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23 August 2024

Excellency,

I write to you in relation to the Committee's letter of 2 December 2022 regarding the information received under its early warning and urgent action procedure regarding the allegations on the lack of consultation with First Nations in relation to the allocation of COVID-19 relief funds in the provinces of Alberta and Saskatchewan and the process of drafting and preparing of the distinctions-based Indigenous health legislation.

The Committee thanks the State party for its response to the letter and for the information provided. The Committee notes the information on the allocation of Can\$ 2.1 billion to the Indigenous Community Support Fund to provide funding directly to First Nations on-reserve, self-governed and modern Treaty First Nations, Inuit communities, Métis organizations, as well as urban and off-reserve Indigenous organizations and communities, through direct allocations and needs-based requests. It also notes the information on the COVID-19 Public Health Funding and the access of First Nations communities in Alberta and Saskatchewan to deliver public health services in response to the pandemic. The Committee takes note of the information on the role of the Indigenous Services Canada to cooperate with partners and communities to mitigate the impacts of COVID-19 as well as on the establishment of the COVID-19 Vaccine Planning Working Group with federal, provincial territorial and Indigenous participation to coordinate the administration of vaccines for First Nations, Inuit and Métis communities.

The Committee also notes the information on the adoption of the UN Declaration Act in June 2021 and its Action Plan in June 2023 to ensure the respect and implementation of the United Nations Declaration of the Rights of Indigenous Peoples. It takes note of the information on the federal commitment under the Action Plans, including to support initiatives for increasing First Nations control over service delivery and ensuring that health services are high quality and culturally safe; to support the improvement of health equity for Inuit and the advancement of Inuit self-determination over health services; and to continue working with Métis government and representative institutions to realize Métis specific equal access to health services and to ensure that the Métis Vision for Health informs the co-development of the distinctions-based Indigenous health legislation.

Her Excellency Ms. Patricia Lyn Mccullagh
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The Committee also notes that over 40 First Nations, Inuit, Métis and intersectional groups accepted to engage within their communities in this initiative. It notes that a summary report, publicly released, included the inputs received from Indigenous peoples about the state of Indigenous health and the vision of Indigenous peoples to improve access to high quality, culturally relevant and safe health services. It notes that the process of preparing the summary report was guided by a national co-analysis working group, composed of members of an Elders Advisory Circle, youth representatives and representatives from partner organizations. It also notes the establishment of 14 distinctions-based co-development tables to foster a collaborative approach. The Committee also notes the publication of a “Key Element” document in August 2023 that included measures to address issues during the previous phases and seeking feedback of First Nations, Inuit, Métis and provinces and territories.

The Committee takes note of the State party’s stated commitment to respect treaties and treaty relations with First Nations and that the drafting and preparing of the distinctions-based Indigenous health legislation is not intended to undermine existing Aboriginal or treaty rights that are guaranteed under section 35 of the Constitution Act, 1982.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party provide updated and detailed information on the process of drafting and preparing of the distinctions-based Indigenous health legislation as part of its combined twenty-fourth and twenty-fifth periodic reports that are overdue since November 2021. In particular, the Committee requests updated information on effective and meaningful consultations with Indigenous peoples on any legislative or administrative measures that may affect the effective exercise of their rights, specifically the drafting and preparation of the distinctions-based Indigenous health legislation, in accordance with international standards and the treaties concluded with Indigenous Peoples.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Canada, with a view to ensuring the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Michal Balcerzak
Chair

Committee on the Elimination of Racial Discrimination