument that will guarantee their rights, including the protection of their reserve lands from seizure and development.[[4]](#footnote-4)

In October 2023, several UN Special Rapporteurs (the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence) provided views to Canada related to discrimination in the registration provisions of the Indian Act. These views were in reaction to a communication filed with Committee on the Elimination of Discrimination in 2022, to which the CHRC provided a letter of support.

In the view of the Special Rapporteurs, discriminatory provisions remain in the Indian Act. They requested that Canada:

* Carefully review the Indian Act and remove all remaining discriminatory provisions;
* Support timely registration for all those who become eligible;
* Provide an accessible remedy to compensate those who have been affected;
* Repeal section 6(2) of the Indian Act (“second generation cut-off”);
* Repeal non-liability clauses of the Indian Act to allow victims of discriminatory provisions to be compensated; and
* Develop plain language materials on registration and eligibility.

United Nations Declaration on the Rights of Indigenous Peoples Act[[5]](#footnote-5)

Canada endorsed the Declaration in 2016, and the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) came into force in June 2021 with the purpose of ensuring that the laws of Canada are consistent with the Declaration. This represented a vital step towards promoting and protecting Indigenous rights in Canada and the CHRC welcomed this development as an important step in advancing reconciliation. The UNDA mandated the development of an action plan to implement the Declaration within two years of adoption of the UNDA.

The CHRC believes that the UNDA and the accompanying Action Plan provides the framework needed to dismantle colonialism and chart a new path forward in the relationship between Canada and Indigenous peoples. Critics of this Act point to the lack of detail regarding the free, prior, and informed consent of Indigenous peoples for decisions affecting them.

Canada published the 2023-28 Action Plan in June 2023, describing it as “a roadmap of actions Canada needs to take in partnership with Indigenous peoples to implement the principles and rights set out in the UN Declaration and to further advance reconciliation in a tangible way.”[[6]](#footnote-6) The CHRC welcomes this progress in achieving the ends of the Declaration, but notes that Canada was criticized by Indigenous groups for a lack of thorough consultation on the Action Plan.[[7]](#footnote-7)

Indigenous Languages Act[[8]](#footnote-8)

On June 21, 2019, the Indigenous Languages Act received Royal Assent, with the overall purpose of supporting the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages. This act contributes to the implementation of the Declaration as it relates to Indigenous languages. It also established the independent Office of the Commissioner of Indigenous Languages in 2021.

The Indigenous Languages Act recognizes that the history of colonial and paternalistic policies and practices in Canada has directly contributed to the erosion of Indigenous languages and affirms that Indigenous language rights are included in the rights of Indigenous peoples recognized under the Constitution Act, 1982. Indigenous languages are fundamental to the identities, cultures, spirituality, relationship to the land, world views, and self-determination of First Nations, Inuit, and Métis peoples. The Commission of Indigenous Languages has heard that a lack of resources and support for fluent speakers of Indigenous languages is leading to fatigue among the declining number of fluent speakers.[[9]](#footnote-9)

Act respecting First Nations, Inuit, and Métis children, youth and families[[10]](#footnote-10)

The Act respecting First Nations, Inuit and Métis children, youth and families was co-developed with Indigenous partners and became law on June 21, 2019. It recognizes that inherent and protected rights of Indigenous self-government include jurisdiction over child and family services. The law affirms the rights of Indigenous nations and communities to exercise jurisdiction in relation to child and family services and provides an opportunity for Indigenous peoples to choose their own solutions for their children and families. This law follows the 2016 Canadian Human Rights Tribunal decision finding that Canada had discriminated by failing to properly fund and support the delivery of child and family services to First Nations children on reserves across Canada. The CHRC participated significantly in that claim on behalf of the public interest. The government of Quebec has challenged some elements of this law and a decision by the Supreme Court of Canada is pending.

The CHRC welcomes this law to reform the federal child welfare system, representing a significant step forward for Indigenous children and families in Canada, while acknowledging that fundamental inequities still exist for far too many First Nations, Inuit and Métis children and families in Canada.

Accessible Canada Act[[11]](#footnote-11)

The rate of disability among Indigenous peoples in Canada is much higher than that of the general population. According to Statistics Canada, 22% of Canadians identify as having a disability, compared to 31% for Indigenous peoples. Indigenous peoples experiencing disability face unique barriers that make it more difficult to fully participate in society. This includes barriers to accessing physical and mental health care, adequate housing and food, employment, and other social supports and services. Furthermore, because of Canada’s legacy of discriminatory child welfare systems, Indigenous parents with disabilities or those who have children with disabilities may hesitate to apply for additional supports or programs for fear of having their children removed from the home.

With the coming into force of the Accessible Canada Act (ACA) in 2019, Canada has begun to move towards full accessibility and inclusion for people with disabilities. However, a more tailored approach to the application of accessibility standards for Indigenous peoples is necessary to meet the unique needs of each community. For example, Indigenous peoples’ understanding of disability may differ from the Western understanding of the concept, and these discrepancies need to be reflected in the application of accessibility legislation. For this and many other reasons, Indigenous peoples with disabilities themselves must lead and inform how accessibility standards are applied in their communities to ensure their needs are being fully met.

In recognition of the need for a different approach, First Nations (“Indian Band councils”) are exempt from the planning and reporting requirements in the ACA and the Accessible Canada Regulations until 2026, until fulsome consultations with First Nations can occur. However, there remains a lack of clarity around the application of this legislation in First Nations communities and a variety of outstanding issues facing both First Nations governments and First Nations people with disabilities.

Advocates have expressed concern that the exemption has the potential impact of leaving many First Nations people with disabilities without protections enjoyed by members of other disability communities. Beyond 2026, advocates are concerned that some First Nations may not comply with the legislation, further perpetuating systemic inequality currently experienced by so many First Nations people with disabilities. Challenges in compliance may be due to several factors, some of which can be linked to limited funding, which must be spread across many programs and services to address a variety of economic, social and cultural needs within the community. Further concerns focus on how First Nations will be able to meet their obligations under the ACA given the chronic and systemic underfunding of First Nations health, infrastructure and housing services, and that the ACA may conflict with principles of self-governance and self-determination.

The situation of First Nations is different than that of other federally-regulated entities. The CHRC recognizes and respects Indigenous peoples’ inherent right to self-determination and that any legislation affecting Indigenous peoples and their governments should be modeled after their own values and traditions and should be developed in consultation with Indigenous peoples. A federal accessibility system must recognize the importance of an intersectional approach, and a commitment to applying such an approach wherever possible to address gaps in protection and to ensure the ACA is consistent with the principles of the UN Declaration on the Rights of Indigenous Peoples.

## **Proposed Legislation**

The Canadian Parliament is currently undertaking the study and development of several laws to improve human rights for Indigenous peoples in Canada and to achieve the ends of the Declaration. The CHRC acknowledges these initiatives and looks forward to concrete advancements in the human rights of Indigenous peoples and individuals in Canada. The CHRC is encouraged that Parliamentary committees are informing their understanding of the issues by engaging with a variety of witnesses with divergent views and gaining a wide perspective on the potential consequences of implementing these Acts.

Bill C-38, An Act to amend the Indian Act (new registration entitlements)[[12]](#footnote-12)

The registration provisions in the Indian Act define those whom Canada will recognize as having “Indian” status. These provisions are colonial constructs that do not necessarily have any connection to the concepts and procedures First Nations peoples use to identify their own communities. In 1981, the UN Human Rights Committee found aspects of the registration provisions were contrary to international human rights law.

Canada has amended the registration provisions of the Indian Act several times since 1985 in response to court judgments, but inequities remain, as detailed in a report published by the Standing Senate Committee on Indigenous Peoples in June 2022.[[13]](#footnote-13)

The proposed act would address residual discriminatory impacts of enfranchisement,[[14]](#footnote-14) remove outdated and offensive language related to dependent persons, eliminate gender-based inequities in membership provisions by allowing women and their direct descendants to seek reaffiliation with their natal band, and enable persons to remove their names from the Indian Register (individual deregistration). The House of Commons is currently considering this bill.

Bill C-29, National Council for Reconciliation Act[[15]](#footnote-15)

The proposed act would establish a national council for reconciliation as an independent, non-political, permanent and Indigenous-led organization whose purpose is to advance reconciliation with Indigenous peoples. This bill is currently being examined by the Standing Senate Committee on Indigenous Peoples. The Committee is hearing testimony from interested and expert witnesses with knowledge of this subject.

Bill C-53, Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act[[16]](#footnote-16)

The proposed act provides for the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan and provides a framework for the implementation of treaties entered into by those Métis governments and the Government of Canada. This bill is currently being considered by the Parliamentary Standing Committee on Indigenous and Northern Affairs. The Committee is hearing testimony from interested and expert witnesses with knowledge of this subject.

There is debate among Indigenous groups in Canada regarding this bill. Self-government is part of the foundation for a renewed relationship between the Government of Canada and Indigenous peoples and is a pathway to development and economic growth that will generate benefits for these specific Métis Nations. However, some rights-holders are concerned that the legislation will undermine the rights of First Nations across Canada and will harm the advancement of Métis rights holders who have fought for legal recognition of their specific communities.[[17]](#footnote-17)

## **Policies**

### Criminal Justice System

Canada has a weak record of upholding the human rights of Indigenous individuals in federal correctional facilities. The CHRC continues to raise concerns about the over-representation of Indigenous individuals in prison and discrimination in relation to the conditions of confinement, including with respect to classification and treatment.[[18]](#footnote-18)

For instance, Indigenous prisoners are more likely to be over-classified as requiring maximum security and are more likely to be involved in incidents of use of force.[[19]](#footnote-19) Various oversight bodies have also noted that culturally-relevant programming and services are limited for Indigenous prisoners and not reflective of their rehabilitative needs.[[20]](#footnote-20) The CHRC has received a number of complaints that allege that the Correctional Service of Canada (CSC) fails to provide culturally-relevant services and fails to accommodate certain religious or spiritual practices. Without access to these programs and services, Indigenous prisoners are less likely to be granted conditional release, and in some cases, are ill-prepared to reintegrate in their communities, placing them at a higher risk of reoffending and further contributing to their overrepresentation in the correctional system.[[21]](#footnote-21)

The CHRC has joined various stakeholders in calling on Canada to ratify the Optional Protocol to the Convention Against Torture (OPCAT) to address human rights failures in the criminal justice system and in other areas of Canadian society. Given the overrepresentation of Indigenous peoples in the prison population, ratifying OPCAT represents an important step in addressing discrimination in Canada and taking strides in reconciliation with Indigenous peoples.

The CHRC is encouraged by the appointment of the Correctional Service of Canada’s first Deputy Commissioner for Indigenous Corrections in May 2023, an initiative long called-for by the Correctional Investigator[[22]](#footnote-22) and Indigenous rights advocates.[[23]](#footnote-23) Canada’s appointment of a Deputy Commissioner for Indigenous Corrections is only a first step in addressing the many barriers Indigenous individuals face while navigating the federal correctional system.

## **Judicial Decisions**

There have been some recent judicial decisions in Canada arising from the Canadian Human Rights Act system that advance the rights of Indigenous peoples and individuals.

In 2021, the Canadian Human Rights Tribunal (Tribunal) found that Canada discriminated on the basis of race and national or ethnic origin by failing to properly fund and support a First Nation’s police service.[[24]](#footnote-24) Canada filed an application for judicial review but the Federal Court dismissed the application and upheld the Tribunal’s findings.[[25]](#footnote-25) Canada’s appeal is pending at the Federal Court of Appeal. The CHRC participated on behalf of the public interest in defending this important Tribunal decision.

Important developments have taken place in the long-standing claim against Canada by the Assembly of First Nations and the First Nations Child and Family Caring Society, filed with the CHRC in 2007. In 2016, the Tribunal found Canada discriminated by failing to properly fund and support the delivery of child and family and other services to First Nations children on reserves across Canada and in the Yukon.[[26]](#footnote-26)

Since that time, the Tribunal has issued more than 20 additional rulings on remedies, including financial compensation for the thousands of individuals harmed by Canada’s discriminatory practices. In 2023, Canada signed a settlement agreement worth over $23 billion to pay the financial awards made by the Tribunal and resolve related claims made in separate class action lawsuits.[[27]](#footnote-27) The Tribunal and the Federal Court both approved the settlement and the Tribunal continues to oversee issues relating to sustainable long term program reform.

Despite these rulings and settlement, in December of 2023, the First Nations Child and Family Caring Society raised concerns with the Tribunal about Canada’s compliance with orders regarding the implementation of Jordan’s Principle, and said it plans to seek further remedies from the Tribunal in this regard.[[28]](#footnote-28)

## **Other Mechanisms**

Indigenous Human Rights Mechanism

The National Inquiry into Missing and Murdered Indigenous Women and Girls published its final report, Reclaiming Power and Place, in 2019. The report addresses the systemic causes of violence against Indigenous women, girls and LGBTQ and Two-Spirit people in Canada. The Inquiry called for the establishment of a National Indigenous and Human Rights Ombudsperson, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal. The CHRC fully supports the creation of human rights mechanisms specific to Indigenous peoples in Canada. We believe that any new independent mechanisms that advance decolonization and self-determination are long overdue, and we have been recommending the study of an Indigenous human rights mechanism for many years.[[29]](#footnote-29)

The Senate of Canada is currently studying the question of a national Indigenous human rights mechanism through the Standing Senate Committee on Indigenous Peoples.[[30]](#footnote-30) The Committee is engaging with witnesses with expertise and lived experience in the field of Indigenous human rights to inform their report and recommendations to Parliament. The CHRC continues to support this initiative, and has appeared as a witness before the Senate.[[31]](#footnote-31)

### Office of the Correctional Investigator

The Office of the Correctional Investigator (OCI) recently released part two of its findings following a thorough and long-standing investigation into the overrepresentation of federally-sentenced Indigenous individuals and the conditions they experience in the prison system. [[32]](#footnote-32) This two-part national investigation examined and made recommendations on issues that have remained largely unaddressed since the OCI’s 2013 “Special Report to Parliament, Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act.”[[33]](#footnote-33)

The CHRC shares the Correctional Investigator’s ongoing concerns that not enough is being done to uphold the human rights of Indigenous individuals in federal corrections. Despite Canada’s stated commitments, we continue to see widening disparities in outcomes between Indigenous and non-Indigenous persons in prison.

The CHRC is grateful for the OCI’s commitment to revealing the disturbing and continuing trend of overincarceration of Indigenous individuals in Canadian prisons.

## **Conclusion**

While Canada has made progress on taking steps to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with article 38 of the Declaration, much work needs to be done to accomplish concrete measures for the protection and enjoyment of human rights by Indigenous peoples and individuals in Canada. Canada has begun many laudable initiatives and must ensure they are adequately resourced so they fulfil the expectations Canada has created domestically and internationally. The CHRC will continue to monitor Canada’s actions and advocate for equal rights for all Indigenous peoples in Canada.

1. Available at: [laws-lois.justice.gc.ca/PDF/H-6.pdf](http://laws-lois.justice.gc.ca/PDF/H-6.pdf). Although Canada’s human rights laws are not part of the Constitution, they are considered “quasi-constitutional” in nature, meaning that all other laws must be interpreted in a manner consistent with human rights law. [↑](#footnote-ref-1)
2. See: Justice Canada, Indian Act, <https://laws-lois.justice.gc.ca/eng/acts/i-5/>. [↑](#footnote-ref-2)
3. See for example: Canadian Human Rights Commission, Submission to the UN Special Rapporteur on the Rights of Indigenous Peoples on the occasion of their country visit to Canada, February 2023, unpublished; Canadian Human Rights Commission, Bill C-15, An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples: Submission to the Standing Senate Committee on Aboriginal Peoples, <https://www.chrc-ccdp.gc.ca/sites/default/files/2021-06/CHRC_SenateSubmission_C15_EN_0.pdf>, May 28, 2021; Canadian Human Rights Commission, Speak Out: The Canadian Human Rights Commission’s 2018 Annual Report to Parliament, <https://2018.chrcreport.ca/assets/pdf/CHRC_AR_2018-ENG.pdf>, 2019; see pages 47-49 for a summary of the CHRC’s work in the public interest to advocate for gender equality in Indian registration. [↑](#footnote-ref-3)
4. See Palmater, “Abolishing the Indian Act means eliminating First Nations’ rights,” in Macleans Magazine, <https://macleans.ca/opinion/abolishing-the-indian-act-means-eliminating-first-nations-rights/>, October 10, 2019. [↑](#footnote-ref-4)
5. See: Justice Canada, United Nations Declaration on the Rights of Indigenous Peoples Act, <https://laws-lois.justice.gc.ca/eng/acts/U-2.2/>. [↑](#footnote-ref-5)
6. See: Justice Canada, United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028, <https://www.justice.gc.ca/eng/declaration/ap-pa/index.html>. [↑](#footnote-ref-6)
7. See: CBC News, Assembly of First Nations wants federal UNDRIP plan overhauled, slams consultation process, <https://www.cbc.ca/news/indigenous/afn-undrip-draft-plan-delay-1.6803777>, April 6, 2023. [↑](#footnote-ref-7)
8. See: Justice Canada, Indigenous Languages Act, <https://laws-lois.justice.gc.ca/eng/acts/i-7.85/page-1.html>. [↑](#footnote-ref-8)
9. See: Office of the Commissioner of Indigenous Languages, The Office of the Commissioner of Indigenous Languages Hears Directly from Language Experts About Their Efforts to Breathe Life Back into First Nations, Inuit, and Metis Languages, <https://commissionforindigenouslanguages.ca/the-office-of-the-commissioner-of-indigenous-languages-hears-directly-from-language-experts-about-their-efforts-to-breathe-life-back-into-first-nations-inuit-and-metis-languages>. [↑](#footnote-ref-9)
10. See: Justice Canada, An Act respecting First Nations, Inuit and Métis children, youth and families, <https://laws.justice.gc.ca/eng/acts/F-11.73/index.html>. [↑](#footnote-ref-10)
11. See: Justice Canada, Accessible Canada Act, <https://laws-lois.justice.gc.ca/eng/acts/a-0.6/>. [↑](#footnote-ref-11)
12. See: Parliament of Canada, <https://www.parl.ca/legisinfo/en/bill/44-1/c-38>. [↑](#footnote-ref-12)
13. See: Senate of Canada, Make it Stop! Ending the Remaining Discrimination in Indian Registration, <https://sencanada.ca/content/sen/committee/441/APPA/Reports/2022-06-27_APPA_S-3_Report_e_FINAL.pdf>. [↑](#footnote-ref-13)
14. Enfranchisement was a legal process for terminating a person's Indian status and conferring full Canadian citizenship rights which were not necessarily available to “Status Indians” before 1960. Enfranchisement was a key feature of the Canadian government's assimilation policies regarding Indigenous peoples. [↑](#footnote-ref-14)
15. See: Parliament of Canada, <https://www.parl.ca/legisinfo/en/bill/44-1/c-29>. [↑](#footnote-ref-15)
16. See: Parliament of Canada, <https://www.parl.ca/legisinfo/en/bill/44-1/c-53>. [↑](#footnote-ref-16)
17. See: Assembly of First Nations, Assembly of First Nations (AFN) Supports First Nations Call to Delay Implementation of Métis Self-Government Recognition and Implementation Legislation, <https://afn.ca/all-news/press-releases/assembly-of-first-nations-afn-supports-first-nations-call-to-delay-implementation-of-metis-self-government-recognition-and-implementation-legislation/>, June 20, 2023. [↑](#footnote-ref-17)
18. See: Canadian Human Rights Commission, CHRC concerned by findings into overrepresentation of Indigenous people in prison, <https://www.chrc-ccdp.gc.ca/en/resources/chrc-concerned-findings-overrepresentation-indigenous-people-prison>, November 3, 2023; and Submission to the Committee Against Torture in Advance of the Committee’s Development of the List of Issues Prior to Reporting for Canada’s 8th Periodic Review, <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fIFR%2fCAN%2f45205&Lang=en>, June 2021. [↑](#footnote-ref-18)
19. See: OCI Annual Report 2019-2020 at p. 20, available at: <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20192020-eng.pdf>; and OCI Annual Report 2016-2017 at p. 56, available at <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20162017-eng.pdf>. [↑](#footnote-ref-19)
20. See, for example: 2016 Fall Reports of the Auditor General of Canada: Preparing Indigenous Offenders for Release, available at <http://www.oag-bvg.gc.ca/internet/English/parl_oag_201611_03_e_41832.html>. [↑](#footnote-ref-20)
21. See: Standing Senate Committee on Human Rights, Interim Report – Study on the Human Rights of Federally-Sentenced Persons: The Most Basic Human Right is to be Treated as a Human Being, February 2019, at: <https://sencanada.ca/content/sen/committee/421/RIDR/Reports/RIDR_Report_Prisioners_e.pdf>. [↑](#footnote-ref-21)
22. See: Office of the Correctional Investigator, <https://oci-bec.gc.ca/en/>. [↑](#footnote-ref-22)
23. See: Correctional Service of Canada, The Correctional Service of Canada announces Deputy Commissioner for Indigenous Corrections, <https://www.canada.ca/en/correctional-service/news/2023/03/the-correctional-service-of-canada-announces-deputy-commissioner-for-indigenous-corrections.html>, March 27, 2023. [↑](#footnote-ref-23)
24. Dominique (on behalf of the members of the Pekuakamiulnuatsh First Nation) v. Public Safety Canada, 2022 CHRT 4 (CanLII), <https://canlii.ca/t/jp3h7>. [↑](#footnote-ref-24)
25. Canada (Procureur général) c. Première Nation des Pekuakamiulnuatsh, 2023 CF 267. [↑](#footnote-ref-25)
26. First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada), 2016 CHRT 2 (CanLII), <https://canlii.ca/t/gn2vg>. [↑](#footnote-ref-26)
27. See: Indigenous Services Canada, Federal Court approves settlement agreement to compensate First Nations children and families, <https://www.canada.ca/en/indigenous-services-canada/news/2023/10/federal-court-approves-settlement-agreement-to-compensate-first-nations-children-and-families.html>, October 24, 2023. [↑](#footnote-ref-27)
28. See: First Nations Child and Family Caring Society, Caring Society December 12 2023 Notice of Motion for Jordan's Principle, https://fncaringsociety.com/publications/caring-society-december-12-2023-notice-motion-jordans-principle. [↑](#footnote-ref-28)
29. See: Canadian Human Rights Commission, A Matter of Rights: A Special Report of the Canadian Human Rights

Commission on the Repeal of Section 67 of the Canadian Human Rights Act, October 2005, <https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/report_a_matter_of_rights_en.pdf>. [↑](#footnote-ref-29)
30. See: Standing Senate Committee on Aboriginal Peoples, Order Of Reference, <https://sencanada.ca/en/Content/SEN/Committee/441/APPA/APPA-SS-1-e>, which gives the authority to study this question. [↑](#footnote-ref-30)
31. See: CHRC, Appearance before the Senate Committee of Indigenous Peoples (APPA) on the topic of a Canadian Human Rights Framework, <https://www.chrc-ccdp.gc.ca/en/resources/appearance-the-senate-committee-indigenous-peoples-appa-the-topic-a-canadian-human-rights>, April 18, 2023; and Senate of Canada, The Standing Senate Committee on Indigenous Peoples, Evidence (transcript of witness testimony), <https://sencanada.ca/en/Content/Sen/Committee/441/APPA/38EV-56139-E>, April 25, 2023. [↑](#footnote-ref-31)
32. See: Office of the Correctional Investigator, Office of the Correctional Investigator Annual Report 2022-2023, <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2022-2023>. [↑](#footnote-ref-32)
33. See: Office of the Correctional Investigator, Backgrounder – Summary of Ten Years since Spirit Matters: Indigenous Issues in Federal Corrections (Parts I & II), <https://oci-bec.gc.ca/en/content/backgrounder-summary-ten-years-spirit-matters-indigenous-issues-federal-corrections-parts>. [↑](#footnote-ref-33)