

The precarity of being indigenous: the case of Canada

- 8th Dec 2017



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Author :

Chris Simms

Chris Simms is an Assistant Professor in the School of Health Administration, Dalhousie University, Halifax, NS, Canada

Canadian Prime Minister Justin Trudeau's Sept 21 speech to the UN General Assembly focused on "Canada's shame" in dealing with First Nations, Metis, and Inuit populations.

Although his address drew global attention, it would have resonated in particular with the 370 million Indigenous people around the world.

Trudeau [cited](#) the intergenerational health impact on Indigenous people of residential schools, child removals, and failure to provide basic services, describing their experience as being “mostly one of humiliation, neglect and abuse”. Indeed, the [record](#) bears him out; for example, a recent [scoping review](#) of 61 studies shows increased rates of chronic and infectious disease among school “survivors” as well as depression, anxiety, addictive behaviour, stress, and suicidal behaviour.

Trudeau was contrite and adamant that he was addressing these injustices, yet the speech itself and ensuing federal decisions in the weeks following had the opposite effect, stoking the distrust felt by Indigenous people towards government.

For example, 15 days after the speech, the Canadian Government announced that it would compensate the approximately 16,000-20,000 survivors of the so-called “sixties scoop” – the [programme](#) by which children were forcibly taken from their families and placed in non-indigenous care (in “white homes”) as far away Scotland, New Zealand, California, and Alabama (1965-84). The finding of the Ontario Superior Court - which formed the rationale for the settlement - was that Canada had breached its “duty of care” and ignored the damaging psychological effects of the programme. Although the Government lauded the compensation package (Cdn\$800 million), in reality it had fought survivors’ claims “tooth and nail” in a bitter 8-year [court battle](#). Justice Murray Sinclair, who headed up the Truth and Reconciliation Commission on residential school abuse, said it was “unconscionable” for the Government to acknowledge the genocidal aspects of the removals but then claim in court that “it had no legal obligation to prevent it”.

Another decision announced in October was by the Supreme Court of Canada (SCC) which concerned the records of 38,000 survivors of the [Indian Residential Schools](#) – narratives which described their physical, sexual, and emotional abuse. The Government had sought to retain control of these records. In a unanimous decision, the SCC sided with the survivors, stating that indigenous people [should decide the fate](#) of the records; it said that sharing the stories was meant to be a “private process” and claimants had relied on the “confidentiality assurance”. According to Judges Brown and Rowe, Ottawa retaining control “is plainly not what the parties bargained for”. Reneging on this agreement with school survivors (who as children, the Government put in harm’s way in the first place) evoked long-standing resentment of school survivors against Ottawa which has over the decades repeatedly sought to hide, control, or destroy residential school records through the [bureaucracies](#), [courts](#), or law enforcement [agencies](#).

Trudeau’s UN address itself raised questions of trust. His claim that the Government was a “full supporter” of the [UN Declaration](#) on the Rights of Indigenous Peoples was inconsistent with his Minister of Justice’s stated view that it is an [unworkable document](#) and his own failure to adopt and implement the Declaration. He also claimed to have prioritized social

inequalities of First Nations children when in fact he has ignored the findings of the Canadian Human Rights Tribunal that Ottawa was discriminating against indigenous children by underfunding their health care. [Recent documents](#) reveal that Ottawa had the data that showed indigenous “children faced a massive gap in health services compared with what was available provincially”. Rather than following the Tribunal’s recommendations, the Government chose instead to respond through the courts, once again initiating an acrimonious [legal battle](#).

In reality, Trudeau’s UN speech is widely seen as part of a larger [agenda](#) to secure a seat on the UN Security Council. Using one agenda to advance another may suggest lack of sincerity and lack of commitment. However, in describing the needs of Canada’s First Nations, Metis, and Inuit populations he evoked the UN’s Sustainable Development Goals (6, 4, 5, and 11 – safe water and sanitation, education, gender equality, and sustainable communities). Trudeau will need to deliver on his promises. Early in his mandate he claimed that he [inherited](#) the distrust Indigenous people feel towards Ottawa from previous governments, yet the past months suggest that his Government earned some of this distrust itself. Taking effective steps to deliver on his promises may help address the precarity of being Indigenous in Canada and the view that federal authorities typically say one thing and mean another.