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Written statement* submitted by Manitoba Keewatinowi Okimakanak Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2024]

* Issued as received, in the language of submission only.



Addressing Human Rights in the Indigenous First Nations in Northern Manitoba, Canada

The Manitoba Keewatinowi Okimakanak, Inc. is an NGO in Special Consultative Status with the Economic and Social Council since 2023. The Manitoba Keewatinowi Okimakanak, Inc. represents the sixty-five thousand citizens of the twenty-six Indigenous First Nations in northern Manitoba, Canada which entered into Treaty No. 4, Treaty No. 5, Treaty No. 6 and Treaty No. 10 with the Crown of Great Britain and Ireland between 1875 and 1910.¹ The Manitoba Keewatinowi Okimakanak, Inc. participated on the margins in Geneva during the activities of the Working Group of the 4th Cycle of the Universal Periodic Review of Canada. The following are the highlights and recommendations of the four briefing notes made available on the margins for the consideration of state delegations.

Canada to Adopt a High Degree of Ambition to Implement and Achieve a Whole of Government Response to the National Crises in Addictions, Family and Gender Violence, Drug dealing and Bootlegging in Indigenous First Nation Communities

Indigenous First Nations in northern Manitoba, Canada, are experiencing a widespread regional crisis and are declaring States of Emergency regarding what can only be described as an “epidemic” of addictions and the complex of family and community harms that result, which includes high levels of violence that are directly associated with drug and alcohol use and abuse. These First Nations experience a 40% violent crime rate based on the calls for service to police which is driven by virtually uncontrolled bootlegging of alcohol and drug dealing due to the persistent lack of any meaningful police response and absence of effective harm reduction and addictions treatment measures. 2, 3

Conclusions:

That the Human Rights Council recommend to Canada:

1. That Canada urgently invest in and implement all measures necessary to meaningfully address the “epidemic” of addictions in Indigenous First Nation communities and to meaningfully address the complex of family and community harms that result, including high levels of violence that are directly associated with drug and alcohol use and abuse.
2. That Canada urgently engage Indigenous First Nations in the co-development of policing and public safety measures directed to support the achievement of in-community wellness through what has been described as the Eight Pillars of a Whole of Government Response.

Canada’s Long-Term Failure to Recognize, Respect, Enforce and Adjudicate First Nation Laws. Materially Contributes to National Crises of Addictions, Violence, Drug Dealing and Bootlegging in Indigenous First Nations Communities in Canada

An Honourable Member of the Senate of Canada has called attention to the national crises in public safety, health, and well-being in Indigenous First Nation communities in Canada arising from Canada’s long-term failure to recognize, respect, enforce and adjudicate First Nation Laws. The Honourable Senator Mary Jane McCallum stated on October 4, 2023 in the speech on the second reading on Bill S-271, An Act to Amend the Royal Canadian Mounted Police Act:

“Honourable senators, Parliament intended to create new and enhanced law-making authorities to support the self-determination of First Nations through Bill C-49, the First Nations Land Management Act, in 1999, and Bill C-428, the Indian Act Amendment and Replacement Act, in 2014. (...) Despite the intent of Parliament to enhance the self-determining law-making powers of First Nations, Bill C-49 and Bill C-428 have created “stranded regimes” of First Nation laws that are not enforced by the Royal Canadian Mounted Police and have not been subject to prosecution by the Public Prosecution Service of Canada”

The Honourable Senator McCallum also stated in the speech on second reading on Bill S-271:

“First Nations from coast to coast to coast are experiencing a crisis in public safety and well-being, largely driven by an epidemic of addictions that are driven by virtually uncontrolled drug dealing and bootlegging. The failure and refusal of the RCMP to enforce, and the failure and refusal of the PPSC to prosecute First Nation laws, including intoxicants prohibitions and trespass laws, are directly contributing to this crisis.”

Conclusions:

That the Human Rights recommend to Canada

1. That Canada recognize, respect, enforce and adjudicate First Nation Laws, particularly those First Nation community protection Laws directed to public safety, health, and well-being;
2. That Canada enact Bill S-271, An Act to Amend the Royal Canadian Mounted Police Act to require the RCMP to enforce First Nation Laws; and
3. That Canada enact Bill S-272, An Act to Amend the Director of Public Prosecutions Act to require the Public Prosecution Service of Canada to potentially prosecute offences under First Nation laws. 5

Canada Has Yet to Take Action to Commence an Investigation of the Indian Residential Schools System as a Crime Against Humanity and a Genocide under Canada’s National Law

On June 3, 2021, the Grand Chief of the Manitoba Keewatinowi Okimakanak, Inc., wrote to the Prime Minister of Canada and to then-Minister of Justice and Attorney General and asserted that the underlying state-sanctioned circumstances and federal government policies and legislation which directly led to the remains of two hundred fifteen First Nation children recently and tragically being recovered on the grounds of the former Indian Residential School in Kamloops, British Columbia meet the tests of crimes against humanity in accordance with the Crimes Against Humanity and War Crimes Act S.C. 2000, c. 24 and Article 7 of the Rome Statute of the International Criminal Court. 6

The Manitoba Keewatinowi Okimakanak, Inc. requested that the Attorney General of Canada “(,,,)immediately commence an investigation with the objective of determining the basis for prosecution under the Crimes Against Humanity and War Crimes Act regarding the discovery of the remains of 215 children who were students of the Kamloops Indian Residential School (IRS) and the IRS system generally”.

Canada has not commenced an investigation of the former Indian Residential School System as a Crime Against Humanity pursuant to the Crimes Against Humanity and War Crimes Act S.C. 2000, c. 24 and Article 7 of the Rome Statute of the International Criminal Court. 7

Conclusions:

That the Human Rights Council recommend to Canada:

4. That the Government of Canada initiate an investigation of the Indian Residential School System as a Crime Against Humanity pursuant to the Crimes Against Humanity and War Crimes Act of Canada and Article 7 of the Rome Statute of the International Criminal Court as requested by an Indigenous Civil Society organization in Canada;

That the Human Rights Council further comment in the outcome report for Canada:

5. That in the event that Canada continues to defer actual initiation of such an investigation of the former Indian Residential School System as a Crime Against Humanity and a genocide pursuant to the Crimes Against Humanity and War Crimes Act S.C. 2000, c. 24 and Article 7 of the Rome Statute of the International Criminal Court that the Human Rights Council refer the matter to the United Nations Security Council for potential referral to the International Criminal Court.

Violence Against Indigenous Women, Girls and Two-Spirit People Call on Canada to Respond to the Canada-Wide Emergency of Missing and Murdered Indigenous Women and Girls and to Establish the “Red Dress Alert System” Without Delay

The Truth and Reconciliation Commission of Canada included in the Calls for Justice for Police No. 5(vii), which calls for police to “(l)ead the provincial and territorial governments to establish a nationwide emergency number.” On May 2, 2023, Member of Parliament Leah Gazan, an Indigenous woman, proposed and secured the unanimous consent of the House of Commons of Canada for the following motion: 8

I move: That, given that:

- (i) on October 27, 2022, the House unanimously recognized that what happened in residential schools was genocide,
- (ii) decades of insufficient action from all levels of government have failed to address the effects of this genocide, including the crisis of violence against indigenous women, girls, and two-spirit people with the urgency it deserves,
- (iii) families in Winnipeg and throughout the country continue to experience the tragic loss of loved ones to this crisis, the House call on the government to:
 - (a) declare the continued loss of indigenous women, girls and two-spirit people a Canada-wide emergency; and
 - (b) provide immediate and substantial investment, including in a red dress alert system, to help alert the public when an indigenous woman, girl or two-spirit person goes missing.

Canada has not established the Red Dress Alert System unanimously called for on May 2, 2023 by the House of Commons in Canada, even though it is well-established that a widespread emergency notification of a missing person within the first 24 hours is expected to significantly increase the chances of the missing person being located.

Conclusion:

That the Human Rights Council recommend to Canada:

6. That the Government of Canada implement without delay the MMIWG2S+ “Red Dress Alert System” unanimously called for by the House of Commons of Canada on May 2, 2023.

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1. <https://mkonation.com/about-mko/>
 2. <https://www.cbc.ca/news/canada/manitoba/keewatin-tribal-council-emergency-1.6788564>
 3. <https://mkonation.com/mkocallsforwholeofgovernmentapproach/>
 4. https://sencanada.ca/en/content/sen/chamber/441/debates/146db_2023-10-04-e
 5. https://sencanada.ca/en/content/sen/chamber/441/debates/145db_2023-10-03-e?language=e
 6. <https://mkonation.com/mko/wp-content/uploads/Nov-10-2023-Geneva-Calls-for-Crimes-Against-Humanity-investigation-FINAL.pdf>
 7. See page 7; https://issuu.com/thompson-citizen/docs/january_19_2024
 8. <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-189/hansard>