

Canada's Aboriginal Peoples Still a Pending Issue

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Chris Wettle/Reuters

According to James Anaya, United Nations special rapporteur on the rights of indigenous peoples, Canada is facing a crisis with regard to its aboriginal peoples. In October 2013, Anaya turned in a preliminary report on his visit to Canada, underlining the difficult living conditions they face.

They live in conditions akin to those in countries that rank much lower and in which poverty abounds. At least one in five aboriginal Canadians live in homes in need of serious repair, which are often also overcrowded and contaminated with mould. The suicide rate among Inuit and First Nations youth on reserve, at more than five times greater than other Canadians, is alarming.

Aboriginal women are eight times more likely to be murdered than non-indigenous women, and indigenous peoples face disproportionately high incarceration rates. The Canadian Human Rights Commission has consistently said that the conditions of aboriginal peoples make for the most serious human rights problem in Canada.¹

Since 2011, Anaya has been very critical of Canada, pointing out that some peoples, like the Attawapiskat community, live without access to potable water, in windowless houses without sanitation, in conditions similar to those of a “Third World” country. It is difficult to imagine that in a country like Canada, positioned among the eight most prosperous and strongest economies of the world, with a long tradition of promoting and exercising human rights, equality, and demo-

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cratic freedoms, these people live in conditions like those in Haiti, for example.

FIRST NATIONS, INUIT, AND MÉTIS,
THE ABORIGINAL PEOPLES OF CANADA

In 2011, the aboriginal peoples represented 4.3 percent of Canada's entire population; the First Nations were the largest group, with 2.6 percent of the total population. According to Section 35 of the Constitution Act of 1982, the aboriginal peoples are the First Nations, the Inuit, and the Métis. The First Nations are organized in 600 bands or communities. The Indian Act is the document that establishes the criteria about who has indigenous status. It stipulates that people can be indigenous with status or without status. The Métis are the product of the mixing of the first French and British colonizers and the indigenous peoples, although they have preserved their indigenous traditions and legacy. Lastly, the Inuit are the people pejoratively known as "Eskimos"; they live above all in Northern Canada and make their livelihood from fishing and hunting.

Most of the First Nations live in the province of Ontario and the Métis, in Alberta. Despite the fact that the First Nations only represent 2.6 percent of Canada's total population, this group is one of the most vulnerable: they are most exposed to violence, they have a hard time finding employment, and there is a growing wage gap *vis-à-vis* the rest of Canadians, etc. But the paradigmatic case is that of women and girls.

"WE WANT SOME ANSWERS..."

In his recent visit to Canada, James Anaya expressed his concern about the homicides of aboriginal women in Canada and their vulnerability to violence. This is not a new issue for native women's organizations in Canada, nor for international human rights NGOs like Human Rights Watch (HRW) and Amnesty International (AI). In 2010, the Native Women's

Association of Canada (NWAC) had documented 582 such cases nationally. Many happened between the 1960s and the 1990s, but 39 percent occurred after 2000, or about 20 a year.²

Aboriginal women are the most vulnerable to domestic violence and, in extreme cases, to homicide. Several reports by Canadian and international bodies that have studied the issue cite economic marginalization, prostitution, alcoholism, addictions, and racism as the causes of this risk.

One risk factor detected in these reports is that young native women frequently hitch-hike. In Northern British Columbia, a 724-kilometer stretch of road, known as the "Highway of Tears", has become infamous for the dozens of women and girls who have gone missing or been murdered in its vicinity.³

One interesting fact that these reports underline is the proclivity of law enforcement to abuse their authority, to drag their feet in looking for an aboriginal women or girl reported missing, and to have racist attitudes when handling complaints or requests for support by victims or their families.

In ten towns across the north, in British Columbia, HRW documented Royal Canadian Mounted Police (RCMP) violations of the rights of indigenous women and girls: young girls pepper-sprayed and Tasered; a 12-year old girl attacked by a police dog; a 17-year-old punched repeatedly by an officer who had been called to help her; women strip-searched by male officers; and women injured due to excessive force used during arrest.⁴

The HRW report concludes, saying,

the high rates of violence against indigenous women and girls have drawn widespread expressions of concern from national and international human rights authorities, which have repeatedly called for Canada to address the problem. But these calls for action have not produced sufficient change and indigenous women and girls continue to go missing or be murdered in unacceptably large numbers.⁵

Taking into account that since the 1970s aboriginal women and girls have been reported missing, we can say that Canadian authorities have shown a lack of determination to solve and vigorously respond to this situation. These cases evidence the racism prevalent in police institutions, but also those of both federal and provincial governments. They also show that the racism is not just systemic, but is also exer-

cised by one individual against another, and, in the specific case of attacks on aboriginal women, it is encouraged by the prejudice, for example, that says that these women are promiscuous.

THE COLONIAL LEGACY: RESIDENTIAL SCHOOLS AND THE 1960S SCOOP

The Amnesty International report known as “Stolen Sisters” explains that the violence aboriginal women and girls are exposed and subjected to in Canada has strong roots in the colonial past. This legacy has resulted in the disintegration of families and identity crises, but also in the destruction of the mother cultures and tongues. “Colonialism, which has had a profoundly negative impact on Indigenous communities as a whole, has also affected the relations between Indigenous women and Indigenous men, and pushed many Indigenous women to the margins of their own cultures and Canadian society as a whole.”⁶

The Canadian state has made efforts to maintain better relations with the aboriginal peoples through changes in the Indian Act. In addition, as James Anaya’s preliminary report mentions, “Canada has adopted the goal of reconciliation, to repair the legacy of past injustices, and has taken steps toward that goal.”⁷ However, the road to the real exercise of rights and social justice still seems long.

The colonial legacy is mainly expressed in the residential schools and what in the 1960s was called “the 60s Scoop.” In the nineteenth and early twentieth centuries, Canada established what were known as residential schools. Their aim was the forced assimilation of the aboriginal peoples, more specifically of the First Nations, into Christian Anglo-Saxon culture. Many children were taken from their homes and culture and forced to adopt the lifestyles, language, and beliefs of the colonizers. Even today we can see the consequences of this loss of identity and feeling of belonging.⁸

In the 1940s and 1950s, the assimilationist model changed, turning toward integration. This new approach aimed at enrolling aboriginal children in provincial schools. In 1951, the federal government began a four-decade process of closing the residential schools.⁹ However, in the 1960s, something happened called “the ‘60s Scoop”: the highest numbers of adoptions took place in the decade of the 1960s, and in many instances, children were literally scooped from their homes and communities without the knowledge or consent of fam-

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ilies and bands. Many First Nations charged that in many cases where consent was not given, government authorities and social workers acted under the colonialist assumption that native people were culturally inferior and unable to adequately provide for the needs of the children. Many First Nations people believe that the forced removal of the children was a deliberate act of genocide. Statistics from the Department of Indian Affairs reveal a total of 11 132 status Indian children adopted between the years of 1960 and 1990. It is believed, however, that the actual numbers are much higher than that. Of these children who were adopted, 70 percent were adopted into non-native homes.¹⁰

First, through residential schools and a deliberate assimilationist policy, and later with integration policies in the framework of which indigenous children were placed in Anglo-Saxon, Christian “Canadian” homes, the identities, languages, and cultures of the aboriginal peoples then and now have been put in constant danger of disappearing and blurring. Nevertheless, in the 1960s and 1970s, the consciousness of Canada’s aboriginal peoples began to undergo a change: mobilizations around demands for greater autonomy and the recognition of their identity, culture, and rights took on greater strength.

THE 1960S AND THE AWAKENING OF INDIGENOUS CONSCIOUSNESS IN CANADA

Powerful social dynamics in the modern world stimulate the political mobilization of minorities. Three factors have made these tendencies possible. The first is demographic: in the past, many governments could hope or expect that minorities would simply disappear through death or inter-marital assimilation. Today, it is clear that that is not going to happen. To the contrary, they are the segment of the population that is growing the fastest in the countries where they live. The second factor is the human rights revolution and the development of awareness about these rights. Today, minority groups have the powerful conviction that they have the right to equality. The last

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factor is that the consolidation of democracy limits the elites' ability to crush protest and dissident movements.

These three factors are linked to the increasing consciousness of Canada's aboriginal peoples and their constant demand for their rights, recognition, and respect for their traditions, culture, languages, and lands. But this is not something exclusive to them: it is a phenomenon visible the world over, and one result of it is that in 1989, Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in independent countries was signed. Canada did not sign and ratify it until 2007.

The Declaration on the Rights of Indigenous Peoples also came out in 2007, but Canada, the United States, New Zealand, and Australia refused to sign it. It was not until 2010 that the Canadian state decided to sign, but at the same time making its position clear that the document was only aspirational, and, although it agreed with the spirit behind it, it did not share some of the stipulations on territorial rights, for example, arguing that they contravened Canada's constitutional framework.

The government of Prime Minister Pierre Trudeau responded to the mobilizations of aboriginal peoples and those of non-Anglo-Saxon or non-French migrant minorities in Canada with the Multiculturalism Act. In the 1970s, then, multiculturalism became official policy, but actually acquired legal status in 1982. Even though the aboriginal peoples were an important part of this process, the multicultural policies are more focused on channeling the demands for the recognition of the distinct identity of ethnic or "visible" minorities.

In 1990, the Oka Crisis took place: a 78-day standoff between Mohawk protesters, police, and army. At the heart of the crisis was the proposed expansion of a golf course and development of condominiums on disputed land that included a Mohawk burial ground. During the crisis, the federal government agreed to purchase the Pines in order to prevent further development. The golf course expansion and condominium construction were cancelled. After the crisis had ended, the government purchased a number of additional plots of land for the Kanesatake, but these Crown lands have not

yet been transferred to the Kanesatake Mohawk.¹¹ This crisis showed that the tension between the aboriginal peoples and the Canadian state is ongoing. Its outstanding features are the demand for autonomy, sovereignty, the right to land ownership, and handling of natural resources in accordance with the interests of the aboriginal peoples.

James Anaya will not publish his final, extended report about the situation of the aboriginal peoples in Canada until sometime in 2014. What we can say now is that the situation of these peoples in one of the world's most prosperous economies is a matter for grave concern. When Anaya says that their condition is critical, it is sufficient to simply review the living conditions of any of these communities or glance through the AI and HRW reports on violence against women in them to see it. If Canada wants to continue being an example of democracy, freedom, and respect for human rights, it is time to take a moment and look at what it is doing and what it is not doing. That is why, as I point out in the title of this article, the issue of aboriginal peoples is still pending. ■■

NOTES

¹ James Anaya, *Statement upon Conclusion of the Visit to Canada*, 2013, <http://unsr.jamesanaya.org/esp/declaraciones/statement-upon-conclusion-of-the-visit-to-canada>, accessed in November 2013.

² Native Women's Association of Canada, *What their Stories Tell Us. Research Findings from the Sisters In Spirit Initiative*, 2010, http://www.nwac.ca/sites/default/files/reports/2010_NWAC_SIS_Report_EN.pdf, accessed in April 2013.

³ Human Rights Watch, *Those Who Take Us Away. Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada*, 2013, <http://www.hrw.org/reports/2013/02/13/those-who-take-us-away>, accessed in April 2013.

⁴ Ibid.

⁵ Ibid.

⁶ Amnesty International, "Canada's Stolen Sisters. A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada," <http://www.amnesty.ca/sites/default/files/amr200032004en-stolensisters.pdf>, accessed in May 2013.

⁷ Anaya, op. cit.

⁸ See Carlos Gastélum, "Las escuelas residenciales para aborígenes desde una perspectiva sociológica," *Revista Mexicana de Estudios Canadienses* no. 011 (Summer), pp. 87-100, <http://www.amec.com.mx/revista/011/04%20Las%20Escuelas%20Residenciales%20Para%20Aborígenes%20Desde%20Una%20Perspectiva%20Sociologica.pdf>, accessed in February 2014.

⁹ Ibid.

¹⁰ Raven Sinclair, "The 60's Scoop," *Origins Canada. Supporting Those Separated by Adoption*, <http://www.originscanada.org/aboriginal-resources/the-stolen-generation/>, accessed in August 2013.

¹¹ See *The Canadian Encyclopedia*, "Oka crisis," <http://www.thecanadianencyclopedia.ca/en/article/oka-crisis/>, accessed in April 2012.