

# Grand Council Crees Eeyou Istchee

SUBMISSION

OF THE GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE) AND

THE CREE NATION GOVERNMENT

CONCERNING THE

10TH PERIODIC REPORT OF CANADA

COMMITTEE ON THE ELIMINATION OF

DISCRIMINATION AGAINST WOMEN

SEPTEMBER 6, 2024

Note: This submission can be published on the OHCHR website for CEDAW for public information purposes. No alleged victims, witnesses and perpetrators are referred to in this report.

Introduction

The Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government represent the rights and interests of the Cree Nation of Eeyou Istchee in Northern Quebec, Canada, which includes more than 20,000 Cree individuals.

The Cree Nation stands in a special Nation-to-Nation and Treaty relationship with the federal government of Canada and the provincial government of Quebec by virtue of the James Bay and Northern Quebec Agreement, the first modern treaty in Canada.

The Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government have advocated for the rights of Indigenous Peoples on the international stage for decades. Notably, we contributed to the development of the United Nations Declaration on the Rights of Indigenous Peoples (“UN Declaration”). We also regularly participate in meetings of the UN Expert Mechanism on the Rights of Indigenous Peoples, and the UN Permanent Forum on Indigenous Issues.

We have held ECOSOC accreditation status since 1987. We use this status to participate in all UN meetings where decisions are made impacting the rights of Indigenous Peoples.

Upholding The Rights of Indigenous Women and Girls

UN Declaration Article 22(1) states that “Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.”

Particular attention is required because Indigenous women face intersecting challenges associated with their identity as women, and their identity as Indigenous people. Targeted programs, policies and investments must be made to address the unique realities and challenges of Indigenous women and girls.

We welcome Canada’s adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act (“UN Declaration Act”) in 2021, to ensure federal implementation of the UN Declaration. As stated by the Supreme Court of Canada, this Act effectively incorporates the UN Declaration into the country’s positive law.

The province of British Columbia and the Northwest Territories have also adopted legislation to implement the UN Declaration in their respective areas of jurisdiction. In 2019, Quebec’s National Assembly unanimously adopted a motion calling on the Government of Quebec to implement the UN Declaration but the Quebec government has yet to adopt legislation in this regard.

CEDAW should recommend that all levels of government in Canada, including provincial governments, adopt legislation committing to implementation of the UN Declaration.

Canada's UN Declaration Act requires that the Government develop an Action Plan to guide federal implementation of the UN Declaration.

Canada's Action Plan, published in June 2023, commits to establishing an "independent Indigenous rights monitoring, oversight, recourse or remedy mechanism...to provide Indigenous peoples with access to...just and fair procedures for dispute and conflict resolution and effective remedies for infringements/violations of their individual and collective rights."

The establishment of such a mechanism is essential to ensuring Canada's accountability in implementing the UN Declaration, and to provide culturally safe access to justice for Indigenous Peoples.

According to Canada's third annual progress report, implementation of the independent oversight/remedy mechanism is in the "planning stage" and consultation and cooperation with Indigenous Peoples has not yet occurred.

CEDAW should recommend that Canada implement without delay an independent Indigenous rights mechanism to monitor Canada's implementation of the UN Declaration, and to provide a culturally safe process for Indigenous people seeking remedies for violations of their rights.

When considering how to uphold the rights of Indigenous Peoples, we must also consider the extensive work carried out by several provincial and national commissions in Canada. Many of the thoughtful, evidence-based recommendations they have produced have yet to be fully implemented.

CEDAW should recommend that federal and provincial governments fully implement the recommendations of the Royal Commission on Aboriginal Peoples (RCAP), the Truth and Reconciliation Commission of Canada (TRC), the National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry), and Quebec's Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec (Viens Commission).

#### Economic and Social Conditions

Many of the issues impacting Indigenous women and girls stem from the impacts of colonization. Decades of systemic marginalization, discrimination and under-funding have led to a lack of access to adequate healthcare, education, housing and employment, and a lack of clean drinking water in many Indigenous communities.

As a result, First Nations people in the province of Quebec have a life expectancy that is 6 to 7 years shorter; a diabetes rate that is 2 to 3 times higher; and a likelihood of experiencing poverty, abuse and out-of-home child welfare placement that is 3 to 5 times higher, relative to other residents.

Indigenous women in Quebec also have a lower average income and experience higher rates of unemployment relative to non-Indigenous women. Poverty is more prevalent among Indigenous women than among Indigenous men.

UN Declaration Article 21(2) provides that "States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of [Indigenous Peoples'] economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities." According to the UN Declaration, these economic and social conditions include rights to education, employment, vocational training, housing, sanitation, health and security.

Federal and provincial governments are beginning to understand the financial investments required to address these economic and social disparities. For example, in July 2024, Canada and Indigenous leaders reached a \$47.8 billion agreement on reform to the federal Indigenous child welfare program and funding model. In addition to one-time investments, often made in response to litigation or crisis situations, sustained, strategic funding is required, in partnership with Indigenous Peoples.

In a country as prosperous as Canada, having an Indigenous identity should no longer mean that one will experience poorer economic and social conditions. It is time to end the economic and social disparities that are the root cause of so many issues impacting Indigenous communities.

CEDAW should recommend that federal and provincial governments collaborate with Indigenous Nations to immediately identify and address inequities in health, education, housing, employment, access to clean drinking water, and other essential social and economic conditions.

## Discrimination

Education and awareness concerning the diversity of Indigenous Peoples, and the challenges they face, is increasing in Canada. Nevertheless, Indigenous people continue to experience discrimination when seeking access to essential public services, including health services.

In September 2020, a 37-year-old Atikamekw woman named Joyce Echaquan passed away in a Quebec hospital after posting a viral video in which she was insulted and mocked by a hospital staff member. The Quebec Coroner investigating the events leading to Ms. Echaquan's death concluded that "The racism and prejudice that Mrs. Echaquan faced was certainly a contributing factor to her death."

Mrs. Echaquan's community developed "Joyce's Principle" in response to these tragic events, stating that all Indigenous Peoples have the right of equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional and spiritual health.

The National Inquiry called for training and education for health and social service providers in areas including the history of colonialism, anti-racism, and Indigenous cultures, languages and healing practices. The Viens Commission also called for amendments to existing health and social service legislation to include the concept of "cultural safeguards".

Unfortunately, Ms. Echaquan's death occurred after these recommendations were made, demonstrating that much work remains to be done to end discrimination against Indigenous Peoples within the health sector.

Information concerning Indigenous Peoples and their histories, cultures, languages and values must be integrated into every level of a healthcare worker's education, including schooling, professional order qualification, and workplace training. Workers must be educated on the impacts of colonization, including inter-generational trauma, and how this contributes to the complex health needs of many Indigenous individuals.

Healthcare workers must also receive special training to identify and care for Indigenous women who are victims of violence or sexual exploitation, given the prevalence of these issues.

CEDAW should recommend that federal and provincial governments require comprehensive training for healthcare workers on Indigenous realities and culturally safe care, at all stages throughout their career pathway.

A healthcare system that is truly safe for Indigenous people must also include Indigenous healthcare practitioners. Indigenous healthcare workers provide exemplary culturally safe care, and the presence of Indigenous colleagues can help to decrease bias amongst non-Indigenous workers. Both the National Inquiry and the Viens Commission called for more Indigenous workers in the healthcare sector.

However, Indigenous people face barriers to education and training in the health care sector, including language barriers, and a lack of programs available within their home communities.

CEDAW should recommend that provincial governments create clear pathways for Indigenous people to work in the healthcare field, including providing legislative adaptations and financial support where necessary.

Unfortunately, events in Quebec have also demonstrated the prevalence of discrimination against Indigenous Peoples by police services.

In 2016, the Government of Quebec created the Viens Commission in response to allegations by a number of courageous Indigenous women of serious police misconduct, including physical and sexual abuse. The Commission's mandate was broadened to include justice, correctional services, health and social services and youth protection.

The stories that Indigenous individuals shared with the Commission included instances of police officer rudeness, disrespect, racism, harassment, and even physical and sexual abuse and killings.

This systemic racism reinforces mistrust of the police amongst Indigenous women and girls, which reduces their likelihood of reporting acts of violence.

As is the case with the health care sector, the hiring and training of Indigenous police officers will contribute to safer and more effective policing within Indigenous communities, and in all jurisdictions.

The Cree Nation Government has a local Eeyou Eenou Police Force staffed by Cree and non-Cree police officers. We have found that having an Indigenous police force in our Cree communities improves communication between police and local governments, and community trust in the justice system. However, recruitment and training of Cree police officers remains a challenge, in part because access to officer training programs delivered in English is limited in Quebec.

Other Indigenous Nations may experience other barriers to establishing a local Indigenous police force, including drawn-out negotiations with federal and provincial governments for approval of police force jurisdiction, and a lack of adequate funding.

CEDAW should recommend that federal and provincial governments prioritize the development and funding of Indigenous police forces within all Indigenous Nations, and facilitate the training of Indigenous police officers through training pathways adapted to Indigenous realities.

#### Gender-Based Violence

In Canada Indigenous women and girls are the victims of violence at a rate twice as high as that of Indigenous men, and close to three times that of non-Indigenous women. Indigenous women and girls are also over-represented as victims of sex trafficking and victims of domestic violence.

Indigenous women have a fundamental right to live free from all forms of violence and exploitation. The disproportionate victimization of Indigenous women is unacceptable in a country like Canada.

This phenomenon can in part be explained by the inter-generational trauma created by Canada's Residential School System. Entire generations of Indigenous children were exposed to physical, psychological, emotional and spiritual abuses. They were denied the opportunity to be raised by their parents, and to observe healthy conjugal relations. Their culture and sense of identity was eroded. These experiences have led to higher rates of substance abuse and violence in Indigenous communities, which has contributed to higher rates of conjugal violence, and other violence against Indigenous women.

The final report of the Viens Commission noted "The crying lack of housing in many First Nations communities and Inuit villages forces extended families to crowd into homes that are often too small to accommodate them. This overcrowding leads not only to ... violence and physical and sexual abuse, but also to their recurrence, especially when the aggressors live with the victims."

Overcrowding can also lead Indigenous women to leave their communities for urban centres, where they become at risk of homelessness and vulnerable to violence and sexual exploitation.

We welcome recent investments made by the Government of Canada to address the housing crisis in Indigenous communities. However, Canada now recognizes that housing is a human right, and yet there remains a significant housing gap. We call on the provinces to make equal funding commitments, and we call on both federal and provincial governments to commit to continued investment until the housing crisis in Indigenous communities is fully resolved.

CEDAW should recommend that federal and provincial governments close the housing gap by constructing new houses and undertaking renovations that enable Indigenous women to live in peace and safety within their communities.

There are many other factors contributing to violence against Indigenous women and girls, but in the limited space of this submission, we wish to highlight the need for addictions and counselling services for Indigenous men and youth.

Indigenous communities have experienced disproportionate trauma and violence due to the imposition of the Residential School System and numerous colonial assimilation policies that were intended to put an end to traditional

Indigenous ways of life. This has contributed to higher rates of mental illness and addiction amongst Indigenous Peoples, and yet services and treatment in Indigenous communities are often lacking or inadequate. A lack of opportunity for healing contributes to cycles of violence, whereby victims become perpetrators, and the violence continues generation after generation.

Culturally adapted counselling and addictions services must be available within Indigenous communities. Ideally these services should be provided in Indigenous languages. Service providers must understand the underlying causes of violence perpetration. Tailored services should be provided for men who are perpetrators of violence, and for at-risk youth, to prevent the development of violence as a coping mechanism.

CEDAW should recommend that federal and provincial governments invest in culturally tailored mental health and addictions services, developed in partnership with Indigenous Nations, including services specifically tailored to working with men and youth.

#### Access to Justice

Indigenous women and girls face many obstacles to reporting acts of violence to the authorities, including the systemic discrimination within police services described above. Even when Indigenous women and girls do report incidents of violence, and their reports are taken seriously, access to justice can be thwarted by lack of access to legal services, long wait times for court hearings, lack of translation services, and reliance on non-Indigenous adjudicators who lack appropriate culturally-adapted training.

General recommendation No. 39 highlights the right of Indigenous women and girls to equality before the law, and equal protection of the law, but such equality has yet to be realized for Indigenous women in Canada.

When Indigenous women and girls have little hope that their claims will be successfully prosecuted and adjudicated, this reduces the incentive to report, and perpetuates the cycle of violence. This may also create a group victim mentality.

The Cree Nation currently relies on a travelling branch of the Quebec Court for the adjudication of crimes committed in our communities, and this court must split its time between many northern Indigenous communities. The lawyers, judges, and other court staff are typically not Indigenous, and they do not speak our language. In our experience, there are systematic court delays, including for domestic violence cases.

Increasing representation of Indigenous Peoples within the justice system administration will help to improve accessibility and cultural safety. When more justice system administrators are Indigenous, services can be offered within Indigenous communities, in Indigenous languages, and with culturally-safe procedures.

Canada's Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission of Canada, the National Inquiry, and CEDAW's General recommendation No. 39 all affirm the importance of Indigenous representation within justice system administration.

CEDAW should recommend that federal and provincial governments increase the representation of Indigenous Peoples within the justice system administration, particularly when such representation enables operations within Indigenous communities, and in Indigenous languages.

#### Adapting the Criminal Justice System

Indigenous people are overrepresented in Canada's criminal justice system both as victims and as people accused or convicted of crime. In fact, Indigenous women make up a greater proportion of custody admissions than Indigenous men, accounting for nearly half of all women admitted into custody in Canada.

Each of the recommendations above will contribute to addressing the underlying factors that cause Indigenous women to become perpetrators of crime. Additional strides can be made if Canada's justice system takes a trauma-informed and restorative justice approach to working with Indigenous female offenders.

The justice system is designed to penalize offenders and therefore deter them from recidivism, but it fails to take account of the historic and systemic factors contributing to crime perpetration by Indigenous people.

Canada must prioritize the inclusion of trauma-informed and restorative justice approaches when working with Indigenous offenders. Given that the provinces also have responsibilities with respect to operation of corrections facilities, they must also be involved in these efforts.

CEDAW should recommend that federal and provincial governments establish trauma-informed and restorative justice based approaches to working with Indigenous offenders at all levels of the criminal justice system, in partnership with Indigenous Nations.

#### Resiliency and Leadership of Indigenous Women

It is essential that we raise awareness of the challenges impacting Indigenous women, and yet we must be careful not to reduce our understanding of Indigenous women to statistics demonstrating inequities and injustice, or stories with tragic endings.

Canada's assimilationist and patriarchal policies attempted to destroy the roles of Indigenous women within their families and communities. But Indigenous women have remained resilient, vibrant, intelligent, pillars of their communities. They remain the center of Indigenous families, and they are indispensable advocates for the rights of all Indigenous Peoples.

We are entering a new era of renewed Indigenous female leadership. In 2021 the federal government appointed the Right Honourable Mary Simon as the first Indigenous Governor General of Canada. The Governor General acts as the representative of the Constitutional Monarch in Canada, and the Cree Nation celebrates the appointment of an Indigenous woman to this prestigious role.

In 2021 our own Cree Nation elected Mandy Gull-Masty to a four-year term as the Grand Chief and Chairperson of the Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government, making her the first female Grand Chief. The Grand Chief is a powerful role model for Cree women and girls, who can now see their identity reflected in the highest position of leadership in our Cree Nation.

Federal and provincial governments can uplift Indigenous women and girls by appointing qualified candidates to positions of leadership, and by increasing public awareness of the Indigenous women that are already leading Indigenous Nations. Inviting Indigenous female leaders to give speeches or participate at diplomatic meetings or public events can help to elevate their profile.

CEDAW should recommend that federal and provincial governments prioritize the appointment of qualified Indigenous women for leadership positions, and take steps to highlight the careers and achievements of existing Indigenous female leaders.

Thanks to Canada's UN Declaration Act and Action Plan, Canadians are becoming increasingly aware of the UN Declaration. However, few Canadians are aware of the General recommendation No. 39 on the rights of Indigenous women and girls.

It is not enough to implement the UN Declaration - an intersectional approach means the unique rights and realities of Indigenous women and girls must be prioritized, and General Recommendation No. 39 addresses this need.

CEDAW should recommend that federal and provincial governments endorse and commit to implementing General recommendation No. 39, and report regularly on their progress.

Meegwetch. Thank you. Merci.

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