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UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE CONTINUED

Speech by:

The Honourable Patricia Bovey

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SECOND READING—DEBATE CONTINUED

Hon. Patricia Bovey: Honourable senators, I too rise today on Bill C-262, an Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. I want to acknowledge all senators who have spoken to this bill and convey my gratitude to Member of Parliament Romeo Saganash for his dedication to the rights of Canada's Indigenous peoples through this proposed legislation. I applaud my Indigenous colleagues in this chamber for their compelling speeches, and as a non-Indigenous person, feel just as strongly as they about the need to pass this legislation. We have a responsibility to right wrongs, ensure equal rights are extended to all and to open doors to equal opportunities.

This is the seventh iteration of this legislation, the first having been introduced in the other place in 2008. Bill C-262 was first introduced on April 21, 2016, and has been before the Senate since May 31, 2018.

This bill is unique in that the document which it is based on, UNDRIP, is the result of two decades of work by Indigenous peoples from across the planet. It is the first international instrument where the rights holders themselves participated equally with states in the drafting.

We are making progress. Five hundred years since first contact we are considering Indigenous peoples as being equals. In so doing we must remember that Canada is a member of the UN and over the decades has assumed many leadership roles in the UN. It is now time that we too do the right thing and adhere to the principles enshrined in UNDRIP and affirmed by Bill C-262.

The bill, as I said, would affirm UNDRIP as a universal international human rights instrument with application in Canadian law and would call on the Government of Canada, in consultation and cooperation with Indigenous peoples in Canada, to take all measures necessary to ensure that Canada's laws are consistent with the United Nations Declaration on Rights of Indigenous Peoples.

Further, it calls on the Government of Canada, as we've heard, in consultation and cooperation with Indigenous peoples to develop and implement a national action plan to achieve the UNDRIP's objectives.

The bill also contains a yearly reporting period to both houses of Parliament on implementation. From my perspective, I think the annual reporting regarding implementation is critically important.

Why is this bill necessary? It is necessary because the Government of Canada is a signatory to UNDRIP. It is necessary because the Government of Canada accepted and promised action on the 94 Calls to Action recommended by the Truth and Reconciliation Commission.

Call to Action 43 reads:

We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

Call to action 44 reads:

We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

I applaud this private member's bill but cannot help wonder how a government espousing the 94 Calls to Action did not introduce its own legislation to adopt and implement UNDRIP as the framework for reconciliation. To my mind, that leadership would dispel doubts that may exist regarding the government's position moving forward on reconciliation with Indigenous peoples.

Bill C-262 represents a repudiation of Canada's colonial history and an attempt at reconciliation with all those affected. I was moved to read the words of the bill's sponsor referring to his experience of 10 years' incarceration in a residential school. Mr. Saganash stated:

Bill C-262 would also allow us to begin to redress the past wrongs, the past injustices that were inflicted on Indigenous people. This is the main objective of Bill C-262, to recognize that on one hand they are human rights but on the other hand that we begin to redress the past injustices that were inflicted on the first peoples of this country.

While the justices are many, those resulting from government policy are particularly abhorrent. The residential school system and the Sixties Scoop were policies particularly harmful to Indigenous people. As Senator Sinclair quoted from the Truth and Reconciliation Commission:

For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada.

In my province, Manitoba, we have been reminded a number of times of the ongoing and horrific effects of these policies. One was the release of the September 2018 report of the Legislative Review Committee titled *Opportunities to Improve Outcomes for Children and Youth*, which examined the state of the child welfare system in Manitoba, although:

. . . the committee did not focus on children and families of any region, ethnicity or cultural background in isolation.

The results discovered were telling and the picture is anything but pretty.

Just last week, a further report on the murder of 15-year-old Tina Fontaine entitled, *A Place Where it Feels Like Home: The Story of Tina Fontaine*, highlighted once again the crisis of the egregious gaps in the system. The brutal loss of life of children, girls and women, the living conditions, the inattention and events and situations which fall into the wide gaps in society's fabric are absolutely unacceptable. Bill C-262 will at least, in part, provide the foundation to turn the tables to equal and fair human rights.

The 2018 report states:

The majority of the stories and information we gathered referenced Indigenous children, youth and families. This reflects the alarming fact that in Manitoba almost 90 per cent of children in care are Indigenous. The causes are deeply rooted in a legacy of colonial practices and policies, such as the legacy of the residential school system and the 60's Scoop. These practices separated children from parents, family, community, culture and language and have been clearly linked to high rates of substance abuse, violence and poverty within Indigenous communities, perpetuating the cycle of children being removed from their familial homes.

Can you imagine? If the tables were turned and it was non-Indigenous people who were desperate for equal rights and human justice, exactly what Bill C-262 is calling for for Indigenous peoples, how would those of us non-Indigenous citizens be feeling? We must consider humanity from all perspectives and realities.

The report echoes both UNDRIP and the Truth and Reconciliation Commission:

The delivery of child and family services in Manitoba should be guided by the Calls to Action of the Truth and Reconciliation Commission, the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples and the norms expressed in the United Nations Convention on the Rights of the Child.

Much of the discussion surrounding this bill resolves around the concept of free, prior and informed consent.

Senators, as you know I have had the privilege to work with Indigenous artists extensively over the decades of my career and always found they are ahead of the curve in expressing society's ills and realities, and do so viscerally regarding the experiences of Indigenous peoples historically and today.

Gitksan artist and scholar, Doreen Jensen, insightfully wrote:

Canada is an image that hasn't emerged yet. Because this country hasn't recognized its First Nations, its whole foundation is shaking. If Canada is to emerge as a nation with a cultural identity and purpose, we have to accept First Nations art.

Scholar and former UBC Anthropology Museum director, Ruth Phillips, wrote on Indigenous artist Jackson Beardy, a founder of the Indigenous Group of Seven in 1972, that:

For over four decades Aboriginal visual artists have been contributing in vital ways to the larger process of empowerment. As Aboriginal people repeatedly assert, their

art cannot be separated from politics, for self-representation — and the representation of history that is a part of the process — is profoundly empowering. Art has been at the heart of politics just as politics have been, and remain, at the heart of Aboriginal art, whether the specific subject is historical or contemporary, ironic or lyrical, sacred or mundane.

Cree artist Jane Ash Poitras was on exactly the same wavelength as quoted in Anne Newlands' book, *Canadian Paintings, Prints and Drawings*:

Only through spiritual renewal can we find out who we really are, be empowered to achieve our potential, and acquire the wisdom to eliminate the influences that bring tragedy and destroy us.

That spiritual renewal comes from human expression. Colleagues, I challenge all of us to look deeply at the work of Canada's Indigenous artists from east to west to north and every part of the country. They tell the realities and do so giving guidelines as to how to become a society which honours UNDRIP.

I have spoken in this chamber before about Joane Cardinal-Schubert's *The Lesson*, of 1989. An installation, the students' chairs are in rows, there are apples on most of the seats and a dunce cap is on one chair at the back of the room. There are two walls of blackboards filled with writing, one titled, *The Lesson*, the other, *The Memory Wall*. The text on *The Lesson* wall begins:

In the beginning there were native people across the land. When new people came, they shared with them their knowledge and goods and the new people took whatever they wanted. They shared their values, their religion, their languages and their laws. Then they took, took, took and the native people were taken from.

She carries on with text about fenced areas. The Memory wall is filled with lists of injustices. She did not create a celebratory wall. We all know about those injustices, as I've said: the residential schools, the Sixties Scoop, multi-generations living in one house without insulation or running water or the forced move of whole communities. The list goes on.

We must end that list and reverse the situations on that list. Bill C-262 is poised to assist with those societal amends.

Jane Ash Poitras' mixed media work *Potato Peeling 101 to Ethnobotany 101* also depicts a classroom, with blackboards on two walls, the alphabets and numbers running across the top. One is filled with photographs and texts. A Hudson's Bay blanket is along the bottom, with a Union Jack in the middle of the blanket stripes, the very blankets and flags artist Bob Boyer also poignantly used to tell Canada's history. Now deceased, he was a long-time leader of SCANA, the Society of Canadian Artists of Native Ancestry.

The power of these works is far greater than words can convey. If even several of these were on the Hill, I honestly believe Bill C-262 would have been passed by now.

Or there's Rebecca Belmore's performance piece, *Intertidal The Named and The Unnamed*, calling murdered and missing women. I took part in a parking lot in Winnipeg's Exchange District one fall night several years ago before the inquiry was

established. All of us gathered that night had a rose and a piece of paper on which to write the name of a missing woman we knew. We tied the paper to the rose and put the rose in the mesh that was hanging from the wall of the building next to the lot. The light was from the car headlights; the music from an old portable CD player. The effect of the performance of that night resonates with me daily as I read the news headlines.

I won't go on, but you get my point. We, as a chamber and as a Parliament, must turn reconciliation into "reconciliation." Passing Bill C-262 is a truly important step one. Please join me in enabling Canada to join UNDRIP. We as a nation should be leaders in action and word in human rights — not merely strong in word but weak in action. Renewing spirits is hard, complex, and at times

seemingly impossible, but it will be impossible if we don't start, and we have the road markers. As Louis Riel said in 1885: "My people will sleep for one hundred years, but when they awake, it will be the artists who give them back their spirit."

We all should "read" the work of the artists executed in those powerful international languages of visual art, music and dance, which unite in many compelling and empowering works that are understood worldwide, and reach into the soul of the artist, the community and the nation.

I support Bill C-262 and hope it goes to committee soon, and I hope you do too. Thank you.
