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CSO Report Submitted by
Aboriginal Legal Services

Submitted to Committee on the Elimination of Racial Discrimination

In Consideration of Canada's 21st-23rd Periodic Reports

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Introduction

Aboriginal Legal Services (“ALS”) is a multi-service non-profit legal organization that was incorporated to assist Aboriginal people gain access to, and control over, justice related issues that affect them. ALS only serves Aboriginal people and families. ALS has extensive experience addressing systemic discrimination against Indigenous peoples since it was established in 1990 including intervening on 18 Supreme Court of Canada.

Aboriginal Legal Services is guided by several core principles:

- Aboriginal individuals require equitable treatment in the justice system, access to legal and related resources within the justice system as well as understanding of the system and their options.
- The support required includes advocacy in all areas of the law as well as alternatives which can break the cycles of recidivism and dependency which is all too prevalent.
- These alternatives are more effective when they are community controlled and are based on the traditional cultural norms and values of the Aboriginal community.
- It is necessary to re-introduce community controlled and culturally based justice alternatives by ensuring community involvement in the process and by integrating justice related services with complementary programs within the Aboriginal community.

This submission focuses on several key issues of discrimination facing Indigenous peoples in Canada including access to justice issues such as over representation in the criminal justice system, the inquiry in murdered and missing Indigenous women, inequalities in education and healthcare, and finally ongoing sex discrimination in the *Indian Act*.

Aboriginal Legal Services urges the Committee to ensure that the interpretation of the Convention on the Elimination of All Forms of Racial Discrimination is interpreted to respect, promote and advance the rights of Indigenous peoples as contained within the UN *Declaration on the Rights of Indigenous Peoples*¹ in their review of Canada.

We note the Outcome Document of the World Conference on Indigenous Peoples² reiterated the need for Treaty bodies to incorporate the standards contained within the UN *Declaration on the Rights of Indigenous Peoples* when reviewing State progress in realizing the rights of Indigenous peoples:

We invite Human Rights Treaty bodies to consider the United Nations Declaration on the Rights of Indigenous Peoples in accordance with their respective mandates.

Access to Justice and the Criminal Justice System

One of the biggest barriers to Indigenous peoples realization of economic, social and cultural rights is the over-representation of Indigenous peoples in the criminal justice system, especially within prisons. Canada has consistently failed to address this over-representation and the impacts on economic, social and cultural rights. Canada failed to address the recommendations from CERD during Canada’s 19th and 20th periodic review, para 12.

¹ Resolution 61/295, 13 September 2007.

² Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, UN Doc A/RES/69/2, 22 September 2014.

Over-representation is getting worse, not better. Indigenous adults sent to federal prisons represented 20% of admissions in 2013/2014, which rose to 22% in 2014/2015. In the federal prison system, Indigenous women represented 31% while Indigenous men accounted for 22% of admissions to sentenced custody.³

Indigenous peoples are less likely to receive bail and are thus incarcerated during the determination of their case. Indigenous peoples also experience discrimination in that they (1) serve harder sentences than other offenders because they receive higher security classifications and (2) are less likely to get parole, thus serve disproportionately more of their sentences behind bars. There is increasing reliance on mandatory minimum sentences, which exacerbated the existing crisis of over incarceration.

Criminal code provisions prompting judges to consider alternatives to incarceration and the interpretation by the court in *Gladue*⁴ and *Ipeelee*⁵ acknowledging systemic discrimination have failed to address the issue of over incarceration. Despite decades of studies and reports that recognized systemic discrimination against Indigenous peoples, Canada has failed to take effective measures to address the systemic racism that Indigenous peoples face in the criminal justice system. And in fact, the situation keeps getting worse for Indigenous peoples.

The Federal government is failing to address these issues, leaving few options but to launch court challenges. One such challenge is to the risk-assessment tools used to classify Indigenous prisoners. Rather than invest in more appropriate risk-assessment tools that better respond to the needs and concerns of Indigenous peoples, the federal government is fighting this case – all the way to the Supreme Court of Canada.⁶

Another court challenge has been brought against Canada's failure to use harm-reduction measures for people with drug addictions in penitentiaries. Rather than rely on national and international evidence on the effectiveness and increased safety (to prisoners and guards) of providing safe needles, the government is fighting the case.⁷ Indigenous peoples are 2.7 times more likely to get HIV than people of other ethnicities in Canada in 2014. Indigenous peoples accounted for an estimated 11% of new HIV infections in 2014. Injection drug use is an important risk factor for HIV transmission among Indigenous peoples. Indigenous peoples accounted for an estimated 9% of all Canadians living with HIV in 2014.⁸

Finally, there is a significant concern with Canada's ongoing use of solitary confinement. While Canada recently released new legislation, this legislation does not adequately address

³ Julie Reitano, "Adult correctional statistics in Canada, 2014/2015" Statistics Canada, March 22, 2016, available at: <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14318-eng.htm>.

⁴ *R. v. Gladue*, [1999] 1 S.C.R. 688.

⁵ *R. v. Ipeelee*, [2012] 1 SCR 433, 2012 SCC 13.

⁶ *Jeffrey G. Ewert v. Her Majesty the Queen in Right of Canada (the Commissioner of the Correctional Service of Canada, the Warden of Kent Institution and the Warden of Mission Institution)*, to be heard before the Supreme Court of Canada in October. Docket information including pleadings can be found at: <http://www.scc-csc.ca/case-dossier/info/dock-regi-eng.aspx?cas=37233>.

⁷ Steven Simons, Canadian HIV/AIDS Legal Network, Prisoners with HIV/AIDS Support Action Network, Canadian Aboriginal AIDS Network and CATIE (Applicants) v. Minister of Public Safety, Correctional Service of Canada, Commissioner of the Correctional Service of Canada and Attorney General of Canada (Respondents), information on the case can be found at: <http://www.prisonhealthnow.ca/learn-more/about-the-lawsuit.php>.

⁸ CATIE, "HIV in Canada: A primer for service providers, Aboriginal people", available at: <http://www.catie.ca/en/hiv-canada/2/2-3/2-3-4>

the discrimination and negative impacts Indigenous peoples face. This new legislation fails to protect Indigenous peoples in prison, who as noted above, face discrimination within the penitentiary system. The new legislation fails to meet international standards concerning the use of solitary confinement because it limits its use to 21 days, as opposed to 15 days.⁹ Most troubling is that this new legislation does not address the discrimination and the over use of solitary confinement for Indigenous peoples in prison. For example, the Ontario Human Rights Commission was appalled to learn that an Indigenous youth had been kept in solitary confinement for over 1600 days, much of it with 24 hour lighting, acrylic glass walls and little access to fresh air or programs.¹⁰ The failure of these reforms are also being brought to court, and Canada continues to fight these challenges.¹¹

Canada is currently undertaking a review of many mandatory minimum sentences. However, the problem of Indigenous peoples' over representation in the prison system existed before the increase in mandatory minimums. Therefore, a reduction in mandatory minimums will not completely address the ongoing discrimination. Significant reforms are necessary to ensure that judges can craft community-based sentences that take into account the unique experiences of Indigenous peoples as well as the systemic discrimination that Indigenous peoples face.

The new legislation on criminal justice increases prosecutorial discretion. This fails to address systemic discrimination and shields the decisions from scrutiny. The government has known that Indigenous peoples do not benefit from prosecutor discretion since at least 1991 in the Manitoba Justice Inquiry.

Recommendations:

- **develop measures to ensure that all alternatives to incarceration are considered for every Indigenous person, at every stage of the criminal process (bail, sentencing, parole).**
- **provide sufficient and stable funding to community organizations that can provide realistic alternatives to imprisonment for Indigenous offenders and respond to the underlying causes of offending, as per the TRC calls to action.**
- **work with Indigenous organizations to recognize and implement Indigenous justice systems, as per the TRC calls to action.**
- **create culturally appropriate methods of assessing the risk of Indigenous prisoners that addresses the current discriminatory approaches.**
- **amend legislation to limit the use of solitary confinement to 15 days, and develop guidelines for its use to address discrimination against Indigenous peoples.**

Question: what measures are Canada taking to increase community based responses and

⁹ Kathleen Harris, "Liberals set 15-day limit on solitary confinement of federal prisoners," CBC news, June 19, 2017, available at: <http://www.cbc.ca/news/politics/corrections-solitary-confinement-segregation-1.4167555>.

¹⁰ Jody Porter, "First Nations man spends 4 years in solitary confinement in northern Ontario awaiting trial" CBC news, Oct 26, 2016, available at: <http://www.cbc.ca/news/canada/thunder-bay/four-years-solitary-1.3821245>.

¹¹ Kathleen Harris, "Liberals lose bid to halt trial over solitary confinement in prisons," CBC news, June 27, 2017, available at: <http://www.cbc.ca/news/politics/solitary-confinement-segregation-prison-1.4174656>.

greater control over justice for Indigenous peoples?

Access to Justice and Indigenous Women

Key issues for Indigenous women and access to justice include over incarceration, lack of safeguards in cases of sexualized violence against Indigenous women, and limited access to legal aid. Minimizing root cause of violence through education, employment and more opportunities along with increasing access to justice are critical to addressing the discrimination against Indigenous women.

Incarceration rates for Indigenous women are also increasing. There are provincial facilities whose prison population are almost entirely Indigenous women, such as Manitoba's Women's Correctional Center where as many as nine in ten prisoners are Indigenous women.¹² Other statistics indicate that three out of five federally sentenced women are Indigenous. These statistics suggest that there is a crisis that requires immediate attention. In addition to being over-represented in the prison system, the experiences once in prison further compound the discrimination Indigenous peoples experience in the criminal justice system.

For Indigenous women in particular, there are few federal female prisons, which mean when women are federally sentenced they are more likely to be further away from their families and communities. While in prison, their children are at increased risk of being apprehended by child welfare agencies, which increases their likelihood of future involvement in the criminal justice system. Finally, Indigenous women are disproportionately assessed as high-security, and must serve their sentences in maximum-security facilities with less programming.

The prosecution of Bradley Barton in the death of Cindy Gladue is a recent example demonstrating the failures of the Canadian criminal justice system to address violence against Indigenous women.¹³ Ms. Gladue died as a result of an 11 centimeter wound to her vagina. During the trial, the trial judge allowed her vaginal tissue to be brought into court as evidence as there were questions whether the injury was caused by a sharp instrument or by "rough but consensual sex." Barton was acquitted at trial.

This case has been heavily criticized by Indigenous advocates because the Trial judge allowed the most intimate part of a woman's body to be exhibited in a jury trial. Questions remain whether this dehumanizing decision of the trial judge was influenced by the fact that Ms. Gladue was an Indigenous woman and had engaged in sex work. The prosecutor, defence lawyer and judge all referred to Ms. Gladue as a "prostitute", "Native", "a Native girl" and "the Native woman" throughout the trial even though her cultural background played was not relevant to the trial and her prior sexual activity was not relevant.

However, her physical remains had no place as evidence in a Canadian justice system. This trial exemplifies how the Canadian legal system fails to protect Indigenous women and perpetuates discrimination and stereotypes against Indigenous women who we know are most victimized; fails to address Indigenous concerns and protocols including culturally

¹² Nancy McDonald, "Canada's prisons are the 'new residential school'", McLeans, 18 February 2016, available at <http://www.macleans.ca/news/canada/canadas-prisons-are-the-new-residential-schools/>.

¹³ 2017 ABCA 216. Christa Big Canoe, "Cindy Gladue suffered her last indignity at murder trial", CBC News, 2 April 2015, <http://www.cbc.ca/news/indigenous/cindy-gladue-suffered-her-last-indignity-at-murder-trial-1.3019500>.

appropriate justice systems; and fails to provide any meaningful redress or remedy for murdered and missing Indigenous women and girls.

While the Alberta Court of Appeal set aside the acquittals and ordered a new trial, the focus of the appeal was on the instructions given to the jury. There is no protection against the use of her physical remains as evidence at the new trial. The court did recognize the existence of racial discrimination against Indigenous peoples is a problem in criminal justice system.

A final access to justice issue is the availability of legal aid. There is increasing pressure on legal aid budgets in part due to the lack of federal funding. Most legal aid programs give preference to applications where loss of liberty is at risk. However, the majority of legal aid certificates for criminal charges go to men. Women are generally granted legal aid certificates for family matters. This inequality is especially amplified for Indigenous women, given the over incarceration rates for Indigenous women continue to climb.

Some legal aid programs are ahead of others as it relates to providing enhanced services to Indigenous clients but there is no consistency in heightening or providing enhanced services to Indigenous women in all jurisdictions. All legal aid services in Canada need to increase competent services for Indigenous women as demand grows in areas that would contribute to meaningfully improve access to justice. Without consistent and adequate statistical collection of service needs, capacity to deliver the services or appropriate funding of legal aid representation on access to justice issues, improvements to services for Indigenous people will not keep pace with the actual need.

Recommendations:

- **develop culturally appropriate procedural safeguards to ensure that criminal cases involving sexual violence do not further victimize the victim.**
- **disaggregate data on legal certificates to ensure equal access to legal aid for Indigenous men and women with criminal charges.**

Violence against Indigenous Women and Girls

The high rate of violence is one of the most significant areas of discrimination Indigenous women continue to experience. Aboriginal Legal Services is pleased that the federal government has called a national inquiry into murdered and missing Indigenous women and girls. ALS is concerned that the budget and timeline may constrain the ability of the Inquiry to conduct its work in a way that is respectful of the families who are at the center of this crisis and may strain the resources of grassroots Indigenous organizations who have been working on this issue for decades.

Over policing and under protecting Indigenous women remains a serious issue in Canada. Systemic discrimination exists within Canadian policing, including failing to investigate when families or friends report Indigenous women and girls missing. Far too often stereotypes that Indigenous women are sex workers or drug users or have run away are provided as the reason police refuse to investigate or search for missing Indigenous women. Significant efforts must be made to address the stereotypes prevalent throughout police forces. Independent oversight mechanisms must exist for families to bring complaints when police fail investigate reports of missing Indigenous women.

Canada's report indicates that the RCMP numbers on murdered and missing Indigenous women (even the federal Minister of Indigenous and Northern Affairs has acknowledged that the problem is bigger than 1200 cases¹⁴) are the basis to enhance prevention and investigative efforts and accountability. While police must address internal discrimination and must fully investigate cases as they arise, the results of the inquiry must include the empowerment of local Indigenous communities to address the issue of murdered and missing Indigenous women and girls. The solution to this crisis is not providing more power and resources to policing agencies, but instead addressing root causes by providing resources to Indigenous communities and community agencies to provide services and supports to their most vulnerable members.

Many reports stress the economic and social marginalization of Indigenous women in making them more susceptible to violence and less able to escape violent circumstances. Lack of education and employment opportunities result in high levels of poverty, food insecurity, overcrowding and homelessness, which contribute to Indigenous women's vulnerability to violence. Canada must work to implement economic, social and cultural rights to address the high rates of murdered and missing Indigenous women and girls. In addition, there is chronic underfunding of services to help Indigenous women address these circumstances.

Recommendation:

- **immediately implement the existing recommendations from international human rights bodies to address murdered and missing Indigenous women and girls.**
- **develop a national action plan in collaboration with Indigenous women's organization to implement economic, social and cultural rights of Indigenous women to address the underlying causes that lead to greater susceptibility to violence, and ensure that these rights are justiciable in Canada.**

Question: what actions are Canada taking to train police, judges, crown prosecutors on stereotypes of Indigenous women and the way in which these stereotypes impact Indigenous women's access to justice?

Trafficking and Sex Work

Canada recently amended the Canadian criminal code provisions on sex work. The new approach engages the "Nordic" model, which emphasizes criminalizing the purchaser of sex, as opposed to the provider of sexual services. Aboriginal Legal Services strongly opposes any approach that leads to greater criminalization because of the disproportionate impacts criminalization has on Indigenous peoples. While divergent opinions are held on whether sex work is empowering or vulnerable, Canada's approach to addressing sex work may further exacerbate the overrepresentation and disproportionate number of Indigenous people in the criminal justice system.

Survival sex workers are the most vulnerable and most marginalized and are the least likely to move off the street, no matter what legal regime is in place. Street-based sex workers come from the most marginalized communities. Of particular relevance to ALS is the

¹⁴ Kathryn Blaze Baum and Tavia Grant, "Missing and murdered indigenous women toll 'way bigger' than 1,200: minister" Globe and Mail, 15 February 2016, www.theglobeandmail.com/news/politics/toll-of-missing-and-murdered-indigenous-women-way-bigger-than-1200-minister/article28761649/.

uncontradicted fact that a disproportionate number of street-based sex workers, including those engaging in survival sex, are Indigenous. Indigenous women are overrepresented in street based sex work due to the impacts of colonialism that have pushed many Indigenous people to the extreme margins of society.¹⁵ Indigenous peoples' involvement in street-based sex work is directly linked to the negative experiences of colonialism, which includes a legacy of racism, colossal neglect, violence and abuse.

Recommendations:

- **review the current approach to sex work to ensure it does not further marginalize and criminalize Indigenous peoples, especially Indigenous women.**
- **increase available funding to Indigenous community based organizations to support survivors of sex work.**

Question: What safeguards exist to ensure that Canada's new approach to regulating sex work does not further the discrimination of Indigenous peoples in the criminal justice system?

Canadian Human Rights Act and Hate Speech

Removing hate speech from the *Canadian Human Rights Act* leaves only a criminal law response to hate speech. This is particularly problematic for Indigenous peoples given there is a higher standard of proof in the criminal justice system and there is an ongoing racism in how police treat Indigenous victims of crime. A recent news report reported that in Thunder Bay, Ontario "Almost one-third of reported hate crimes in Canada in 2015 where Indigenous people were the victims occurred in Thunder Bay, Ont., according to new data from Statistics Canada."¹⁶ The Thunder Bay police are currently under review for racism, particularly against Indigenous peoples.¹⁷

The removal of the hate speech provision is just one example of Canada limiting access to remedies for discrimination. Currently, the federal government is also arguing that discrimination under the *Indian Act* cannot be challenged under the *Canadian Human Rights Act*; that people must launch a challenge under the *Canadian Charter of Rights and Freedoms*. A Charter challenge is far more costly, lengthy and inaccessible.¹⁸

Recommendation:

- **reinstate the hate speech provision in the *Canadian Human Rights Act*.**

Question: how does Canada's current approach that limits access to the Canadian Human Rights Act fulfill Canada's obligations under ICERD?

¹⁵ British Columbia: "Missing Women Commission of Inquiry" headed by Commissioner by Wally Oppal (2012), <http://www.missingwomeninquiry.ca/obtain-report/>.

¹⁶ "Thunder Bay had almost one-third of Canada's reported anti-Indigenous hate crimes in 2015: StatsCan," CBC News, June 13, 2017, available at: <http://www.cbc.ca/news/canada/thunder-bay/statscan-hate-crimes-2015-1.4158366>.

¹⁷ "'Angst' over police in Thunder Bay, Ont., 'diminishes' Canada: Public Safety Minister Ralph Goodale," June 13, 2017, CBC News, available at: <http://www.cbc.ca/news/canada/thunder-bay/angst-over-police-in-thunder-bay-ont-diminishes-canada-public-safety-minister-ralph-goodale-1.4158683>.

¹⁸ *Canadian Human Rights Commission v. Attorney General of Canada*, known as "Madsen," to be heard at the Supreme Court of Canada in November, 2017, case information can be found at <http://www.scc-csc.ca/case-dossier/info/sum-som-eng.aspx?cas=37208>.

Health

Indigenous peoples in Canada experience significant health inequalities. Racism has direct physiological effects on Indigenous peoples' health. Indigenous peoples continue to experience discrimination in accessing education, employment, income, housing and healthcare – all of which are social determinants of health.

Provision of healthcare for Indigenous peoples varies from province to province, and changes in coverage occur periodically and arbitrarily. The federal and provincial governments have yet to clearly define areas of responsibility over First Nations, Métis and Inuit health. Far too often, both federal and provincial governments deny responsibility for provision of healthcare to Indigenous peoples. These battles over responsibility occur through wide-ranging policy decisions as well as on the individual level, over something as routine as whether or not to fund enriched baby formula for an infant born with a disability. This jurisdictional wrangling, as well as confusion by healthcare providers, can result in delays, barriers, and denial of care, associated with statements that care should be elsewhere.

The problem of Indigenous peoples' lower health outcomes is compounded by inadequate access to health services, especially in remote communities. In 2015, the Auditor General concluded that "Health Canada did not have reasonable assurance that eligible First Nations individuals living in remote communities in Manitoba and Ontario had access to clinical and client care services and medical transportation benefits as defined for the purpose of this performance audit".¹⁹ Where policies and strategies exist, there is a failure to implement them.²⁰

Indigenous peoples still experience individual and systemic racial discrimination when seeking health services. Experiences of racism are also amplified when issues of poverty and substance use intersect with peoples' sense of being treated differentially on the basis of their Indigenous identity. Studies in North America, the UK and Australia repeatedly show that discriminatory assumptions frequently have significant effects on the range of decisions made in healthcare, including diagnostic decisions.

Recommendations:

- **work with the provinces to eliminate disparities between the health services received by Indigenous peoples including access to and quality of services.**
- **implement Jordan's principle to ensure that Indigenous peoples are not denied health care services due to jurisdictional disputes. When jurisdictional disputes arise between federal and provincial governments, the government department of first contact should pay for the health service and then refer the matter to an appropriate body for resolution.**
- **ensure access to appropriate mental health services and community supports for Indigenous peoples, developed in partnership with provinces and Indigenous peoples.**

Education

¹⁹ Office of the Auditor General of Canada, 2015 Spring Reports of the Auditor General of Canada, 2015 at 26.

²⁰ Auditor General Alberta, *Report of the Auditor General of Alberta—July 2015*, 2015.

One area where Indigenous peoples experience significant discrimination, which has a particular impact on economic, social and cultural rights is in the area of education. The gross inequality in education is also a contributing factor to the violence against Indigenous women. Education is a doorway to all opportunity; improved living conditions and socio-economic wellness. Unequal access to education is a crucial factor as to why Indigenous women cannot achieve equality. First Nations education is grossly underfunded compared to non-Indigenous education.

Recently, an inquest was completed surrounding the deaths of several First Nations youth living in Thunder Bay, Ontario. The First Nations Youth Inquest jury verdict made several recommendations that we request CERD reiterate to Canada:²¹

Recommendations:

- **In order to achieve equity for First Nations students, provide funding for education (on and off-reserve) that is sufficient to ensure that:**
 - i. **First Nations schools on and off-reserve can provide the full range of programs and services that are available to non-Indigenous children in Ontario, including new and innovative programs and services;**
 - ii. **First Nations schools on and off-reserve can provide additional programs and services required as a result of the unique circumstances and challenges faced by First Nations students, their schools and their communities;**
 - iii. **the gap between educational outcomes for First Nations students and non-Indigenous students is substantially reduced every year, and completely eliminated in 10 years so that the next generation of First Nations children will have the same educational advantages as other children in Canada;**
 - iv. **First Nations students from remote communities receive the same educational advantages as other children in Canada regardless of where they are born, where their families choose to reside, and whether they attend school away from their home communities; and**
 - v. **all education decisions regarding First Nations children are made with the best interests of those children in mind.**

- **In order to improve education outcomes of First Nations youth, in consultation with First Nations education providers, provide sufficient funding and necessary resources to ensure that First Nations schools are able to:**
 - i. **develop and implement culturally appropriate curricula and programs. Staff hired for these programs should include on-site Elders; cultural and traditional land-based teachers; and after-school activity co-ordinators;**
 - ii. **develop and implement languages curricula and programs (including individual courses and full/partial immersion);**
 - iii. **assess and identify students with special education needs and provide the necessary supports to those students including, but not limited to, speech and language therapy; occupational and physical therapy;**
 - iv. **ensure the safe transportation of students to and from school;**
 - v. **create and implement safe school protocols;**
 - vi. **decrease absenteeism by hiring a community-school liaison worker or**

²¹ Verdict of Coroner's Jury, Office of the Chief Coroner, June 28, 2016, available at: <http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/FNYtemplate.pdf>.

- vii. **having a community Elder attend at the homes of absent students to reinforce the importance of attending school and to encourage students and their families to make all efforts to attend school on a regular basis;**
- viii. **increase capacity in new and existing First Nation education institutions;**
- ix. **analyze current and historical education data as provided by First Nations and organizations designated by First Nations;**
- x. **address and overcome the unique challenges facing First Nations students, schools, and communities (e.g. socio-economic disadvantage, remoteness and isolation, small school size, special needs incidence rates, population growth, etc.);**
- xi. **assess needs, develop estimates of cost, and develop processes for adjusting those costs over time to keep pace with inflation, education best practices and changes in legislation and student need; and**
- xii. **educate students on the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, then work of the Truth and Reconciliation Commission and Treaty Rights to strengthen the knowledge of students regarding their rights and protections.**

Question: What actions has Canada taken to implement the recommendations from the First Nations Youth Inquest in Thunder Bay?

Ongoing Sex Discrimination in the *Indian Act*

Canada has amended the *Indian Act* several times to address aspects of sex discrimination. Most recently, Canada attempted to pass legislation that dealt with another aspect of discrimination in the *Indian Act*, as required by the Quebec courts in the *Decheneaux* case. However, the proposed legislation would still not address all discrimination under the *Indian Act*. ALS disagrees with Canada's piecemeal approach to the gender inequalities within the registration process within the *Indian Act*. When criticized for the failure to fully address all the discrimination, Canada changed the name of the Act, but not the ongoing discrimination.

An outstanding issue is colloquially called the "6(1)(a) all the way" amendment, which states all Indigenous women and their descendants born prior to April 17, 1985 be made equal in status with all Indigenous men and their descendants born prior to April 17, 1985. This amendment is vital as it removes the discrimination that is embedded in the 6(1)(a) - (6(1)(c) hierarchy. The discrimination that continues to exist in the *Indian Act* impacts many Indigenous women and families.

Recommendations:

- **eliminate ambiguities in the law and policies that perpetuate sex discrimination against Indigenous women in the *Indian Act*.**
- **engage in a vigorous and comprehensive engagement and consultation with Indigenous communities.**

Question: how does Canada's approach to rebuilding a nation-to-nation relationship with Indigenous peoples prevent Canada from fully removing the ongoing discrimination under the *Indian Act*?