

HUMAN RIGHTS

*** WARNING ***

This activity deals with sensitive topics. Students may have direct connection to these issues, including missing and murdered Indigenous women and girls, the '60s Scoop, mental health, and foster care. Please review the following activity and accommodate accordingly.

PRE-TEACH/PRE-ACTIVITY

Indigenous Peoples in Canada have suffered through a long history of racial discrimination, which has been reflected in colonial-based legislation such as the Indian Act. In the wake of initiatives like the Truth and Reconciliation Commission, there is a more concentrated effort to examine this history, to educate all Canadians about Indigenous history and issues, and to work towards reconciliation. For much of Canada's history, Indigenous Peoples did not receive human rights protection under section 67 of the Canadian Human Rights Act. The [United Nations Declaration on the Rights of Indigenous Rights \(UNDRIP\)](https://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf) (youth-friendly version: files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf) was passed in 2007 and has strongly resonated with Canada's Indigenous Peoples. In 2008, section 67 of the Canadian Human Rights Act was repealed, and now Indigenous people can file complaints with the Canadian Human Rights Commission. Today, Indigenous Peoples in Canada still face a multitude of human rights issues, ranging from lack of health resources to poor education support. Since 2016, Canada has been working to implement UNDRIP in accordance with Canada's Constitution.

LEARNING OUTCOMES:

- Students will look at some of the many human rights issues facing Indigenous Peoples in Canada.
- Students will learn about the United Nations Declaration on the Rights of Indigenous Peoples.

Foundational knowledge and perspectives

FIRST NATIONS

“On Oct. 6, 2017, Carolyn Bennett, minister of Crown-Indigenous relations and northern affairs, announced an agreement-in-principle to compensate First Nations people who were adopted in what is now known as the '60s Scoop. The agreement-in-principle would compensate those adopted between 1951 and 1991. There was finally an admission of guilt from the federal government that thousands of Indigenous children had been forcefully removed from their homes and communities. Many were shipped off to live with strangers, had their last names changed and struggled to find their way back home, if they were lucky enough to.”

“From having grandparents in residential schools to having cousins who were adopted in the '60s Scoop to having nieces and nephews who are permanent wards in the child welfare system, one thing is clear: Indigenous children are still being apprehended and removed from their communities at an alarming rate. The residential schools have shone a bright

light on the intergenerational effects of trauma and parenting. Many of the children of residential school Survivors were not given the love and support they needed to become good parents. This was passed down to many of the children of the '60s Scoop. This vicious cycle of being brought up as wards of the state has had a devastating impact on First Nations communities as a whole.

How do you break the chains of something so widespread and systemic — when generation after generation has been brought up outside of their traditions, languages, communities and nations? Indigenous children have subsidized the Canadian economy since this country was founded. The question that I

get caught up asking myself is why? Is it strictly for the land and its resources? Are they afraid of having healthy Indigenous communities?

In Manitoba, there are currently more than 10,000 children in care, with an estimated 90 per cent of those children being Indigenous. It is also known that there is one Indigenous baby per day apprehended from a hospital. The effects of having that many children in care is going to have consequences for the future. Eventually those kids will age out. As someone who has also researched youth homelessness in Manitoba, I can say

that the majority of people experiencing homelessness spent their early years in the child welfare system. In 2015, a CBC article stated that more than 70 per cent of Manitoba inmates identified as “Aboriginal.” Many of them had also been involved in the child welfare system at one point or another.

When I bring this type of information to people, they wonder what the solutions are. I often think that there needs to be a dramatic shift in policy, one that focuses on preventative approaches, such as investing in communities and families while they are struggling, but also giving people the skills they need to be able to survive in a world that has left Indigenous Peoples on the fringes. On a personal level, the best thing I can do to prevent this from happening is to be a good father to my son and daughter, eventually breaking all the cycles that I grew up with.”

— from “Urban Indigenous Populations” by Lenard Monkman, in the First Nations volume of the Indigenous Peoples Atlas of Canada



Foundational knowledge and perspectives

MÉTIS

“Powley Ruling, 2003

The landmark 2003 Supreme Court Decision in *R. V. Powley* forever transformed the Métis' Indigenous harvesting rights. Steve Powley (1948-2004) was a humble man who witnessed his case win at the Supreme Court but passed away before he could see the ruling's impact on Métis case law.

On Oct. 22, 1993, two Métis men, Steve and Roddy Powley, killed a bull moose near Sault Ste. Marie, Ont. They used a Métis card as a tag with a note that read, 'Harvesting my meat for the winter.' They were charged with hunting without a licence, a contravention of Ontario's Game and Fish Act. The Powleys argued at trial in the Provincial Court of Ontario that they had a Section 35 Aboriginal right to hunt. In particular, being Métis, they were asserting their Aboriginal rights while hunting, which predated Canada's claim to sovereignty. The Powleys had been Indigenous residents of the Sault Ste. Marie region long before Euro-Settlers arrived. The court agreed, as did the Court of Appeal for Ontario.

On appeal in *R. v. Powley* (Sept. 19, 2003), the Supreme Court declared that the Métis respondents, Steve and Roddy Powley, had an Aboriginal right to hunt through Section 35 of the Constitution. The court provided a 'test' for Métis communities and individuals for claiming Aboriginal rights under Section 35 of the Constitution, to hunt and harvest as their ancestors had done. To be considered Métis for the Powley test, the claimant or community must self-identify as Métis, have family ties to a historic Métis community in which the 'harvesting' of resources occurs, prove that harvesting occurred prior to

effective European control, prove that the practice was integral to claimant's distinct culture, demonstrate continuity between practice and contemporary right and be recognized as Métis by a contemporary Métis community (with ties to a historic community).

Daniels Ruling, 2013, 2016

Harry Daniels, Métis leader from Saskatchewan and former president of the Native Council of Canada and its successor organization, the Congress of Aboriginal Peoples, contributed more to Métis rights than anyone else in contemporary Canada. In 1982, he was largely responsible for ensuring that the Métis would be recognized as one of Canada's three Aboriginal peoples in the newly patriated Canadian Constitution. However,

he believed that constitutional recognition was only a first step to ensuring that the Métis (and non-status Indians) would receive their full rights as Indigenous Peoples. In 1999, he launched a case on behalf of the Congress of Aboriginal Peoples for Métis and non-status Indians who wanted the federal government to claim jurisdictional responsibility for their

respective communities. The case would focus on the jurisdictional relationship between Métis and non-status Indians and the federal government through section 91 (24) of the Constitution Act, 1867.

When filing with the court, the plaintiffs (Harry Daniels, Gabriel Daniels, Leah Gardner, Terry Joudrey and the Congress of Aboriginal Peoples) asked the court for three declarations to determine the federal government's relationship with Métis and non-status Indians. These were (1) that Métis and non-status Indians fall within section 91 (24) of the Constitution Act, 1867,



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Foundational knowledge and perspectives

MÉTIS

(2) that the federal Crown has a fiduciary obligation to Métis and non-status Indians and (3) that the federal government must ensure that the Métis and non-status Indians are consulted and negotiated in good faith and that the Métis and non-status Indians have the right to choose their representatives.

In January 2013, the case reached the Federal Court of Canada trial division. In *Daniels v. Canada*, the court ruled that Métis and non-status Indians are 'Indians' for the purposes of section 91 (24) of the Constitution, and they fall under the federal government's jurisdiction. On April 17, 2014, non-status Indians were removed from the 2013 *Daniels* ruling on appeal. On April 14, 2016, the Supreme Court upheld the earlier Federal Court ruling that established that the Métis and Non-Status Indians are 'Indians' for the purposes of Section 91 (24).

This ruling ended the jurisdictional limbo in which neither the federal nor provincial governments claimed jurisdictional responsibility for the Métis. In particular, the justices argued that throughout the history of Confederation, various federal governments claimed that the

Métis were 'Indians' when it suited them but denied this at other times when it was less convenient. Moreover, the court declared that when the provinces provided services or rights to the Métis as an Indigenous people they could continue to do so.

The fallout from the *Daniels* case was immediate. Many erroneously claimed the ruling would provide Métis with the same rights and benefits as Status Indians. The ruling was, in fact, about determining federal responsibility for Métis and non-status Indians through Section 91(24). It did not claim that Métis and non-status Indians would fall under the Indian Act, 1876. Any rights granted to the Métis via Section 91(24) would have to be negotiated with the federal government or Crown, which had a fiduciary obligation to act in the Métis' best interests. This could mean years of further litigation. The ruling is also not specifically tied to Section 35 of the Constitution Act, 1982, which relates to the Indigenous rights of First Nations, Inuit and Métis."

— from "*Métis and the Constitution*" in the *Métis volume of the Indigenous Peoples Atlas of Canada*



Foundational knowledge and perspectives

INUIT

“There are significant health gaps between Inuit and non-Inuit in Canada. Inuit have much lower life expectancies than other people living in Canada, comparatively high rates of infant mortality, the highest suicide rates of any group in Canada and disproportionately higher rates of infectious diseases. This health gap in many respects is a symptom of poor socio-economic conditions in Inuit communities, characterized by high poverty rates, low education levels, limited employment opportunities and inadequate housing conditions.”

“Many health indicators currently in use at the national level in Canada reflect the significant challenges impacting the health of Inuit in Canada. Life expectancy in Inuit Nunangat is well below the Canadian average. For residents of Inuit Nunangat (including non-Inuit), life expectancy is 70.8 years, compared with 80.6 years for all Canadians.

Suicide is a demonstrative sign of socio-economic distress and a strong manifestation of social exclusion, especially among Inuit males between the ages of 15 and 24, where suicide is most prevalent. Children and teenagers in Inuit Nunangat are more than 30 times as likely to die from suicide compared to their counterparts in the rest of Canada. Furthermore, half of all deaths of young people in Inuit Nunangat are suicides, compared with approximately 10 per cent in the rest of Canada.

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Many health problems are attributed to crowded and poor quality housing, unemployment, marginal access to health services, food insecurity and behavioural and environmental factors. In Nunavut, a child health survey found that some 31 per cent of Inuit infants were hospitalized for bronchiolitis during their first year of life, and 42 per cent of Inuit children had sought medical attention during the previous year for a respiratory illness. These high rates of bronchiolitis and other respiratory tract infections have been attributed to household crowding, exposure to tobacco smoke and defects in immunity. As well, nearly 60 per cent of infants aged nine to 14 months in Nunavik are anemic (primarily due to insufficient nutrition).

The tuberculosis rate for Inuit in Canada is significantly higher than that for the Canadian-born non-Indigenous population — 262/100,000 compared to 0.7/100,000. For many chronic conditions such as diabetes, high blood pressure

and heart disease, rates for Inuit are similar to those for the total Canadian population. Given the changes in diet and lifestyle, ongoing monitoring and increasing awareness of the need for more effective approaches to prevention, control and care for Inuit is essential.”

— from “Health” in the Inuit volume of the *Indigenous Peoples Atlas of Canada*



Points of inquiry and activation related to the Giant Floor Map



- **Once your students have explored the map and understand the basic colours and symbols, have them sit in a circle in the centre of the map and discuss common parts of their lives that they may take for granted such as access to clean drinking water, health care, education, walking home safely, etc.** Discuss how they would feel if these aspects of their lives were not secure or guaranteed. Explain that for many Indigenous people in Canada this is the case.
- **Explain to students that they will be examining human rights issues that Indigenous Peoples face in Canada.** Depending on the age of your students, complete this activity in small groups or as a whole class. Have your class review the information on each of the Human Rights Issues cards and the Universal Declaration of Human Rights card. Check for understanding by having pairs of students explain the issues to each other. Depending on the age and abilities of your students, have them complete additional research into their theme before presenting it. While students are reviewing the information, have them also locate places connected to their theme and use coloured pylons to mark the correct places on the map. Have students dig deeper into each issue by coming up with inquiry questions on what they wish to learn more about.
- **Education is considered by many Indigenous people to be the “new buffalo” — that is, the means by which they will rebuild healthy families, reclaim the cultural and linguistic strength of their communities, pursue sustainable economic development and achieve self-governments.** Métis educational institutions such as the Gabriel Dumont Institute, the Rupertsland Institute - Métis Centre of Excellence, and the Louis Riel Institute provide education, training and funding assistance to Métis students. Research these Métis institutions and others like them in the Métis Homeland. Create a list of places where these programs are offered, and place pylons on the Giant Floor Map to show where they are offered. Do you notice a pattern for the programs’ locations? If so, please explain your answer. Why do you think these educational services are located where they are? Do these institutions offer programs that are similar to or different from those at larger public institutions? Why or why not? How do institutions such as these ones help to remedy human rights issues in Canada? Do the same activity and place pylons on the maps for First Nations and Inuit institutions.
- **Locate the Highway of Tears (B.C.) and Red River area (Man.), which are two significant areas that Indigenous women have gone missing from or where they have been found dead.** Explore the CBC database (cbc.ca/missingandmurdered/) of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) to get a better understanding of the areas in Canada with high disappearance rates. Do you see any patterns? Research some of the stories of the victims and their families, and locate relevant locations on the map. Have students read about what is currently being done to investigate into the cases of missing and murdered Indigenous women and girls. What are the obstacles in these investigations? How does the high number of missing and murdered Indigenous women and girls reflect discrepancies in human rights?
- **Tuberculosis rates among Inuit living in Inuit Nunangat are over 300 times the rate for non-Indigenous people.** As a class, look at the rates in the different regions of Inuit Nunangat (itk.ca/ending-tuberculosis-background/) and have students stand on the map in these regions to represent the ratio of tuberculosis rates in Inuit compared to the non-Indigenous population. Research the reasons behind these high rates and the strategies that are being put forward to help lower the rates of tuberculosis in Inuit communities.

Points of inquiry and activation related to the Giant Floor Map



- **Conclude this lesson with a reflection of how students feel and connect to these issues.** Ask questions such as:
 - ▶ Do you think it is fair that all children are not given the same opportunities?
 - ▶ How would you feel if you did not have access to clean water or adequate health care?
 - ▶ What do you think Canada's youth, both Indigenous and non-Indigenous, can do to resolve existing inequalities?

Age appropriate application and experiential learning

ELEMENTARY

K-6

- **Introduce young role models** such as Autumn Peltier and Shannen Koostachin to explain human rights issues such as lack of clean water and access to education.
- **Empower your students to discuss human rights issues** by reading the book *Spirit Bear and Children Make History*, the book *The Water Walker*, or the Marvel Comics issues featuring the hero Equinox, who is based on Shannen Koostachin (Justice League United issues #0, #4, and #5).
- **Have students think about the natural resources** around their community and discuss how they feel about each resource. Explore the idea of water being sacred. Discuss the different views that have to be considered and the consultation that needs to happen when working with natural resources for activities such as energy production, mining, etc.

INTERMEDIATE

7-9

- **Divide students into small groups** and have them look further into the human rights topics. Ask students to find Canadian news stories about their topic and discuss how they feel about the issue. Have students connect their topic to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), using the youth-friendly version for guidance.
- **As a class, focus specifically on education rights.** Research the different funding models for schools on-reserve and off-reserve and other funding systems within your province. Discuss the curriculum outcomes of your province or territory with your students, and discuss whether your students feel they are inclusive of Indigenous ways of knowing. Link this to the articles in UNDRIP that discuss the right to education and culturally-relevant educational resources (you can also connect this to the Truth and Reconciliation Calls to Action: trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf).
- **Ask students to make a timeline** for the shifts in thinking around the ideology of the value of land. Discuss when the idea of ownership of land was first introduced (upon contact with Europeans) and how this has affected land rights for all people. Have students look at the articles in UNDRIP that deal with land rights, environment and the use of resources to get a more thorough appreciation for the value of land to Indigenous Peoples.
- **Discuss the importance of clean water.** How does resource industry extraction and waste affect your fresh water? How could life be affected by loss of fresh water, on a small level (e.g., everyday activities like cooking and showering), as part of the bigger picture (e.g., connections between plants, animals, humans) and from a personal perspective (e.g., for Indigenous communities, water can be spiritually significant)?
- **Talk to the students about** the long-form and short-form census and the information that could be unreliable or missing due to our lack of information about the demographics of Indigenous Peoples. Students could use the map and data from the Government of Canada to find areas where census data is lacking.

Age appropriate application and experiential learning

SECONDARY

10-12

- **Have students read and discuss** the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Ensure they understand the importance of this document and how it has or has not been followed in Canada. To divide up the work, consider assigning a couple of articles per student to read and then have students explain their topics one by one to the rest of the class. Afterwards, explore the work of the First Nations Child & Family Caring Society Of Canada and other similar organizations.
- **Watch and discuss** “We Can’t Make the Same Mistake Twice,” “Trick or Treaty,” “Hi Ho Mistahey!” or “Angry Inuk.” Educational guides are available for some of the films through the Indspire website: indspire.ca/wp-content/uploads/2017/03/NFB-Educator-Guide-Trick-or-Treaty.pdf
- **Research incarceration rates** in Canada, and discuss what patterns and trends you observe. In particular, focus on the higher rates of incarceration for Indigenous men and discuss what factors have led to this pattern. Consider the effect this has on Indigenous communities.
- **Follow the development of the National Inquiry into Missing and Murdered Indigenous Women and Girls**, and discuss the need for this inquiry with your students. Connect this to UNDRIP articles 21 and 22 about the rights of Indigenous Elders, women, youth, children and persons with disabilities.
- **As a class, work to create a proclamation** of what needs to happen to help remedy some of the human rights violations that Indigenous People in Canada are currently facing. Use the Inuit Tapiriit Kanatami’s position paper on UNDRIP as an example: itk.ca/wp-content/uploads/2017/04/Discussion-Paper-Implementing-UNDRIP-in-Canada-through-Comprehensive-Legislation.pdf



DEMONSTRATION OF LEARNING

Have groups of students present their research on the issues explored in this lesson. Consider using the following prompts to get started.

- **What is being done to provide culturally relevant curricula** for Indigenous education? Are there new schools and programs that focus on Indigenous content? What is being done to help provide teachers with the resources they need (e.g., British Columbia has been developing new teaching resources)?
- **What are the problems surrounding water treatment** in remote or rural Indigenous communities? What are common issues leading to poor water quality?
- **Have a discussion about what role water plays in your life.** How would a lack of clean drinking water complicate your life? What would happen if you couldn't bathe in it? What additional issues could arise from having bad water?
- **Research the protests against pipeline construction** and what concerns Indigenous communities might have about the impacts these projects may have on the environment. Consider issues such as the effects of oil spills, the effects of resource extraction and the impact of tailings ponds on the environment (e.g., water reservoirs, habitats for animals, plant life and human health).
- **What are some of the underlying issues among Indigenous youth that might lead to higher rates of suicide** (e.g., underfunding or limited health services and support)? Are there programs or initiatives that exist to address these issues and support youth?
- **Consider how there may be discrimination in health care.** Research how some Indigenous people may still use traditional medicines in combination with western health care.
- **Why might food be more expensive in the North than in the South?** What role may climate change play in Inuit communities when it comes to food security? Are there any existing strategies or programs to combat food insecurity in the North?
- **What problems can arise from having an unclear division of responsibilities** between different levels of government?
- **Create a timeline** of events related to the '60s Scoop and map it out.
- **Research child welfare issues today** and consider topics such as the effects of the '60s Scoop, the state of today's foster care system in regards to Indigenous children and what is being referred to as the "Millennial Scoop."
- **Look into other women's rights issues for Indigenous Peoples**, such as the effects of policies like the Indian Act on recognition of Indigenous identity.
- **Go beyond** the five example themes of human rights issues. Learn more about topics such as the effects of climate change on remote Indigenous communities, inherent cultural and land rights, discrimination and racism, forced relocation, the damaging legacy of policies that restricted or banned cultural activities and language use, etc. For more ideas, refer to the youth-friendly version of the United Nations Declaration on the Rights of Indigenous Peoples: files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf



LEARNING TO ACTION

Encourage students to get involved in causes they are interested in. Here are some examples of campaigns and organizations:

- Moose Hide: moosehidecampaign.ca/
- The REDress Project: theredressproject.org/
- First Nations Child & Family Caring Society of Canada: fncaringsociety.com/main
- Shannen's Dream: fncaringsociety.com/shannens-dream
- We Matter: wemattercampaign.org/
- Nuluaq Project: itk.ca/nuluaq-mapping-project/about/