



# PROGRESS ON

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*Breathing Life into  
the Calls for Justice*

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## A CFJ PROGRESS REPORT

June 3, 2024



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## PROGRESS ON

# *Breathing Life into the Calls for Justice*

## ***Progress on Breathing Life into the Calls for Justice: A CFJ Report Card***

### **Statement from the National Chief**

On June 3, 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls (“National Inquiry”) released their final report, *Reclaiming Power and Place*. Over the past five years, there have been some encouraging steps forward in the implementation of the 231 Calls for Justice (“CFJ”). However, a great deal of work remains to fully implement the CFJ.

The Assembly of First Nations (AFN) is mandated to call for the full implementation of the National Inquiry’s CFJ. It is important for independent organizations like the AFN to undertake evaluations which look holistically at the CFJ to identify areas of significant progress and any gaps where adjustments can be made. As the AFN, we monitor the 231 CFJ and specific 2SLGBTQIA+ CFJ at section 18.

Preventing violence against Indigenous women, girls, and 2SLGBTQIA+ people is an urgent national priority. While the Government of Canada has a big responsibility within the CFJ, provincial and territorial governments, and other actors also have key responsibilities. The National Inquiry points out the magnitude of action required, stating that “[t]he investment into solving this crisis must be equal to or better than the over five hundred years of deficit that have preceded it.”

Government mechanisms like the Office of the Correctional Investigator and the Auditor General of Canada are critical to help highlight issues and make recommendations for change. The National Inquiry called for additional oversight mechanisms including a National Indigenous and Human Rights Tribunal and National Indigenous and Human Rights Ombudsperson (CFJ 1.7), and an independent oversight mechanism to report on the implementation of the CFJ (CFJ 1.10). These recommended oversight mechanisms are needed to ensure greater accountability.

Survivors and their families must remain at the heart of the work we do to implement the CFJ. Collaborative approaches between all levels of government, along with First Nations, and grassroots organizations, is also critical to increasing safety for First Nations women, girls, and 2SLGBTQIA+ people. There is a long-winding road ahead to address and prevent all forms of gender-based violence targeting First Nations women, girls, and 2SLGBTQIA+ people, but together, we can get there, step by step. As we keep moving forward on that road, we reflect on the past, are hopeful for change in the present, and can see a brighter future for generations to come.

*National Chief Cindy Woodhouse-Nepinak, Assembly of First Nations*

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1 Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, online: [Final Report | MMIWG \(mmiwg-ffada.ca\)](#) at 85.



# PROGRESS ON

## *Breathing Life into the Calls for Justice*

### TABLE OF CONTENTS

<b>Progress on Breathing Life into the Calls for Justice: A CFJ Report Card</b> .....	<b>3</b>
Executive Summary.....	6
Methodology.....	8
Steps Forward 2019-2024.....	9
Steps Backward 2019-2024.....	10
<b>Calls for Justice for All Governments</b> .....	<b>11</b>
Human and Indigenous Rights and Governmental Obligations (CFJ 1.1-1.11).....	11
Culture (CFJ 2.1-2.7).....	13
Health and Wellness (CFJ 3.1-3.7).....	14
Human Security – Economic (CFJ 4.1-4.5).....	18
Human Security – Housing (CFJ 4.6-4.8).....	20
Justice (CFJ 5.1-5.25).....	23
<b>Calls for Justice: Industries, Institutions, Services and Partnerships</b> .....	<b>27</b>
Media and Social Influencers (CFJ 6.1).....	27
Health and Wellness Service Providers (CFJ 7.1-7.9).....	29
Transportation Services and Hospitality Industry (CFJ 8.1).....	31
Police Services (CFJ 9.1-9.11).....	34
Attorneys and Law Societies (CFJ 10.1).....	36
Educators (CFJ 11.1-11.2).....	39
Social Workers and Those Implicated in Child Welfare (CFJ 12.1-12.15).....	41
Extractive and Development Industries (CFJ 13.1-13.5).....	44
Correctional Services (CFJ 14.1-14.13).....	46
All Canadians (CFJ 15.1-15.8).....	49
<b>2SLGBTQIA+ Specific Calls for Justice</b> .....	<b>51</b>
Government and Service Provider Obligations and Inclusivity (CFJ 18.1-18.2).....	51
Data Collection and Research (CFJ 18.3-18.4).....	52
Front-Line Representation and Culturally Safe Services (CFJ 18.5).....	54
2SLGBTQIA+ Youth and Youth Focused Services (CFJ 18.6).....	55
Support for Safe Spaces and 2SLGBTQIA+ Organizations (CFJ 18.7-18.11).....	56
Policing (CFJ 18.12-18.14).....	58
Knowledge Gathering (CFJ 18.15-18.16).....	60
2SLGBTQIA+ Awareness and Cultural Training (CFJ 18.17-18.20).....	61
Corrections (CFJ 18.21-18.22).....	62
Coroners (CFJ 18.23).....	63
Human Security (CFJ 18.24-18.25).....	65
Health Service Providers (CFJ 18.26-18.31).....	66
Child Welfare (CFJ 18.32).....	68
<b>Appendix A - Citations</b> .....	<b>70</b>

# PROGRESS ON

## *Breathing Life into the Calls for Justice*

### Executive Summary

The National Inquiry's final report was built off decades of work examining systemic racism, colonization, and oppression faced by First Nations, Inuit, and Métis. Now, five years later, there is a strong need for non-governmental monitoring to provide an assessment on whether the moral and political will for real change has materialized, or whether actions taken by governments, public institutions, private industries, and the Canadian public are maintaining the status quo.

The AFN has developed this CFJ Report Card to serve as a monitoring tool of both government and non-governmental activities since the National Inquiry's release of their Final Report. The AFN CFJ Report Card is the first update on progress towards the full implementation of the CFJ and includes a summary of the notable steps forward and backward during the review period. The remainder of the CFJ Report Card focuses on sections of the CFJ that are specific to First Nations and is broken down into the following three parts:

1. **Calls for All Governments**
2. **Calls for Industries, Institutions, Services and Partnerships**
3. **Calls Specific to the 2SLGBTQIA+ Community**

Within each subsection of the AFN CFJ Report Card is a ranking of the progress towards implementation of the CFJ using a 5-point scale. The review methodology and the meaning behind each ranking is explored in the Methodology Section of this report. Following the ranking are suggested actions that can be taken to serve as a catalyst to accelerate progress. Finally, each section ends with a rationale that provides a deeper dive into the actions that have been analysed and the ensuing ranking.

*Throughout this AFN CFJ Report Card you will also see highlights on how AFN's advocacy has helped to advance implementation of the CFJ.*

According to CBC News, only two Calls for Justice had been actioned by June 2023.<sup>2</sup> This was determined by CBC through cross-referencing report cards and documents that Indigenous organizations had released pertaining to the Government of Canada's actions on the CFJ.<sup>3</sup>

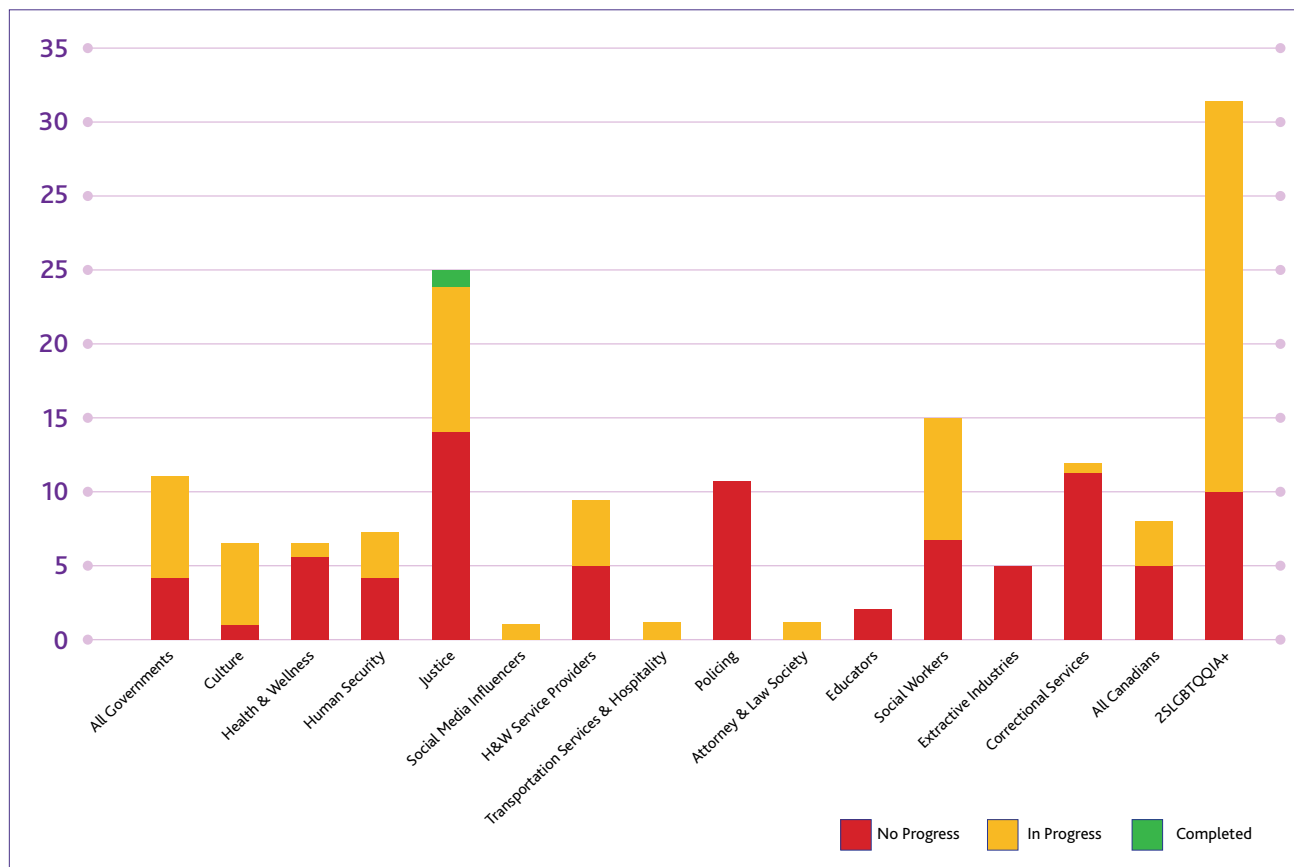
2 CBC News. (2023). "A report card on the MMIWG inquiry's calls for justice." <https://www.cbc.ca/newsinteractives/features/cfj-report-cards>

3 IBID.

# PROGRESS ON

## *Breathing Life into the Calls for Justice*

**Table 1: Implementation Progress on Calls for Justice Themes**



This reality indicates that many of the initiatives and programs being reported by all levels of government that “assist” in addressing and supporting the 231 Calls for Justice are mainly existing programs and funding initiatives framed to appear as substantially and meaningfully accomplishing the CFJ. There are also a number of initiatives that began as a response to the Truth and Reconciliation Calls to Action that are now framed as responding to the Calls for Justice without using a Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ Peoples (“MMIWG2S+”) lens.

It is not enough for institutions like governments, police forces, hospitals, courts, and the criminal justice system to use cultural awareness training as a cure all for systemic institutional racism. These institutions must undertake an honest review of their laws, regulations, policies, and practices to uncover the built-in systemic biases against First Nations people and commit to making real substantive changes.<sup>4</sup>

4 AFN Submission to National Inquiry, Page 8



# PROGRESS ON

## *Breathing Life into the Calls for Justice*

### Methodology

The AFN is a national advocacy organization that works to advance the collective aspirations of First Nations individuals and communities across Canada on matters of national or international nature or concern. The AFN is mandated to establish an independent accountability mechanism within the AFN to produce and publish an annual report on implementation and accountability for the Calls for Justice,<sup>5</sup> and to demand quantifiable action for the Government of Canada to implement the Calls for Justice.<sup>6</sup> The AFN has four policy branches who carry out advocacy work and supported validation of the content of this report in the areas of Rights and Justice, Community Services, Environment and Lands, and Economy and Infrastructure.

The AFN tracks the progress of the implementation of the Calls for Justice through an assessment of the AFN's advocacy and joint work with the Government of Canada. A comprehensive review of the progress on implementing the 231 Calls for Justice and the 2SLGBTQI-Specific Calls for Justice from 2019-2024, was conducted. Various sources were consulted to gather information, including Government of Canada budgets, reports, and action plans, the Auditor General and Office of the Correctional Investigator's reports, as well as information available through non-governmental websites. A full list of sources is included in Appendix A.

Where an action on a Call has been undertaken, the AFN utilizes the following system to track its progress:



In many cases, full implementation of the Calls for Justice requires significant resources to ensure First Nations are meaningfully included based on the principles of justice, democracy, respect for human rights, non-discrimination, and good faith. Where action has been taken to fulfill the CFJ, it will be reported as **Complete**. Where action has been taken that mostly fulfills the CFJ, but there remain aspects that are unfulfilled, **Significant Progress** will be reported. Where progress was undertaken but efforts have not resulted in meaningful advances as defined by First Nations, **Little Progress to Moderate Progress** will be reported. Where reporting includes activities that were in response to a previous report and recommendations (e.g. Royal Commission on Aboriginal Peoples, Truth and Reconciliation Calls to Action) and are not actually in response to the CFJ, **No Progress** will be reported.

<sup>5</sup> AFN Resolution 49/2022, *Support for Sustainable Funding and Accountability for the Implementation of the 231 Calls for Justice*

<sup>6</sup> AFN Resolution 89/2023, *Call for Canada to Implement the National Inquiry's 231 Calls for Justice relating to MMIWG2S+ and First Nations Control of Funding*



# PROGRESS ON

## *Breathing Life into the Calls for Justice*

### Steps Forward 2019-2024

Looking at the big picture, over the past five years, there have been some significant initiatives developed to address the issue of MMIWG2S+. Encouraging steps forward have been taken through legislation, the creation of national-scale action plans, movement on Indigenous Human Rights Institutions, and the Red Dress Alert pilot project in Manitoba:

- **MMIWG2S+ NAP:** In 2021, the *Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan*,<sup>7</sup> was co-developed and released by a core working group in collaboration with the National Family and Survivors Circle and contributing partners ("MMIWG2S+ NAP").
- **Movement on Indigenous Human Rights Institutions:** Canada's Federal Budget for 2021-2024 supported the establishment of a dedicated MMIWG2S+ Secretariat within Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), who led engagement on independent oversight mechanisms and establishing an Indigenous Human Rights Ombudsperson.
- **UNDA:** The passing of Bill C-15 in 2021, *United Nations Declaration on the Rights of Indigenous Peoples Act* ("UNDA"), marked significant progress towards CFJ 2.1.
- **Bill C-91 Indigenous Languages Legislation:** In 2019, Canada enacted Bill C-91, An Act respecting Indigenous languages ("Bill C-91"), which recognizes that the rights of Indigenous Peoples recognized and affirmed by section 35 of the Constitution Act, 1982, include rights related to Indigenous languages.
- **Bill C-92 Indigenous Child Welfare Legislation:** In 2019, Bill C-92, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* ("Bill C-92") received Royal Assent, affirming and recognizing Indigenous jurisdiction over child and family services. In 2024, the Supreme Court of Canada ("SCC") released a decision which held that Bill C-92 in whole is constitutional.<sup>8</sup>
- **Bill S-250 Criminalization of Forced and Coerced Sterilization of Women:** A significant step has been made with the introduction of Bill S-250, *An Act to amend the Criminal Code (sterilization)* ("Bill S-250"). Bill S-250 is an important part of the implementation of the Calls for Justice related to health and wellness of Indigenous women.
- **Federal 2SLGBTQI+ Action Plan:** In 2022, the Federal Government made a historic investment of \$100 million over five years to support the Federal 2SLGBTQI+ Action Plan.
- **Red Dress Alert:** On May 3, 2024, the Government of Canada announced that they will be partnering with the Province of Manitoba to pilot the Red Dress Alert, and that Indigenous people will design and lead the alert.

7 Core Working Group, *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan*, Online: <https://mmiwg2splus-nationalactionplan.ca/eng/1670511213459/1670511226843>

8 Parliament of Canada. 2019. Legislative Summary of Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families. [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/LegislativeSummaries/421C92E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421C92E)

## PROGRESS ON

# Breathing Life into the Calls for Justice

## Steps Backward 2019-2024

Despite the pressing need to move forward on implementing the National Inquiry's Calls for Justice, unfortunately, there are some areas where there were significant gaps, little action has been taken, or there is insufficient funding and resources. The following steps backward require immediate action:

- **Family Information Liaison Units (FILU's):** While budget investments extended this program aimed at developing services to assist families of missing and murdered Indigenous people, the amount was less than previous investments and some FILU's had to shut down. An example of this reality is that \$37.3 million had been proposed to FILUs over five years with only \$7.75 million annually on an ongoing basis.
- **First Nations and Inuit Policing Program:** The Auditor General of Canada's March 2024 report on the First Nations and Inuit Policing Program (FNIPP) found that Public Safety Canada is mismanaging the program.<sup>9</sup> This has resulted in millions of unspent dollars, further exasperating the gap between what First Nations are calling for and what is being offered.
- **Corrections:** The Correctional Investigator of Canada released their *Ten Years Since Spirit Matters* report which effectively examined procedures and policies of Correctional Services Canada.<sup>10</sup> The report included findings that Indigenous people being overrepresented within federal prisons has worsened to crises levels.
- **Housing:** The Auditor General of Canada's March 2024 housing report brings attention to the notable absence of real progress in housing initiatives.<sup>11</sup> There are six years remaining until the target year of 2030 to accomplish housing projections, yet more than half of these measures remain unmet.<sup>12</sup>
- **2S+ Parental Rights Policy:** In 2023, the provincial governments of New Brunswick, Saskatchewan, and Alberta introduced policy and legislation that severely and negatively impacts transgender and Two Spirit youth.

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9 Office of the Auditor General of Canada. 2024. Reports 2 to 4 of the Auditor General of Canada to the Parliament of Canada. [https://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_202403\\_03\\_e\\_44452.html](https://www.oag-bvg.gc.ca/internet/English/parl_oag_202403_03_e_44452.html)

10 Office of the Correctional Investigator, *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*, See online: [Spirit Matters EN ÔÇô Web.pdf](#)

11 Office of the Auditor General. 2024. Report 2: Housing in First Nations Communities, 4-7 [https://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_202403\\_02\\_e\\_44451.html](https://www.oag-bvg.gc.ca/internet/English/parl_oag_202403_02_e_44451.html)

12 IBID.

## PROGRESS ON

# Breathing Life into the Calls for Justice

## Calls for Justice for All Governments

The Calls for Justice targeted to governments are the responsibilities of federal, provincial, territorial, municipal, and Indigenous governments. The evaluations within this section look at actions and inaction over the period of June 2019-June 2024.

### Human and Indigenous Rights and Governmental Obligations (CFJ 1.1-1.11)

*Take actions supporting Indigenous Rights and accountability for all levels of government.*

*"...the testimony presented to the National Inquiry demonstrates an unacceptable breakdown in the recognition of Indigenous women and 2SLGBTQQIA people as human and Indigenous rights bearers, according to a robust structure of instruments and law. As such, we maintain that contemporary human rights protections can be helpful tools in making sure these rights are respected and upheld."<sup>13</sup>*

This passage from the National Inquiry's Final Report conveys the critical role that Human and Indigenous Rights and Governmental Obligations plays in addressing the root causes of violence against First Nations women, girls, and 2SLGBTQQIA+ people.

### Ranking of this section:

**Moderate Progress** has been made toward supporting oversight and accountability for all levels of government. In 2021, the *Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan*,<sup>14</sup> was co-developed and released by a core working group in collaboration with the National Family and Survivors Circle and contributing partners. The MMIWG2S+ NAP includes contributions from Indigenous Partners and the release of the federal government's response, the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People*.<sup>15</sup> The AFN also released a First Nations-specific report that centers the voices of MMIWG2S+

13 Reclaiming Power and Place: Executive Summary of the Final Report National Inquiry into Missing and Murdered Indigenous Women and Girls, Page 15.

14 Core Working Group, 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan, Online: <https://mmiwg2splus-nationalactionplan.ca/eng/1670511213459/1670511226843>

15 Government of Canada, Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People, online: <https://www.rcaanc-cirnac.gc.ca/eng/1622233286270/1622233321912>

## PROGRESS ON

# Breathing Life into the Calls for Justice

Survivors and families called, *Breathing Life into the Calls for Justice: An action plan to end violence against First Nations Women, Girls, and 2SLGBTQQIA+ Peoples*.<sup>16</sup> This collective work is targeted towards CFJ 1.1, however, there was a lack of commitment from all levels of governments to support the recommendations from the MMIWG2S+ NAP.

The federal budget for 2021-2024 included investments to accelerate work towards implementing the Calls for Justice as a whole, with these investments supporting CFJ 1.1, 1.2, 1.7, 1.10 and 1.11. These investments supported the establishment of a dedicated MMIWG2S+ Secretariat within CIRNA, which led engagement on independent oversight mechanisms, establishing an Indigenous Human Rights Ombudsperson, and provided capacity support for Indigenous organizations to conduct engagement and implementation work on the MMIWG2S+ NAP. These initiatives collectively advance work towards CFJ 1.1 and CFJ 1.7. Canada has also made commitments as part of the Universal Periodic Review, including to fully implement the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) which was adopted as domestic law with UNDA. There has been no significant progress on CFL 1.3, 1.5, and 1.6.

### Suggestions:

- Commit \$539.3 million over five years to enable Provinces and Territories to supplement and enhance services and supports within their jurisdictions to prevent gender-based violence against First Nations women, girls, and 2SLGBTQQIA+ people and to establish bilateral agreements that support each jurisdiction’s work to implement the Calls for Justice on the Human and Indigenous Rights and Governmental Obligations.
- The next steps towards establishing an independent National Indigenous and Human Rights Ombudsperson and a National Indigenous and Human Rights Tribunal must be identified and carried out through engagement and consultation, in partnership with First Nations national organizations and regional leadership representation for First Nations communities.
- Commitment from provinces and territories to conduct their own engagement to create a similar Indigenous and Human Rights Ombudsperson at a regional level that would be designed to work with the National Indigenous and Human Rights Ombudsperson.
- Increased investments towards a national prevention strategy to expand and continue prevention programming created from the Budget 2021 investments.

### Rationale:

All levels of government have made the most advancements towards CFJ 1.1. This progress has been marked by the introduction of the MMIWG2S+ NAP and subsequent annual progress reports. The process to create this plan began in 2020 and faced significant challenges among members of the Core Working Group. Since the release of the MMIWG2S+ NAP, it is unclear who will take ownership of the plan, which has not resulted in ensuring equitable access to basic rights or treating funding as rights-based no barrier processes. There are also inconsistent funding commitments from all levels of governments towards funding implementation work of the MMIWG2S+ NAP or Provincial/Territorial plans.

Canada has legal obligations and publicly endorsed commitments to Human Rights standards through numerous

<sup>16</sup> Assembly of First Nations, *Breathing Life into the Calls for Justice: An Action Plan to End Violence Against First Nations Women, Girls, and 2SLGBTQQIA+ People*, online: <https://www.afn.ca/wp-content/uploads/2021/06/First-Nations-Action-Plan-Report.pdf>

## PROGRESS ON

# Breathing Life into the Calls for Justice

international conventions and declarations dealing with the issue of violence against Indigenous women, girls, and 2SLGBTQIA+ people. In 2021, Canada legislated the UNDRIP, which is now binding as domestic law.<sup>17</sup> While this adoption of UNDRIP into domestic law advances work towards CFJ 1.2, there are still challenges in meeting these obligations, resulting in human rights concerns with the over-incarceration and overrepresentation of First Nations women in federal institutions, challenges with poverty eradication, Joyce's Principle and systemic discrimination in the healthcare system, discriminatory funding practices with First Nations police services, and child welfare reforms. With the third Universal Period Review, Canada made commitments to Indigenous Peoples based on the 275 recommendations, including implementing UNDA and continued work to achieve reconciliation based on the recognition and implementation of Indigenous rights.

### Culture (CFJ 2.1-2.7)

Take actions supporting Indigenous culture and Indigenous languages.

*"Key to this discussion is racism, a particular form of colonial violence that seeks to undermine, to minimize, and to set aside Indigenous cultural rights and to diminish Indigenous Peoples."<sup>18</sup>*

The emphasis MMIWG2S+ families and survivors put on cultural safety serves to underscore how pivotal cultural identity is for prevention, for support for people during times of crisis, and for healing from trauma. Reclaiming cultural identity is vital for healthy, vibrant and thriving First Nations.

### Ranking of this section:

**Moderate Progress** has been made towards supporting First Nations languages and culture. In 2019, Canada enacted Bill C-91, which recognizes that the rights of Indigenous Peoples recognized and affirmed by section 35 of the Constitution Act, 1982, *includes rights related to Indigenous languages. This legislation, combined with the enactment of UNDA, is significant progress towards CFJ 2.1.* Bill C-91 recognizes the importance of Indigenous languages; however, it does not make Indigenous languages an official language of Canada, as required under CFJ 2.2. Budget 2024 included \$225 million over five years to Canadian Heritage for Indigenous languages and cultures program, supporting Bill C-91.

17 The United Nations Declaration on the Rights of Indigenous Peoples Act, S.C. 2021, c. 14.

18 Reclaiming Power and Place: Executive Summary, Page 23.

## PROGRESS ON

# Breathing Life into the Calls for Justice

The Federal Budget for 2021-2024 included some funding specifically to support Indigenous cultures and Indigenous languages. In Budget 2021, over \$450 million in investments were identified to support the preservation, restoration, and promotion of culture and language. This was a positive commitment towards responding to CFJ 2.3, 2.4, and 2.7; however, these funding initiatives are not long term and do not meet the calls for “adequate funding.” In 2021, Canada renewed their Anti-Racism Strategy to fight racism and invested an additional \$25.4 million to Canadian Heritage to support the strategy; however, this does not meet CFJ 2.6 which calls for an action plan focused on ending racism and sexualized stereotypes directed at Indigenous women, girls, and 2SLGBTQQIA+ people. No progress has been made on CFJ 2.5.

### Suggestions:

- Amendments to the C-91 to recognize First Nation languages as official languages of Canada, with the same status, recognition, and protection to French and English.
- Accelerate the establishment of the Office of the Commissioner of Indigenous Languages with additional funding to support the office.
- Create an action plan focused on ending racist and sexualized stereotypes of First Nation women, girls, and 2SLGBTQQIA+ people, with the target audience including both the general public and public services.
- Federal Government commitment for a long-term funding model to support language programs and services in relation to education, health, administration of justice, and in undertaking research studies supporting languages.
- Investment in First Nation language translation for the Government of Canada’s policies and programs concerning the health and well-being of First Nations.

### Rationale:

The Federal Government has made significant investments responding to the CFJ on Culture. Provincial and Territorial governments have lagged in making their own investments to support Indigenous languages, with the most activity happening in British Columbia. The Provincial or Territorial governments taking action towards recognizing a First Nations language include Nova Scotia, the Northwest Territories, and Manitoba. In 2022, Nova Scotia officially proclaimed Mi’kmaw as the province’s original language and enacted the *Mi’kmaw Language Act* to support efforts to protect and revitalize the language. In the Northwest Territories, the 1984 *Official Languages Act* recognized the Aboriginal languages in the Northwest Territories.

Since the enactment of Bill C-91, the implementation of the legislation has been at a standstill. The Office of the Commissioner of Indigenous Languages is not fully operational five years after the enactment of the legislation. Budget 2024 included \$225 million over five years starting in 2024-2025, with \$45 million per year ongoing for Canadian Heritage to provide Indigenous languages and cultures programs, in support of the *Indigenous Languages Act*. This is additional funding that will extend funding that was set to expire in 2024-2025. Bill C-91 is set for its first five-year review starting in October 2025.



## PROGRESS ON

# Breathing Life into the Calls for Justice

*All First Nations languages in Canada are considered to be critically endangered. The AFN supports Chiefs, technicians and First Nations in advocating for language and culture rights to protect First Nations traditions.*

### Health and Wellness (CFJ 3.1-3.7)

Take actions supporting equity in funding for Indigenous-centered, strengths-based, and trauma informed health and wellness services in the community.

*“Ultimately, what the National Inquiry heard is this: when the right to health is in jeopardy, so is safety. In a cruel twist, the lack of community and personal well-being has persisted so long that in many cases, poor health for Indigenous women, girls, and 2SLGBTQQIA has become normalized.”<sup>19</sup>*

Health concerns are intrinsically linked to violence that many First Nations women, girls, and 2SLGBTQQIA+ people face. The effects of intergenerational trauma combined with systemic discrimination and under funding of health services for First Nations have all led to poor social determinants for health and wellness of First Nations people. First Nations survivors and families want to ensure that traditional healing practices are respected and can be accessed similarly to physicians in mainstream health institutions and specialists.

### Ranking of this Section:

**Little Progress** has been made to advance health and wellness equity for First Nation people. Indigenous Service Canada (“ISC”) is working with First Nations, Métis, and Inuit organizations on Indigenous health legislation; however, the process, timeline, and funding for engagement have been problematic. Although the Government of Canada aimed to table the bill in Winter 2024, this has not taken place. A step forward to advancing CFJ 3.1 is the introduction of Bill

19 Reclaiming Power and Place: Executive Summary, Page 30.



## PROGRESS ON

# Breathing Life into the Calls for Justice

### JOYCE'S PRINCIPLE

*While Joyce's Principle gained national attention and prompted many healthcare institutions to introduce mandatory cultural competency courses, formal adoption by governments and healthcare authorities at the national or provincial level remains an ongoing challenge. The 2021 Mandate Letter to the Minister of ISC commits to fully implementing Joyce's Principle and ensuring this guides the work to co-develop distinctions-based health legislation. Budget 2024 included \$167.7 million over five years to combat anti-Indigenous racism in health care to help ensure Indigenous Peoples are treated with the respect and safety they deserve.*

S-250, *An Act to amend the Criminal Code (sterilization)*. Bill S-250 is an important part of the implementation of the Calls for Justice related to health and wellness of Indigenous women ensuring that women who have been forced or coerced into sterilization procedures can seek justice.

There have been some notable budget allocations to health and wellness initiatives that advance CFJ 3.2, 3.4, 3.5 and 3.7. Despite a small amount of government funding for the establishment of culturally wholistic wraparound services, including competent mobile trauma and addictions recovery teams (CFJ 3.4), crisis response teams (CFJ 3.5), and the incorporation of Elders, Grandmothers, and Knowledge Keepers into trauma-informed programs (CFJ 3.3), these services are not available equitably in all regions and communities. The funding is often project-based, resulting in issues with consistency and reliability. There are also issues with data access and transparency for First Nations.

### Suggestions:

- The implementation of Bill S-250 must be done through a co-developed process with First Nations and amended to reflect First Nations' lived experiences with medical and nurse practitioners in Canada.
  - That ISC fund and support First Nations-led engagement on health legislation, including a full endorsement from inherent and Treaty rights-holders and to ensure distinctions-based legislation is informed by principles identified by First Nations in the regions.
  - Fully implement Joyce's Principle nationally to provide a roadmap towards addressing anti-First Nation racism in the healthcare system and promote cultural safety standards to reduce barriers for First Nations Peoples when they access healthcare services.
- Engage with First Nations to review and develop healthcare policies that respect and honour First Nations Inherent and Treaty Rights.
  - Review and reform the NIHB Program with a First Nations lens and include access to a wider range of health services, such as allied health services, to align with First Nations health and wellbeing priorities.
  - Anti-Racism funding should be provided to support the development of a National Cultural Safety and Humility Standard.

### Rationale:

In January 2021, ISC launched engagement on co-developing distinctions-based Indigenous health legislation. ISC developed a Key Elements document to compile the potential legislative and policy options being considered. The original plan was for the government to table the bill in late Winter 2024; however, this legislative process has been

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

halted. First Nations raised concerns regarding limitations in the consultation process, including a lack of funding and unrealistic timelines for a national engagement process. The lack of funding means that participation from community and regional level engagement has been limited. First Nations have also raised issue with the Key Elements document as it did not reflect First Nations Treaty and Inherent rights, nor First Nations health legislation priorities. First Nations-in-Assembly passed Resolution 79/2023, *Reconsider Proposed Distinctions-Based Indigenous Health Legislation Process*, at the December 2023 SCA urging the federal government to pause the health legislation process to address all issues identified.

A step in addressing systemic racism is the introduction of Bill S-250, *An Act to amend the Criminal Code (sterilization)*. Forced and coerced sterilization stems from centuries of colonialism and violence that Canada has practiced towards First Nations women, girls, and gender diverse people. Bill S-250 was developed with the intention to amend the Criminal Code to establish an offence regarding sterilization procedures. While this is a good first step to hold perpetrators of forced and coerced sterilization accountable, amendments are needed to help address First Nations specific concerns. These concerns include requiring safeguards that address cultural and linguistic barriers when conveying information to First Nations patients, ensuring all allegations of forced and coerced sterilization be impartially investigated and those responsible being held accountable, and recognizing a victim's First Nations identity as an aggravating factor in sentencing.

In recent years, there have been some notable investments for Indigenous health and wellness initiatives; however, there is still significant work needed to address systemic racism within the health care system. The 2021 and 2022 Budgets allocated funding to ensure children receive the health support they need through Jordan's Principle. Budget 2023 invested \$2 billion over 10 years through a new Indigenous Health Equity Fund to address the unique challenges Indigenous Peoples face when it comes to fair and equitable access to quality and culturally safe health care services. In Budget 2023, the Government of Canada committed to invest \$810.6 million over five years, beginning in 2023-24, to support medical travel and maintain medically necessary services through the Non-Insured Health Benefits (NIHB) program. While this investment falls short of addressing access issues identified by First Nations, it may help address some of the significant barriers First Nations individuals face to access healthcare, especially in northern, remote, and isolated areas.

The \$562.5 million allocated to the NIHB Program for 2024-25 is a positive step to enhance necessary services, including mental health services, medical transportation, dental and vision care, and medications. Nevertheless, there remains a pressing need for reform within the NIHB Program. There is also a need to address the federal government's newly introduced Pharmacare and Canada Dental Care Plans. First Nations-in-Assembly rejected these plans via Resolution 23/2019 due to concerns regarding their potential impact on First Nations Medicine Chests.

Resolution 30/2023, *Towards a National Cultural Safety and Humility Standard*, mandates AFN to work with national and regional partners to reproduce the British Columbia Cultural Safety and Humility Standard into a national context. The Standard will anchor culturally safe practice in the health care system in Provinces and Territories. Anti-Racism funding should be provided to support the development of this standard.

## PROGRESS ON

# Breathing Life into the Calls for Justice

*In 2023, AFN called on Canada to suspend the distinctions-based health legislation process to address unreasonable timelines, lack of appropriate funding, and lack of opportunities for active and meaningful dialogue for First Nations as inherent and Treaty-rights holders.*

### Human Security – Economic (CFJ 4.1-4.5)

Take actions supporting Indigenous right to pursue economic social development and have access to meet social and economic needs.

*"...many family members and survivors also talked about the significant economic hardship faced in their own lives or in the lives of their lost loved ones. For those family members and survivors, social and economic marginalization, generally speaking, contributes to, or is directly connected to, the violence, or worked to place individuals in situations where they would be targeted by forcing them to make impossible choices."<sup>20</sup>*

The empowerment of women and girls is key to the success of any nation. Traditionally, First Nations women held responsibilities for the establishment of all norms in the economic, political, spiritual and social landscape. Conversations should be about empowerment and respecting the rights and standing of First Nations women, girls, and gender-diverse people.

#### Ranking of this section:

**Little Progress** has been made to support First Nations rights to pursue economic development. Canada's 2023 Budget proposals of allocated funds, such as \$5 million for the Economic Reconciliation Framework by Indigenous Services Canada, the provision of loans for Indigenous infrastructure projects from the Canada Infrastructure Bank, and the \$30 million over five years for the Reserve Land and Environment Management Program, advance CFJ 4.2, 4.3, and 4.4, but are not sufficient to be carried out on an equitable basis to support all First Nations communities across Canada. The NDP-Liberal agreement "Delivering for Canadians Now, A Supply and Confidence Agreement," effective until June 2025, also helps to advance CFJ 4.5, by initiating work towards establishing a guaranteed annual liveable income for all Canadians.

20 Reclaiming Power and Place: Executive Summary, Page 33.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

Similarly, despite funding related to water and wastewater-related infrastructure projects kicking off in 2016, there are still hundreds of ongoing related projects that are yet to be initiated or completed. While this work began prior to the National Inquiry's Final Report, the work helps to address CFJ 4.1 to ensure First Nations have access to certain infrastructure like clean drinking water. There are significant delays due to either funding constraints, bureaucratic hurdles, or technical challenges that are preventing these projects from reaching completion.

### **Suggestions:**

- Government of Canada to develop a guiding framework in partnership with First Nations regarding infrastructure services.
- Expand and enhance the existing National Housing Strategy to include specific provisions and targets for addressing housing needs in First Nations communities.
- Government of Canada facilitate and encourage collaborations between Indigenous organizations and housing agencies to leverage expertise in addressing housing disparities across Canada.
- Greater supports and resources for educational, training, and employment opportunities for all First Nations women, girls, and gender-diverse people to be made available within all First Nations.

### **Rationale:**

From April 2016 to December 31, 2023, Indigenous Services Canada invested \$10.91 billion in 10,252 projects, including 568 completed and 723 ongoing water/wastewater-related infrastructure projects.<sup>21</sup> However, despite the funding kicking off in 2016, 723 projects remain ongoing indicating significant delays due to either funding constraints, bureaucratic hurdles, or technical challenges that are preventing these projects from reaching completion.<sup>22</sup>

The NDP-Liberal agreement, "Delivering for Canadians Now, A Supply and Confidence Agreement," effective until June 2025, prioritizes healthcare, affordability, climate action, reconciliation, and economic initiatives.<sup>23</sup> Notably, investment promises have been made specifically surrounding Indigenous housing, where little progress has been actioned.

The Government of Canada's 2023 Budget proposes to allocate \$5 million to Indigenous Services Canada for an Economic Reconciliation Framework, the Canada Infrastructure Bank will provide loans for Indigenous infrastructure projects (sourced from the Canada Infrastructure Bank's existing funding envelope), and \$30 million over five years will be designated to enhance the Reserve Land and Environment Management Program.

21 ISC. 2024. Investing in Indigenous Community Infrastructure. <https://www.sac-isc.gc.ca/eng/1526995988708/1526996020578#water>

22 IBID.

23 NDP. 2022. "Delivering for Canadians Now." <https://www.ndp.ca/news/delivering-canadians-now>

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

The Government of Canada's 2023 Budget proposes to allocate \$5 million to Indigenous Services Canada for an Economic Reconciliation Framework, the Canada Infrastructure Bank will provide loans for Indigenous infrastructure projects (sourced from the Canada Infrastructure Bank's existing funding envelope), and \$30 million over five years will be designated to enhance the Reserve Land and Environment Management Program.<sup>24</sup>

*To close the gap, the AFN submitted a pre-budget submission request to the House of Commons Standing Committee on Finance for an investment of \$5.2 billion over seven years to support First Nations connectivity infrastructure by 2030 to close the digital divide.*

### **Human Security – Housing, Transitional Housing and Safe Transportation (CFJ 4.6-4.8)**

Take actions supporting Indigenous-led low-barrier shelters, safe spaces, second-stage housing and social services programming.

*"...the right to social security also means that governments must ensure protection and social assistance through essential services in areas of health, housing, access to water, food, and education."<sup>25</sup>*

There is an urgent need for more safe spaces, shelters, transitional housing, and safe modes of transportation in remote areas within First Nations. The onus unfairly falls upon women and children to leave their homes to flee the violence they are experiencing.

<sup>24</sup> Government of Canada. November 11, 2023. A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future and Statement and Impacts Report on Gender, Equality, Diversity, and Quality of Life, 127-152. <https://budget.canada.ca/2023/home-accueil-en.html>

<sup>25</sup> Reclaiming Power and Place: Executive Summary, Page 32.



## PROGRESS ON

# Breathing Life into the Calls for Justice

### Ranking of this section:

**Little Progress** has been made in this area. Prior to the National Inquiry's Final Report, Canada began to take steps to transfer control over funding decisions to First Nations through transfer agreements, including funding allocations with respect to water and infrastructure. However, the transfer agreements do not include sufficient funding to meet housing needs and only a handful of First Nations have entered into agreements where existing ISC funding is transferred to the First Nation authority for administration. This existing work has minimal impact in advancing CFJ 4.6, which is meant to ensure that First Nations have access to housing that is safe, appropriate to geographic and cultural needs, and are made available to First Nations women, girls and gender-diverse people.

In Budget 2022, Canada committed \$300 million to develop an Urban, Rural and Northern Indigenous Housing Strategy (URN Strategy), and to address urgent, immediate, and unmet housing needs of Indigenous people living off-reserve and in the North. However, the strategy is not sufficient and undermines First Nations self-determination by flowing funding through a pan-Indigenous centre that is not accountable to First Nations. A further \$4 billion over seven years was committed in Budget 2023 for the implementation of the URN Strategy, which is meant to help advance CFJ 4.6.

*Reaching Home: Canada's Homelessness Strategy* is a community-based program aimed at preventing and reducing homelessness across Canada in support of the National Housing Strategy. To date, most of this funding remains unspent due to the ongoing process of determining which organizations have the mandate and capacity to administer funding in each region, slowing down progress towards CFJ 4.7.

No progress has been made on CFJ 4.8.

### Suggestions:

- Respect First Nations decision-making authority over housing for their citizens no matter where they live and recognize that First Nation governments are in the best position to identify local and unique housing priorities and policy solutions.
- Include First Nations governments in housing policy development on a Nation-to-Nation basis prior to implementing federal policy solutions to housing.
- Confirm the investment required to close the gap in First Nations housing and develop a plan to identify the sources of funding.
- Work with First Nations to redesign the Reaching Home program in a manner that respects First Nations rights and jurisdiction, is responsive to First Nations needs and priorities, and aligns with the AFN's National First Nations Homelessness Action Plan.<sup>26</sup>

### AUDITOR GENERAL'S REPORT ON HOUSING

*The Auditor General's report on Housing in First Nations Communities is clear that federal housing initiatives for First Nations are lacking any real progress. There are six years remaining until the target year of 2030 to accomplish housing projections, yet nearly all these needs remain unmet.*

26 Assembly of First Nations. 2024. National Homelessness Action Plan. <https://afn.ca/community-services/housing-and-homelessness/>

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### **Rationale:**

While the federal government committed \$4.15 billion in new funding starting from the 2016–17 fiscal year, there remains a considerable shortfall in addressing housing needs within First Nations communities.<sup>27</sup> Furthermore, the absence of a comprehensive strategy from Indigenous Services Canada and the Canada Mortgage and Housing Corporation to support First Nations in closing the housing gap by 2030 exacerbates the situation. This lack of strategic planning was highlighted by the House of Commons Standing Committee on Indigenous and Northern Affairs in 2022, indicating a need for urgent action and long-term planning to address infrastructure gaps in Indigenous communities.<sup>28</sup>

ISC has provided some funding to First Nations communities in the form of transfer agreements so First Nations can develop new models of service delivery, including infrastructure services.<sup>29</sup> These transfer agreements are opt-in and must be supported by First Nations leaders, though only a handful of First Nations have actually signed an agreement to-date.<sup>30</sup> There are only eight other First Nations organizations that are carrying out engagements with their communities.<sup>31</sup> Many First Nations are reluctant to enter into transfer agreements for a variety of reasons including not wanting to take control over housing decisions until Canada meets existing housing and infrastructure needs and maintaining that Canada has a moral and legal duty to provide housing for First Nations. Further, First Nations will not accept the transfer of control over housing programs that were never designed to meet First Nations needs and perspectives.

In 2019, Reaching Home: Canada's Homelessness Strategy, replaced the former Homelessness Partnering Strategy. The launch of the Reaching Home program included increased funding and expanded flexibility for Indigenous-led initiatives and included \$160 million in distinctions-based funding for First Nations, Métis, and Inuit. Of this, \$72 Million was committed to First Nations until 2028, with an additional \$8.4 million in additional funding from Budget 2022 bringing the total to approximately \$80 million nationally. This program provides funding to urban, Indigenous, rural, and remote communities to help them address their local homelessness needs. To date, most of this funding remains unspent due to the ongoing process of determining which organizations have the mandate and capacity to administer funding in each region. As of 2024, most regions have entered into agreements with Canada to administer this funding to First Nations, or are currently in the process of negotiating agreements, meaning this funding is beginning to flow. The distinctions-based funding under Reaching Home also includes a dedicated carve-out for Self-Governing and Modern Treaty First Nations, whose funding agreements are negotiated directly with Canada.

***The Auditor General's 2024 report on housing in First Nations communities revealed that despite mandates for Indigenous Services Canada and the Canada Mortgage and Housing Corporation to meet First Nations housing needs, 80% of those needs remain unmet, highlighting a critical gap in housing. Indigenous Services Canada's funding falls short of the estimated \$135.1 billion needed to close the housing gap identified in the AFN's 2021 report.***

27 IBID., 7.

28 IBID., 5.

29 ISC. 2024. Transferring infrastructure service delivery to First Nations <https://sac-isc.gc.ca/eng/1575318593525/1575318624018>

30 IBID.

31 IBID.



## PROGRESS ON

# Breathing Life into the Calls for Justice

### Justice (CFJ 5.1-5.25)

Take actions supporting justice reform like recruiting and retaining more Indigenous justices of the peace/judges, offering enhanced support to Indigenous victims of crime and families, and supporting the revitalization of First Nations laws and justice systems.

*"In international human rights law, and as protected by a variety of human rights instruments, people have the right to be protected from violent crime, as well as a right to justice when they are victims of these types of crimes."<sup>32</sup>*

When First Nations women, girls, and gender-diverse people go missing, their families' complaints are not taken seriously, their cases are not investigated properly, their families are not updated on their loved one's investigations, their cases are prematurely deemed accidents, and the perpetrators are not apprehended or punished in the same manner as when the victims are non-First Nations.

### Ranking of this Section:

**Moderate Progress** has been made to support justice reform and revitalization of First Nations laws and legal orders. Justice Canada has taken positive steps toward the development of an Indigenous Justice Strategy and supported Indigenous-led engagement by providing \$11 million in funding over 2022-2024. Justice Canada funded 38 Indigenous partners to lead engagement on the Indigenous Justice Strategy and have led two waves of engagement themselves. Budget 2024 includes an additional \$25.1 million over three years to continue the work to develop and support initial implementation of the Indigenous Justice Strategy, which is expected to be released in fall 2024. The following calls related to justice have been completed: CFJ 5.20 with an Indigenous-specific provision of the Corrections and Conditional Release Act (sections 79-84.1) has been implemented, and CFJ 5.23 when a Deputy Commissioner for Indigenous Corrections was appointed in May 2023. It is also notable that the Law Commission of Canada was reinstated in June 2023.

There are also other calls that have been partially completed or work is underway: The Honourable Michelle O'Bonsawin, who is an Abenaki member of the Odanak First Nation, was appointed to the Supreme Court of Canada in September 2022; however, there continues to be a need for more Judges at all levels of court and Justice of the Peace. The passing of Bill C-5, *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, in November 2022 pertaining to mandatory minimum penalties is a significant step forward as it removed mandatory minimums for 14 offences in the Criminal Code and all offences in the Controlled Drugs and Substances Act. However, some say

32 Reclaiming Power and Place: Executive Summary, Page 36.

## PROGRESS ON

# Breathing Life into the Calls for Justice

Bill C-5 did not go far enough and should have eliminated mandatory minimums for more offences. There has also been some progress on CFJ 5.3, to address intimate partner violence through the passing of Bill C-75, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts* in June 2019, and Bill C-233, *An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner)*, in April 2023.

In terms of Gladue services (5.15), expanding availability of culturally appropriate restorative justice programs and Indigenous Peoples Courts (5.11), and Indigenous-specific options for sentencing (CFJ 5.16), there have been some positive steps, but there continues to be a long way to go to ensure these services are available consistently throughout Canada, even in rural, remote, and Northern communities.

Little has been done to create legislation for a new funding model for First Nations policing programs and recognition of policing as an essential service (CFJ 5.4), and there continues to be inadequate policing services within First Nations communities in Northern and remote areas (CFJ 5.5).

### Suggestions:

- Increase representation of First Nation justices at all levels of court, including justices of the peace.
- Budget 2024 included an announcement of reallocating \$50.2 million over five-years to redistribute 17 judicial positions to provincial superior courts currently experiencing capacity issues. These positions should be prioritized to increase access to northern and remote First Nations communities.
- Justice Canada to continue to work on the co-development and implementation of the Indigenous Justice Strategy which aims to reform the current criminal justice system and supports the revitalization of Indigenous laws and justice systems.
- That legislation is introduced to recognize First Nations Policing as an essential service and First Nations jurisdiction over policing, and that the recommendations of the Auditor General's 2024 Report on First Nations and Inuit Policing are actioned.
- That the Law Commission of Canada prepare in-depth reports to ensure current information related MMIWG2S+ Calls for Justice and systemic racism in Canada is available to inform the Government of Canada's policy decisions.

### Rationale:

To address the systemic overrepresentation of Indigenous people and deliver a more culturally appropriate and responsive justice system, Justice Canada has taken positive steps toward the development of an Indigenous Justice Strategy. The 2021 federal budget provided \$11 million in funding to 38 Indigenous communities, organizations, and governments to support Indigenous-led community engagement activities on the Indigenous Justice Strategy to take place from 2022 to 2024. To date, two of the five phases (Pre-engagement and Indigenous-led and Justice Canada-led engagement) have been completed, and an initial *What We Learned Report*<sup>33</sup> was produced.

33 Indigenous Justice Strategy, What we Learned Report: Summary, online: [https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/rep-rap/wave1-phase1/pdf/WWLR\\_\(EN\)\\_Summary-Wave\\_1\\_IJS\\_Engagement.pdf](https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/rep-rap/wave1-phase1/pdf/WWLR_(EN)_Summary-Wave_1_IJS_Engagement.pdf)

## PROGRESS ON

# Breathing Life into the Calls for Justice

Budget 2023 announced investments of \$95.8 million over five years and \$20.4 million annually on an ongoing basis starting in 2023-24, to support Indigenous families in accessing information about their missing or murdered loved ones and enhance victim services.<sup>34</sup>

On September 1, 2022, The Honourable Michelle O'Bonsawin was appointed to the Supreme Court of Canada. Although the appointment of Justice O'Bonsawin, who is Abenaki and a member of the Odanak First Nation, to the SCC was a historic step, there are some who say there should be a minimum of two to three Indigenous Justices for adequate representation on this Court. As of February 2024, there were a total of 1,180 federally appointed judges currently on the bench, and only 22 are Indigenous individuals.<sup>35</sup>

The work has started to address Mandatory Minimum Penalties (MMPs) (CFJ 5.14). MMPs have disproportionately affected Indigenous Peoples. Mandatory minimums limit judicial discretion for certain offences, which can significantly limit the impact of s.718.2(e) sentencing considerations for Indigenous offenders. In March 2022, the Office of the Parliamentary Budget Officer released a report<sup>36</sup> on the cost of MMP. In November 2022, Bill C-5, *An Act to amend the Criminal Code and the Controlled Drugs and Substances Act* received royal assent. This Act resulted in mandatory minimums being repealed for 20 offences, mostly for drug and some firearms offences, but keeps them in place for crimes such as murder, sexual offences, and impaired driving. Although the passing of Bill C-5 was a significant step, there has been some criticism that Bill C-5 did not go far enough and further offences should be considered.

There has also been some progress on CFJ 5.3, to address intimate partner violence. For instance, in April 2023, Bill C-233, *An Act to amend the Criminal Code and the Judges Act (violence against intimate partner)* received royal assent. This Act amends the Judges Act and Criminal Code resulting in two changes: 1) providing continuing education seminars for judges on matters related to intimate partner violence and coercive control, and 2) requiring judges when making a release order for an accused charged with an offence against an intimate partner, to consider including a condition that the accused wear an electronic monitoring device. Also, Justice Canada reported that through Bill C-75, steps were taken to amend laws related to intimate partner violence, including imposing a reverse onus at bail for repeat offenders, requiring a sentencing court in an intimate partner violence case to consider the increased vulnerability of female victims, particularly victims who are Indigenous "female victims".<sup>37</sup>

There continues to be gaps in terms of availability in Indigenous Courtworker, Gladue services, and Indigenous programs in certain areas. In 2020, the Government of Canada announced an investment of \$49.3 million over five years to support the implementation of Gladue principles and Indigenous-led responses. Ongoing funding of \$9.7 million was identified to support the preparation of the Gladue reports and the integration of Gladue report

34 New funding to support families of missing and murdered Indigenous people and Indigenous victims and survivors of crime, Department of Justice, online: <https://www.canada.ca/en/department-justice/news/2023/05/new-funding-to-support-families-of-missing-and-murdered-indigenous-people-and-indigenous-victims-and-survivors-of-crime.html>

35 Demographic statistics on diversity in the judiciary, Office of the Commission for Federal Judicial Affairs Canada, online: <https://www.fja-cmf.gc.ca/appointments-nominations/StatisticsCandidate-StatistiquesCandidat-2023-eng.html>

36 The Federal Cost of Minimum Sentences, March 30, 2022, Office of the Parliamentary Budget Officer, online: <https://distribution-a617274656661637473.pbo-dpb.ca/02dfb42d16bddfd4415c9ef26d0779e91812398586a738092ffa019c329234b3>

37 Response to parliamentary committees and external audits, Department of Justice, online: [https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2022\\_2023/supp/pcea-cpae.html](https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2022_2023/supp/pcea-cpae.html)

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

recommendations and principles in criminal justice practices.<sup>38</sup> There continues to be challenges in the availability of Gladue services. There is also no uniform system for producing Gladue reports, or national standards in place.<sup>39</sup> For instance, in Ontario, Gladue Reports are most often written by specific Gladue Programs with Gladue Writers, whereas, in British Columbia, Gladue Reports are available through Legal Aid BC, private report writers, or the BC First Nations Council.<sup>40</sup> In some provinces and territories, Gladue report writing services is limited or not available at all.<sup>41</sup>

The availability of Gladue report writing services, and Indigenous-specific Courts varies depending on where one lives in Canada. In July 2022, the Canadian Bar Association conducted a review of the availability of Gladue and Indigenous self-governing Courts, and the delivery of Gladue report writing throughout Canada.<sup>42</sup> In terms of Indigenous-specific Courts, Ontario, British Columbia, and Alberta have various courts currently operating, while there are no Indigenous-specific courts in Manitoba, Newfoundland and Labrador, and Prince Edward Island.

As of June 2023, the Law Commission of Canada, which is an independent body that provides non-partisan advice to the federal government to ensure the legal system meets the changing needs of Canadian society, was restructured.<sup>43</sup> Reviving the Law Commission aims to respond to Calls for Justice 5.2, 5.3, 5.14, 5.17 and 5.18.<sup>44</sup>

***AFN completed three years of national engagement on the Indigenous Justice Strategy and made a submission to Justice Canada with recommendations to support revitalization of Indigenous legal traditions, reclamation of First Nations jurisdiction over justice systems, and First Nations legal traditions and the Canadian criminal justice system.***

38 Applying R v Gladue: The use of Gladue reports and principles, 2023, Department of Justice, online: [https://www.justice.gc.ca/eng/rp-pr/jr/gladue2/docs/rsd\\_gladue-caselaw-review\\_en.pdf](https://www.justice.gc.ca/eng/rp-pr/jr/gladue2/docs/rsd_gladue-caselaw-review_en.pdf)

39 Canadian Bar Association - Understanding the Truth and Engaging in Reconciliation (cba.org)

40 Appendix B Gladue Across Country (cba.org)

41 Appendix B Gladue Across Country (cba.org)

42 Appendix B Gladue Across Country (cba.org)

43 The Law Commission of Canada, online: <https://www.justice.gc.ca/eng/csj-sjc/lcc-cdc/index.html>

44 IBID.

## PROGRESS ON

# Breathing Life into the Calls for Justice

## Calls for Justice: Industries, Institutions, Services and Partnerships

The Calls for Justice that are targeted for industries, institutions, services, and partnerships may also include calls for all levels of governments. The evaluations within this section look at actions and inaction over the period of June 2019–June 2024.

### Media and Social Influencers (CFJ 6.1)

Take actions supporting media, news outlets and people in the entertainment industry to take a decolonized approach in their work.

*"Throughout the testimonies presented before the National Inquiry, witnesses talked about the difficult realities of media representations of their loved ones that they perceived as unfair, inaccurate, or distorted. For other families, the counterpart of this – a lack of coverage – is also a painful reality."<sup>45</sup>*

Combating sexualized stereotypes and representations of First Nations women, girls, and 2SLGBTQQIA+ people will be essential in preventing gender-based violence. Media and social influencers will play a pivotal role in shaping how cases are portrayed in the public and ensuring trauma informed media practices are being used when working with survivors and families.

### Ranking of this section:

**Little Progress** has been made in working towards a decolonized approach by media and social influencers. Canada has provided designated spaces regarding news channel related content, such as the Aboriginal Peoples Television Network; however, little has been actioned for ensuring other forms of media and entertainment are developed to decolonize approaches and structures for everyday operation of such media. Canada's 2023 federal budget reinforces this assertion, as there are funds set aside only for French-language and Canadian heritage directly relating to increasing funding for French-language screen content. Indigenous specific funding for media and entertainment does not currently exist to the same extent as other underrepresented voices in Canada.

45 Reclaiming Power and Place: Executive Summary, Page 27.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

A majority of organizations lack mandatory training for employees and students aimed at challenging their internal biases when communicating information of First Nations People. Within this 2022-23 Federal Pathway Annual Progress Report, there is no standalone section pertaining to Media and Social Influencers Calls for Justice. This reinforces that there is little progress being carried out to achieve what has been recommended by Indigenous people to ensure their well-being and dignity are upheld within spaces involving media and social influencers and to advance CFJ 6.1.

### Suggestions:

- Establish First Nations-specific funding for media and entertainment that expands beyond news channels that is on par with funding provided to other underrepresented voices in Canada, such as French-language content and First Nations language content.
- In order to access federal funding relating to media, implement mandatory training on First Nations representation that focuses on cultural sensitivity and training related to creating space for inclusive First Nations perspectives in media content.
- Support for families when dealing with the media and advocacy for trauma informed media practices.

### Rationale:

Budget 2023 demonstrates that no funding is created or available primarily for underrepresented Indigenous voices, but instead of Canada as a whole with focus on French-language.<sup>46</sup> More specifically, Budget 2023 proposes to provide \$40 million over two years, starting in 2023-24, to the Department of Canadian Heritage for the Canada Media Fund to make funding more open to traditionally underrepresented voices, and to increase funding for French-language screen content; this lack of funding is also seen in how Regional Development Agencies are to be provided \$108 million over three years whereas Indigenous voices have no set funding stream within Budget 2023.<sup>47</sup> Moreover, in the 2022-23 Federal Pathway Annual Progress Report, no specific section is dedicated to addressing the concerns outlined in the Calls for Justice report regarding media and social influencers.<sup>48</sup> This highlights a gap in efforts to mitigate biases held towards Indigenous people outside news broadcasting that are perpetuated by media platforms.

While the Canadian Bar Association (CBA) offers anti-racism and cultural competency training in response to the Truth and Reconciliation Commission (TRC) Calls to Action, participation is not mandatory, access requires payment after the initial free 500 spots are filled and there is no indication that the curriculum was updated to include an MMIWG2S+ lens.<sup>49</sup> Despite the CBA's Social Media Policy prohibiting the dissemination of negative portrayals of communities, legal

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46 Government of Canada. (November 11, 2023). A Made-in-Canada Plan: Strong Middle Class Affordable Economy, Healthy Future and Statement and Impacts Report on Gender, Equality, Diversity, and Quality of Life, page 140. <https://budget.canada.ca/2023/home-accueil-en.html>

47 Ibid.

48 2022-23 Federal Pathway Annual Progress Report, <https://www.rcaanc-cirnac.gc.ca/eng/1685130575787/1685130639029>

49 The Canadian Bar Association. (2020). Response to Missing and Murdered Indigenous Women and Girls Inquiry: Calls for Justice, page 18. <https://www.cba.org/CMSPages/GetFile.aspx?guid=34b7d822-836b-4663-ac65-86d9563b750f>; The Canadian Bar Association. (April, 2020). The Path: Your Journey Through Indigenous Canada. <https://www.cba.org/News-Media/News/2020/April/The-path>



## PROGRESS ON

# Breathing Life into the Calls for Justice

professionals must remain vigilant about their biases when communicating about Indigenous issues. The CBA is flagged here as one of the many examples regarding absent efforts from institutions and governments in providing space for Indigenous people in Canada; the CBA holds authority and legitimacy seeing as it is a space where lawyers practice and learn, thus it is concerning that mandatory anti-racism regarding Indigenous people is not flagged as prioritization within their CBA social media policy.

### Health and Wellness Service Providers (CFJ 7.1-7.9)

Take action to recognize Indigenous expertise in healing and wellness to support strengths-based, culturally grounded health services.

*"...people looked first to ceremonies, distinct systems of spirituality, and to traditional knowledge to find healing. Traditional teachings and working with Elders were particularly important, as well as attending and participating in ceremonies. Beyond ceremony, witnesses cited other outlets as pathways to healing that helped build community, such as organizing marches, giving back, and finding healing by helping others."<sup>50</sup>*

Solutions to prevent and end violence against First Nations women, girls and gender diverse people must be community-based and culturally centered. Health service providers must provide strengths-based and culturally grounded health services that are guided by the wisdom and knowledge of Elders, especially grandmothers.

#### Ranking of this Section:

**Little Progress** has been made in supporting recognition of First Nations knowledge and expertise in healing and wellness, with no progress on six of the nine CFJ (e.g. CFJ 7.1, 7.5, 7.6, 7.7, 7.8 and 7.9). The primary activities in support of the Health and Wellness Service Providers CFJ are mainly led by governments; however, most services are limited in time, geography and accessibility leading to inequity in accessing services. The majority of government responses have happened after a significant incident or tragedy involving a First Nation or First Nations person. Reactive approaches have continued to be taken in response to crises in many areas such as climate, health, COVID, etc. Issues are compounded by a lack of recognition of Indigenous knowledge and expertise in emergency/crisis response.

50 Reclaiming Power and Place: Executive Summary, Page 44.



## PROGRESS ON

# *Breathing Life into the Calls for Justice*

CFJ 7.3 includes all governments and health and service providers to support Indigenous-led prevention initiatives for health and community awareness including Indigenous men and boys. Indigenous men, boys and Two-Spirit people are disproportionately at risk of violence, victimization, neglect, and disappearance whether in their communities, in urban centers, if they leave their community to attend school, in hospitals, in police custody, or in correctional institutions. Prevention services focusing on healing and wellness for First Nations men, boys and Two-Spirit people are lacking.

No concerted efforts to address the significant lack of Indigenous health professionals and service providers have been made to advance CFJ 7.6 or 7.7.

### **Suggestions:**

- Provide sustained adequate funding for cultural and spiritual supports to ensure Knowledge Keeper services are properly maintained and supported.
- Increase access to First Nations interpreters and translation services to improve access to health and wellness.
- Include and engage with National Two Spirit organizations in the development of a National Prevention Strategy that includes culturally-based solutions.
- Establish regular reporting and accountability frameworks to ensure all commitments are met and culturally grounded services are provided.
- Increase the number and retention of First Nation healthcare and professionals in First Nations and provide cultural competency training for all healthcare professionals.

### **Rationale:**

There are only three of the CFJs within this section that have seen some progress during this period: CFJ 7.2, 7.3, and 7.4. Many of the investments made to ensure health and wellness services include healing from all forms of unresolved trauma are a continuation of previously announced funding. Most of the initiatives may include input from Indigenous communities; however, they are not led by Indigenous communities.

Government investments are often reactionary to critical incidents, like Joyce Echaquan's death. In November 2022, the federal government announced \$42.5 million over six years for the James Smith Cree Nation, after a deadly stabbing incident on the Saskatchewan First Nations ended with 11 lives lost and 18 people injured. No concerted efforts to address the significant lack of Indigenous health professionals and service providers have been made to advance CFJ 7.6 or 7.7. Training, education, and retention efforts to increase the representation of Indigenous peoples in health human resources are needed to improve the cultural safety, accessibility, and efficacy of health services for First Nations, especially for those at-risk and recovering from gender-based violence. Mandatory cultural competency and trauma-informed training for all healthcare professionals is also needed.

All levels of government and Health and Wellness Service Providers should begin taking proactive action to meaningfully implement the Calls for Justice.

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Transportation Services and Hospitality Industry (CFJ 8.1)

Take actions supporting the transportation services and hospitality industry to undertake training and protocols to report sexual exploitation and human trafficking.

*"While there were a range of opinions offered through the Truth-Gathering Process on the impact of the sex industry in the lives of Indigenous women, girls, and 2SLGBTQQIA people, every family member, Expert Witness and Knowledge Keeper who spoke about this topic shared a common goal – to end violence against Indigenous women, girls and 2SLGBTQQIA people in the sex industry, and end trafficking and the sexual exploitation of children and youth."<sup>51</sup>*

Relocation and lack of support increases the risk of First Nations women, girls, and gender diverse people experiencing unemployment, poverty, food insecurity, which in turn increases the likelihood of negative interactions with police, child welfare system, or increased risk of human trafficking. There is an urgent need for safe modes of transportation in remote and northern First Nations communities.

#### Ranking of this section:

**Moderate Progress** has been made in this area. The hospitality and transportation industries have taken some encouraging steps towards training and awareness of human and sexual trafficking. There remains much work to be done to create national training standards and ensure training on sexual exploitation and human trafficking is mandatory for the hospitality industry and transportation service providers.

In 2019, Public Safety Canada (PSC) introduced the National Strategy to Combat Human Trafficking 2019-2024,<sup>52</sup> which is purported to be a whole-of-government strategy. PSC notes the National Strategy is supported by an investment of \$75 million over six years, including a 2018 investment of \$14.51 million for the new Canadian Human Trafficking Hotline, with \$2.89 million ongoing, as well as a new 2019 investment of \$57.22 million over five years and \$10.28 million ongoing to implement initiatives that will "strengthen Canada's response and fill critical gaps." The available annual reports do not show any progress on developing multi-sectoral training tools on human trafficking for the hospitality and transportation sectors, which is a key activity under the protection pillar of the National Strategy.<sup>53</sup>

51 Reclaiming Power and Place: Executive Summary, Page 40.

52 National Strategy to Combat Human Trafficking, 2019-2024, Public Safety Canada, online: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtg-hmnn-trffc/2019-ntnl-strtg-hmnn-trffc-en.pdf>

53 Ibid.

## PROGRESS ON

# Breathing Life into the Calls for Justice

### MARLBOROUGH HOTEL INCIDENT

*Immediate action is needed to protect the rights and safety of First Nations women, girls, and 2SLGBTQQIA+ individuals following a distressing incident at the Marlborough Hotel, in Winnipeg, MB. The incident, which involved a First Nations woman in distress, was captured on video and highlights the need for significant reforms in security practices, particularly in the hospitality industry.*

*Too often, First Nations women are forced to navigate crisis situations alone, particularly when interacting with institutions that should be protecting their rights. The rights and dignities of First Nations women, girls, and 2SLGBTQQIA+ individuals must be recognized, respected, and protected in all spaces.*

### Suggestions:

- As outlined in the National Strategy to Combat Trafficking 2019-2024 under the protection pillar, the Federal Government can assist the hotel and transportation industries by developing multi-sectoral training tools. These training tools must be culturally relevant and gender-responsive, targeted for the hospitality and transportation sectors to raise awareness of the indicators and signs of human trafficking and assist employees in identifying victims. At the national level, this would help build consistency for models of training delivery.
- The national and provincial hotel and trucking associations continue building on the work that has started to develop, implement, and advocate for consistent mandatory training for those working in the hospitality and transportation sectors across Canada.

### Rationale:

The Hotel Association of Canada (HAC)<sup>54</sup> has recognized the important role the hotel industry plays to end human trafficking, and the need to raise awareness and encourage members to institute training programs to help employees recognize the signs of human trafficking and respond appropriately with the proper protocols in place.<sup>55</sup> However, there is little information available through their website about human trafficking training for the hospitality sector. There have been preliminary steps taken by some provincial associations to provide information about human trafficking through their websites, but not all. Some hotel chains, like the Marriott Hotel, have taken the initiative to develop human trafficking awareness training and have set goals to train all on-property associates by 2025.<sup>56</sup>

The Meeting Professionals Against Human Trafficking (PAHT) is an alliance of conference/event planners, hotel sales experts, and audiovisual professionals, which provides education and resources<sup>57</sup> to members of the hospitality and travel industries. This alliance is a positive step towards raising awareness. Also, Protect All Children from Trafficking (PACT), offers free online training courses to assist companies and their associates to identify and report suspicious activity.<sup>58</sup>

54 The Hotel Association of Canada is the leading voice of the Canadian Hotel and Lodging Industry bringing legislative solutions to industry challenges. <http://hotelassociation.ca/about/>

55 IBID.

56 Marriott International Launches Enhanced Human Trafficking Awareness Training, July 28, 2021: <https://news.marriott.com/news/2021/07/28/marriott-international-launches-enhanced-human-trafficking-awareness-training>

57 Meeting Professionals Against Human Trafficking (PAHT) Resources: <https://mpaht.com/resources/>

58 Protect All Children from Trafficking: <https://courses.wearepact.org/home>

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

Truckers Against Trafficking (TAT) is a non-profit organization for trucking, bus, and energy industry members.<sup>59</sup> TAT has an app which can help identify and report instances of human trafficking. TAT also offers free training courses for individuals and companies. Currently, these training courses are not mandatory.<sup>60</sup> In the TAT's 2022 Annual Report it was noted that 16,838 Canadian industry professionals were TAT trained. Since 2019, the Women's Trucking Foundation<sup>61</sup> have been behind an awareness campaign called #Know Human Trafficking. Through the campaign, which is led by survivors, a free online course is offered to educate truckers and the public to dispel myths and identify signs of trafficking activity.<sup>62</sup> The training is voluntary.

The Canadian Trucking Alliance, which is a federation of provincial trucking associations, notes that several companies across Canada have engaged their drivers and operations staff in adopting human trafficking prevention and detection training. In October 2022, a motion was passed for the CTA to work towards expanding training by engaging with the Council of Ministers responsible for Transportation and Highway Safety to add mandatory entry-level human trafficking training courses for new tractor-trailer drivers in Canada.

Uber has included resources on their website to assist drivers in identifying human trafficking and outlines the steps to be taken when human trafficking is suspected. Uber collaborates with organizations such as the Canadian Centre to End Human Trafficking to raise awareness. In June 2022, Uber partnered with #NotInMyCity to raise awareness about human trafficking and drivers were encouraged to take the voluntary #NotInMyCity e-learning course which helps drivers learn about human trafficking and sexual exploitation and what to do if they suspect human trafficking.<sup>63</sup>

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59 Truckers Against Trafficking: [https://truckersagainstrafficking.org/#:~:text=Truckers%20Against%20Trafficking%20\(TAT\)%20is,industries%20to%20combat%20human%20trafficking](https://truckersagainstrafficking.org/#:~:text=Truckers%20Against%20Trafficking%20(TAT)%20is,industries%20to%20combat%20human%20trafficking)

60 Truckers Against Trafficking Training Courses: <https://education.truckersagainstrafficking.org/>

61 Women's Trucking Federation of Canada: <https://www.womenstruckingfederationofcanada.net/>

62 Know Human Trafficking: <https://knowhumantrafficking.com/>

63 Uber Working with Human Trafficking Awareness Organizations to Deliver Key Information to Drivers: <https://notinmycity.ca/uber-working-with-human-trafficking-awareness-organizations-to-deliver-key-information-to-drivers/>

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Police Services (CFJ 9.1-9.11)

Take actions supporting police service and justice system reform by reviewing and implementing changes to all policing laws, policies, programs, and procedures.

*"While police services have offered apologies for their treatment of missing and murdered Indigenous women and girls, First Nations, Métis, and Inuit families and survivors were clear these words must be accompanied by action. This includes taking families seriously when a loved one goes missing and supporting families when they go through the emotionally and physically grueling process of searching for their loved one."*<sup>64</sup>

Government and police forces across Canada have never acknowledged the role they play in the colonization of First Nations' territories and the violence which throughout history was perpetrated against First Nations women, girls, and gender-diverse people. It is vitally important that the RCMP and other police services be more accountable for their treatment of families and survivors, and for how they investigate missing and murdered First Nations women, girls, and gender-diverse people.

#### Ranking of this Section:

**No Progress** has been made to support police services reform. Multiple reviews of the RCMP and policing have been conducted over the years; however, no concrete actions have been taken to reform policing. In March 2024, the Auditor General of Canada tabled a report with their findings after a review of the FNIPP. The Auditor General's recent findings confirmed the critical shortcoming in the FNIPP, including that PSC has been withholding millions of dollars from First Nations services and that the RCMP is underserving communities by receiving funding for officer positions that it did not fill. PSC and the RCMP have failed to protect the safety and security of First Nations and to enhance services to meet their unique needs, despite Budget 2021 including \$861 million over five years to support culturally responsive policing and community safety services.

The legislative co-development process on policing as an essential service has been halted. This is primarily due to PSC's entrenched positions around jurisdiction and refusal to recognize and uphold First Nations inherent, Treaty and constitutional rights and jurisdiction over community safety and policing as recognized by the *UNDRIP*. In Ontario, the new Community Safety and Policing Act came into force in April 2024 and excludes enforcement of First Nations

64 Reclaiming Power and Place: Executive Summary, Page 39.



## PROGRESS ON

# Breathing Life into the Calls for Justice

bylaws, preventing enforcement of bylaws regulating public safety issues like emergency management, sanitary conditions, environmental protection, offender management, trespassing and other ordinances that would protect First Nations.

The RCMP released their first report on reconciliation, *RCMP Path of Reconciliation*, which highlighted reconciliation initiatives that had taken place with First Nations communities across Canada. As the Auditor General has reported, these initiatives have not resulted in meaningful change or fulfillment of the Community Tripartite Agreements to provide policing services to First Nations.

### Suggestions:

- RCMP to focus on hiring more officers to fill the vacant positions and ensure compliance with the terms of the Community Tripartite Agreement to provide dedicated policing services to First Nations.
- Federal legislation be introduced that recognizes First Nations policing as an essential service, including the rights recognition of First Nations jurisdiction over policing, essential services designation, and equitable funding guarantees.
- Mandatory cultural sensitivity training for RCMP officers to understand and support the unique situations of First Nations and implement cultural-led techniques to help them in times of need.

### Rationale:

Very little substantive progress has been made on the development of legislation on recognizing First Nations policing as an essential service. The AFN completed three years of national engagement on First Nations policing to develop three key elements that must be included in legislation recognizing First Nations Policing as an essential service, including:

1. **Rights Recognition:** Recognition of First Nations self-determination in accordance with First Nations inherent, Treaty and constitutional rights and in accordance with UNDRIP while also complementing provincial/territorial policing legislation and regulations.
2. **Essential Services Designation:** Recognition that First Nations police services are integral to community safety and security, and that the “essential services” designation is one of the necessary preconditions to ensuring these services are backed by legislation and adequately resourced to provide culturally relevant and responsive policing services.
3. **Equitable Funding:** Recognition that First Nations police services must be equitably and sufficiently funded to do their work and that such funding should be up to a level consistent with their recognition as essential services.

### SUPPORT FOR CHANTEL MOORE

*Tragically on June 4, 2020, Chantel Moore, a mother and member of the Tla-o-qul-aht First Nation, was shot and killed by police dispatched to her apartment in New Brunswick to conduct a “wellness check.” On May 19, 2022, a New Brunswick coroner’s inquest into the fatal shooting of Chantel Moore ruled her death as a homicide. The AFN advocates for greater RCMP accountability and justice for the family of Chantel Moore, and calls for the implementation of the recommendations from the New Brunswick Coroner’s Inquest on police intervention, training, and equipment.*

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

The Auditor General's report, which was released in March 2024, found that PSC left \$13 million dollars unspent in the 2022-23 fiscal year, and was at risk of not disbursing \$45 million of funds for the 2023-24 fiscal year. The Auditor General also found that PSC, "did not work in partnership with First Nations and Inuit communities to provide equitable access to policing services that were tailored to their needs."<sup>65</sup> PSC was unable to protect the safety and security of First Nations because it failed to fund police services equitably and adequately. PSC also failed to ensure that the RCMP fulfilled the terms of the Community Tripartite Agreements, leaving 162 positions vacant over the course of the review period of 2018-2023 while still receiving the funding for the positions. By failing to live up to key responsibilities under the FNIPP, the Auditor General found that the actions of PSC and RCMP were not aligned with building trust with First Nations and Inuit communities and with the federal government's commitment to truth and reconciliation.

The RCMP's *Path of Reconciliation: Strengthening Trust in the RCMP 2019-2020* report captures reconciliation initiatives that have already taken place, largely in response to the Truth and Reconciliation Calls to Action. The initiatives are being reframed as a response to the CFJ and do not result in meaningful change as called for in the National Inquiry. The National Inquiry makes recommendations for improving law enforcement practices, shifting the focus on crime prevention through community-based models, and restorative justice approaches with enforcement of First Nations laws.

### **Attorneys and Law Societies (CFJ 10.1)**

Take actions supporting mandatory intensive and periodic training for attorneys and those who participate in the criminal justice system in the area of Indigenous cultures and histories.

***"...the police and the criminal justice system exist in the lives of Indigenous women, girls, and 2SLGBTQQIA people not to provide safety and protection, but rather in a way that continues to traumatize, abuse, and control them."*<sup>66</sup>**

It is an undeniable truth that long standing systemic biases and racist views still held by Canadian society continue to deny First Nations women and girls fundamental rights to safety, security, and equal protection under the law. Required periodic training for those who work in the criminal justice system will help to address the systemic bias existing in the system.

65 First Nations and Inuit Policing Program not delivering on commitments to First Nations and Inuit communities, March 19, 2024, Office of the Auditor General of Canada, online: [https://www.oag-bvg.gc.ca/internet/English/mr\\_20240319\\_e\\_44459.html](https://www.oag-bvg.gc.ca/internet/English/mr_20240319_e_44459.html)

66 Reclaiming Power and Place: Executive Summary, Page 38.



## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### Ranking of this section:

**Moderate Progress** has been made in the implementation of training and education for lawyers throughout Canada. Many provincial and territorial law societies have introduced mandatory cultural competency training; however, some have not done so to date. The existing mandatory cultural competency training appears to be a one-time requirement for lawyers. Call for Justice 10.1 recommended “periodic” training of those who participate in the criminal justice system. The current cultural competency training has been introduced in response to the Truth and Reconciliation Commission’s Calls to Action, and there is little indication the National Inquiry’s CFJ 10.1 and MMIWG2S+ context have been considered.

Through the Indigenous Courtworker Program, there are Indigenous Courtworkers available to act as a liaison in many courts in Canada; however, there are no Courtworker services in Newfoundland and Labrador, or New Brunswick. Despite there being over 180 Indigenous Courtworkers in Canada, more Courtworkers are needed. Many existing Courtworkers carry high caseloads. Also, there is a need for there to be Courtworkers in all courts, and more availability of these services in remote and rural jurisdictions. In addition, the Courtworker program has an issue with inadequate compensation of Courtworkers relative to other justice personnel (e.g., probation officers), which signals that these programs are not currently being adequately funded.

In terms of training justice personnel, the Canadian Institute for the Administration of Justice is a Canada-wide legal network which promotes knowledge and learning for those involved in the administration of justice. The CIAJ offers training and programs designed for all stakeholders in the justice system on a variety of legal topics.<sup>67</sup> In reviewing some of the training available, no current training geared specifically to sexual exploitation or human trafficking could be found. Nevertheless, the CIAJ would be a good avenue to use for the creation of such training in the future.

### Suggestions:

- Update the Federation of Law Societies’ (“FLSC”) website to demonstrate an acknowledgement of the National Inquiry and outline how the Federation is specifically responding to CFJ 10.1.
- Although steps have inadvertently been taken to address CFJ 10.1 while working on responding to the TRC Calls to Action, this is not sufficient. The lens of the National Inquiry is different from the TRC. It would be imperative that the Federation review existing initiatives using a MMIWG2S+ lens and consider introducing further initiatives that directly address CFJ 10.1. For instance, given the context, perhaps the training and cultural competency the National Inquiry has recommended also requires that lawyers be aware of the unique systemic challenges Indigenous women, girls and 2SLGBTQQIA+ people face in the criminal justice system.
- Consider reviewing policies and initiatives using a culturally-based gender analysis plus lens. This would ensure unique intersectional factors such as gender and race are considered when working with First Nations women, girls, and 2SLGBTQQIA+ people.
- Ensure all courts in Canada have a staff position for an Indigenous courtroom liaison worker that is adequately funded and resourced to ensure Indigenous people in the court system know their rights and are connected to appropriate services.

67 Canadian Institute for the Administration of Justice: <https://ciaj-icaaj.ca/en/>

## PROGRESS ON

# Breathing Life into the Calls for Justice

- Expand on training for justice personnel. The CIAJ presents a good option for the creation and delivery of sexual trafficking training in the future, especially for judges.

### Rationale:

The Federation of Law Societies<sup>68</sup> has demonstrated a commitment to truth and reconciliation and responding to the Calls to Action, in particular Call to Action 27, by the Truth and Reconciliation Commission (“TRC”). The Federation’s *Report of the Truth and Reconciliation Calls to Action Advisory Committee* recommended that the Federation urge law societies to consider mandatory Indigenous cultural competency training.<sup>69</sup> The FLSC website says their work is inspired by the TRC. Unfortunately, the same attention has not been paid to the National Inquiry’s Calls for Justice. Although this work to respond to the Call to Action is notable, there is a void when it comes to the National Inquiry and responding to CFJ 10.1.

The Canadian Bar Association (“CBA”) has distributed a report entitled, *Responding to Missing and Murdered Indigenous Women and Girls Inquiry: Calls for Justice*.<sup>70</sup> In the report, the CBA outlines how the CFJ have been addressed, including CFJ 10.1, noting that all lawyers should receive cultural competency training as part of their professional development commitments, and that cultural competency training should address gender inequality from the perspective of Indigenous women.<sup>71</sup>

Notably, the Indigenous Bar Association, Law Society of Ontario, and The Advocates’ Society developed a comprehensive *Guide for Lawyers Working with Indigenous Peoples*<sup>72</sup> which was published in 2018, and a supplement was released in September 2022.<sup>73</sup> These are very helpful resources that can be used for counsel representing Indigenous clients.

*The Path – Your Journey Through Indigenous Canada* is an Indigenous Cultural Awareness Course, which many law associations are currently using to fulfill a training requirement, consists of six modules.<sup>74</sup> The sixth module lists that among other topics, the Missing and Murdered Indigenous Women and Girls Report will be covered. It is unclear how much time is spent addressing the gender inequality Indigenous women face within the criminal justice system, or the National Inquiry. An article published by the Canadian Bar Association National magazine entitled Rethinking cultural competency courses suggests a possible rethinking to The Path program many law societies are using to deliver their training to lawyers, noting there are various other measures that could be incorporated.<sup>75</sup>

68 The FLSC is the national association of the 14 law societies mandated by the provinces and territories to regulate Canada’s legal profession in the public interest, online: <https://flsc.ca/>

69 <https://flsc.ca/wp-content/uploads/2020/08/Advisory-Committee-Report-2020.pdf>

70 Canadian Bar Association, Response to Missing and Murdered Indigenous Women and Girls Inquiry: Calls for Justice, June 2020, online: <https://www.cba.org/CMSPages/GetFile.aspx?guid=34b7d822-836b-4663-ac65-86d9563b750f>

71 IBID.

72 Guide for Lawyers Working with Indigenous Peoples, online: [https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/2018-guide-for-lawyers-working-with-indigenous-peoples-link-update-2022-final\\_aoda.pdf](https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/2018-guide-for-lawyers-working-with-indigenous-peoples-link-update-2022-final_aoda.pdf)

73 Guide for Lawyers Working with Indigenous Peoples, 1st Supplement, online: Law Society of Ontario [https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/first-supplement-to-the-guide-for-lawyers-working-with-indigenous-peoples-final-\(english\)\\_aoda.pdf](https://lawsocietyontario.azureedge.net/media/lso/media/lawyers/practice-supports-resources/equity-supports-resources/first-supplement-to-the-guide-for-lawyers-working-with-indigenous-peoples-final-(english)_aoda.pdf)

74 The Path – Indigenous Cultural Awareness Course, The Canadian Bar Association: <https://www.cba.org/ThePath>

75 Rethinking cultural competency courses, June 12, 2023, online: <https://nationalmagazine.ca/en-ca/articles/the-practice/legal-education/2023/rethinking-cultural-competency-courses>.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

The Justice Canada website notes that Indigenous Courtwork Programs currently operate in every province and territory except Newfoundland and Labrador and New Brunswick. In Canada, there are over 180 Courtworkers who provide services to approximately 60,000 Indigenous clients in over 450 communities each year.<sup>76</sup> Within the Courtworker program, there is room for improvement. For instance, there is an insufficient number of Courtworkers, lack of Courtworkers in some courts (especially in remote and rural areas), and low pay for Courtworkers relative to other justice personnel.

The Canadian Institute for the Administration of Justice is a Canada-wide legal network which promotes knowledge and learning for those involved in the administration of justice. The CIAJ offers training and programs designed for all stakeholders in the justice system on a variety of legal topics. For instance, there are seminars for new federally appointed judges. In reviewing some of the training available, no training geared specifically to sexual exploitation or human trafficking could be located at this time.

### **Educators (CFJ 11.1-11.2)**

Take actions supporting all elementary, secondary, and post-secondary institutions to educate and provide awareness about Indigenous cultures and prevention programming.

*"In their testimonies, Indigenous women, girls, and 2SLGBTQQIA people argued that oppression against them is primarily based on colonialism, racism, and gender, with other factors, such as education, income, and ability, sometimes coming into play."<sup>77</sup>*

Preventing and addressing violence against First Nations women, girls, and gender diverse people is a shared responsibility, requiring shared commitments that begin with educators. Change requires a shift in societal attitudes and behaviours, within individuals, institutions, organizations, and governments, and knowledge of the root causes of violence against First Nations peoples should be included in elementary, secondary, and post-secondary institutions.

### **Ranking of this section:**

**No Progress** was made in providing education and awareness about Indigenous cultures and prevention programming in schools framed with an MMIWG2S+ lens. CFJ 11.1 and 11.2 were not started from 2019-2024. Related to these Calls

76 Government of Canada, Indigenous Courtwork Program: <https://www.justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html>

77 Reclaiming Power and Place: Executive Summary, Page 11.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

for Justice, Canada's Budget 2023 provides \$197.7 million in 2024-25 to the Student Work Placement Program to advance the creation of opportunities for students through partnerships between employers and post-secondary education institutions. This figure underscores the insufficient support that is called for by First Nations. It is commendable that Canada has prioritized streaming funds towards supporting on-reserve students. However, it is concerning that there are no specific parameters mentioned relating to dedicating funds to educate or provide awareness on Indigenous cultures and prevention programming off-reserve. In extension, the education portion of Budget 2023 did not specify how, where, or to whom student work placement programs were geared towards.

The School of Mental Health Ontario and the First Peoples Wellness Circle partnership effort to provide better support to Indigenous students in the public school system is a positive example of an effort to address gaps in support for Indigenous students. Initiatives such as this should be bolstered, supported, replicated, and expanded.

### **Suggestions:**

- Fund prevention programming to educate First Nations youth on the issue of grooming for exploitation and sexual exploitation.
- Review and update educational training about Indigenous peoples with an MMIWG2S+ lens to raise awareness about the root causes of violence and denialism of institutional systemic racism.
- Develop training relating to working with students who leave their home for secondary school, specifically students leaving remote communities.
- Develop comprehensive guidelines that establish how, where, and to whom student work placement programs are targeted.
- Support the development of a First Nations inclusive curriculum that prioritizes incorporating First Nations created storytelling, perspectives, and histories.

### **Rationale:**

No progress is shown in this section as CFJ 11.1 and 11.2 were not started from 2019-2024. There were initiatives relating to these Calls for Justice that were funded in response to the TRC Calls to Action, which could provide a foundation to build on, however, the work would need to be reviewed with an MMIWG2S+ lens.

The Government of Canada's 2023 Budget lacks setting out specific allocations for education relating to Indigenous cultures and prevention programming.<sup>78</sup> Instead, the budget proposes \$197.7 million for the Student Work Placement Program in 2024-25, and in turn, also lacks clarity on how these opportunities will be directed.<sup>79</sup> There was over \$5.9 billion for elementary and secondary education allocated from Budget 2023 to help First Nations children living on reserve receive high-quality schooling.<sup>80</sup>

78 Government of Canada. (November 11, 2023). A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future and Statement and Impacts Report on Gender, Equality, Diversity, and Quality of Life, page 101. <https://budget.canada.ca/2023/home-accueil-en.html>

79 IBID., Page 101.

80 IBID., Page 120.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

Over \$4.1 billion has been invested since 2015 in elementary and secondary education for First Nations children living on reserve, and nine regional education agreements have been concluded to support First Nations-led education systems.<sup>81</sup> These investments are welcomed but lack substance and meaning in the context of CFJ 11.1-11.2 that stress the importance of support relating to increasing education relating to Indigenous cultures and prevention programs.

*The AFN released "It's Our Time" First Nations Education Toolkit as the basis of a comprehensive strategy to reach out to First Nations students, teachers, schools, communities, and the Canadian public at large.*

### **Social Workers and Those Implicated in Child Welfare (CFJ 12.1-12.15)**

Take actions supporting child welfare reform so Indigenous communities have control over design and delivery of services.

*"A lack of political will to alter the status quo manifests itself most strongly in the way child welfare systems diminish Indigenous cultures and values in favour of non-Indigenous models of parenting. In many cases, the unwillingness of child welfare institutions to embrace and understand First Nations, Métis and Inuit values, or the way they investigate and substantiate child apprehensions, can be viewed as racist and insufficient, demonstrating a lack of respect for cultural rights."<sup>82</sup>*

The child welfare system replaced the Indian Residential School system as a mechanism to remove children from First Nations homes, largely on the basis or non-First Nations social workers lack of cultural awareness and understanding. Momentum must be maintained in long-term reform of the child welfare system, along with supports to reconnect First Nations people to culture. When First Nations citizens are brought into ceremony, a spiritual connection to their identity is fostered leading to personal fulfillment and building of stronger networks of support.

81 IBID., Page 267.

82 Reclaiming Power and Place: Executive Summary, Page 25.



## PROGRESS ON

# Breathing Life into the Calls for Justice

### Ranking of this Section:

**Moderate Progress** was made to support long-term reform of the child welfare system. On June 21, 2019, Bill C-92, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* ("Bill C-92") received Royal Assent. Bill C-92 came into force January 1, 2020, and affirms and recognizes Indigenous jurisdiction over child and family services in an effort to reduce the number of Indigenous children in care. The Government of Quebec challenged the constitutionality of Bill C-92, which resulted in a SCC decision in February 2024, which held that Bill C-92 in whole is constitutional, including two provisions relating to federal force of law and paramourncy that the Quebec Court of Appeal previously found unconstitutional. This is a significant step forward in advancing CFJ 12.1.

### JORDAN'S PRINCIPLE

*Jordan's Principle is a child-first principle that aims to eliminate service inequities and delays for First Nations children. Jordan's Principle intends to ensure that any public service ordinarily available to all other children must be made available to First Nations children without delay or denial. Jordan's Principle also recognizes that First Nations children may require additional services and supports that aren't ordinarily available to other children, ensuring First Nations' rights to substantive equality are upheld.*

*Jordan's Principle is named in honour of Jordan River Anderson, a young First Nations boy from Norway House Cree Nation in northern Manitoba, who spent his entire life in hospital while caught in a jurisdictional dispute between the governments of Canada and Manitoba, which both refused to pay for the in-home medical care necessary for Jordan to live in his home community.*

In 2023, the AFN, the Government of Canada, and Moushoom/Trout reached a revised Final Settlement Agreement (FSA) on compensation valued at over \$23 billion. This landmark agreement received approval from the Federal Court of Canada on October 24, 2023, following a Letter Decision issued by the Canadian Human Rights Tribunal (CHRT) confirming its endorsement. A second Agreement in Principle (AIP) addressing the long-term reform of First Nations Child and Family Services was executed on December 31, 2021, which supports CFJ 12.2.

### Suggestions:

- All levels of government should prohibit the apprehension of children on the basis of poverty and cultural bias to advance CFJ 12.4.
- The Federal Government provide sustainable and adequate statutory funding for First Nations to exercise their jurisdiction and establish their own laws dealing with child welfare.

### Rationale:

Bill C-92 came into force in January 2020, providing a pathway for First Nations to exercise their legislative authority in relation to child and family services. This legislation and the subsequent SCC decision advance CFJ 12.1. The purposes of Bill C-92 affirm the inherent right of First Nations to self-government, which includes jurisdiction over child and family services. Bill C-92 also provides that legislation passed by First Nations who exercise their authority in accordance with the provisions of Bill C-92 has the force of federal law and would prevail in the event of inconsistency or conflict with provincial laws. The Government of Quebec challenged the constitutionality of Bill C-92, including the federal government's ability to assert that First Nations, Inuit, and Métis Peoples have jurisdiction over child and family services without a Treaty or an amendment to the Constitution. The Quebec Attorney General also argued that Bill C-92 inappropriately impacted Quebec's authority to regulate public services.



## PROGRESS ON

# *Breathing Life into the Calls for Justice*

On February 9, 2024, the SCC released its decision and held that Bill C-92 in whole is constitutional, including two provisions relating to federal force of law and paramountcy that the Quebec Court of Appeals previously found unconstitutional. The SCC endorsed the creativity of the co-drafted legislation as a viable alternative to affirm the Inherent Right of First Nations and other distinctions-based rights-holders, noting that constitutional amendments and Treaty settlements are slow and uncertain processes. The SCC was clear that Parliament was well within its constitutional purview to affirm Indigenous Peoples' right to self-government and jurisdiction over child and family services were rights protected by virtue of s. 35 of the *Constitution Act, 1982*.

The AFN, the Government of Canada, and Moushoom/Trout reached a revised Final Settlement Agreement ("FSA") on compensation valued at over \$23 billion for approximately 300,000 First Nations children, youth and their caregivers who experienced discrimination due to Canada's flawed approaches to First Nations Child and Family Services and Jordan's Principle. The FSA was approved by the CHRT and the Federal Court of Canada in 2023. A second Agreement in Principle (AIP), signed in December of 2021, includes an additional \$20 billion for long-term reform of the on-reserve child welfare system, including funding to support prevention services to help keep children and families together. The Final Settlement agreement on long-term reform is under negotiations.

While these are significant steps towards implementation of the CFJs for Social Workers and those implicated in Child Welfare, 7 of the 15 CFJs have not been started. This is an indicator that there is significant work ahead to reduce the number of First Nations children in care.

*The AFN advocates for greater First Nations control and determination over Jordan's Principle as part of the long-term approach to implementing Jordan's Principle.*

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Extractive and Development Industries (CFJ 13.1-13.5)

Take actions supporting gender-based socio-economic impact assessments by extractive and development industries.

*"Colonization refers to the processes by which Indigenous Peoples were dispossessed of their lands and resources, subjected to external control, and targeted for assimilation and, in some cases, extermination."<sup>83</sup>*

Extractive and development industries have historically caused harm through land dispossession, extraction of resources without First Nations seeing any economic benefits, and increased risks for First Nations women, girls, and gender-diverse people when short-term man camps were setup near First Nations. Extractive and development industries need to take action to address these historic wrongs and hold their workers accountable.

#### Ranking of this section:

**No Progress** has been made to support gender-based socio-economic impact assessments by industries. Canada's Budget 2023 is quite vague concerning levels of engagement and results of the outlined proposal to include Indigenous Business Owners. Regarding specific extractive industry output, Indigenous people are benefiting the most from collaboration with organizations and businesses. However, this reality indicates that individual Indigenous communities still do not have the tools necessary required to build internal capacity to fully participate in the forestry sector without entering into partnerships with already established forestry companies of greater scale.

For engagement efforts that advocate for gender based socioeconomic impact assessments, it is expected that the extractive and development industries will undergo transformative changes following Canada's 2019 *Impact Assessment Act* (IAA) being ruled unconstitutional by the Supreme Court of Canada. With that, future amendments to the 2019 IAA can either move towards repealing the engagement requirements that are already established or they can amend them to be more reflective of the lived experiences from Indigenous communities.

#### Suggestions:

- Encourage that the forestry sector develops partnership models that prioritize Indigenous leadership and decision-making to ensure equitable benefits sharing.
- Allocate resources and support programs to build capacity of Indigenous communities so they may fully participate in the extractive and development industries independently.

## PROGRESS ON

# Breathing Life into the Calls for Justice

- Outline specific community engagement, strategy, approach, and timelines to improve reporting on this area and reinforce commitments to supporting gender-based socioeconomic impact assessments.
- Adopt zero-tolerance policies towards any acts of violence perpetrated against First Nations women, girls, and 2SLGBTQIA+ people.

### Rationale:

Canada's 2023 Budget regarding natural resources and environmental initiatives lacks explicit breakdowns and clear measurable engagement outcomes relating to Indigenous people.<sup>84</sup> Despite the funds being dedicated towards Indigenous participation in forestry activities, funding remains vague, with \$30.1 million drawn from existing departmental resources. While Indigenous management of forest resources has increased significantly since 2003, individual Indigenous communities still face challenges in fully engaging with the forestry sector as independent entities.<sup>85</sup>

Regarding the 2019 IAA, the SCC has ruled this piece of legislation as unconstitutional. It should be stressed that the IAA itself along with its regulations are still in effect where the government plans to amend portions that are considered unconstitutional.<sup>86</sup> This reality is important for First Nations due to the engagement requirements that are embedded within the IAA that effect involvement in extractive and development industries. For example, within the 2019 IAA, the specific rights of Indigenous peoples are referenced where the Minister "may" consider adverse impacts on these rights. These engagement requirements are vague as it stands, and so engagement requirements can either be pulled back or increased. In extension, feedback from Indigenous communities on projects like the Suncor Base Mine Extension highlight gaps in consultation processes and transparency efforts. For example, the Mikisew Cree First Nation formally submitted a comment in 2021 for the draft Tailored Impact Statement Guidelines and draft Participation Plan, however, this comment has been removed from the project's database and online public record due to "administrative purposes."<sup>87</sup> This reality reinforces there being lack of formal regulations to ensure transparency in the form of timeline safeguards for publishing of comments on public databases.

*The AFN calls on Canada to ensure that regulatory and policy development fully respects the constitutional and other legal obligations of the Crown to First Nations and standards set by UNDRIP.*

84 Government of Canada. (November 11, 2023). A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future and Statement and Impacts Report on Gender, Equality, Diversity, and Quality of Life, page 112. <https://budget.canada.ca/2023/home-accueil-en.html>

85 Forestry for the Future. (2023). "How Indigenous participation in forest management is changing resource development in Canada." Maclean's <https://macleans.ca/longforms/indigenous-participation-in-forestry-is-essential/>

86 Liane Langstaff, Stacy Porter, and Maggie Sainty. 2024. FEDERAL IMPACT ASSESSMENT IN FLUX: THE IMPLICATIONS OF THE SUPREME COURT'S DECISION IN THE REFERENCE RE IMPACT ASSESSMENT ACT. Gowling WLG.

87 Impact Assessment Agency of Canada. (2023). Comment removed by Administrator due to administrative purposes. <https://iaac-aeic.gc.ca/050/evaluations/proj/80521/contributions/id/54237>

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Correctional Services (CFJ 14.1-14.13)

Take actions supporting comprehensive mental health, addictions and trauma services for incarcerated Indigenous people and correctional services reform.

*"Indigenous women make up a disproportionately large percentage of the female prison population, and their incarceration rates are the fastest growing in Canada. This is a result of colonialism, in and out of the penal system."<sup>88</sup>*

With over 50% of women in federal corrections identifying as Indigenous women, the issue of overrepresentation of Indigenous peoples in the correctional system is now at a crisis level. Urgent action is needed to reduce the number of First Nations women in federal corrections, including addressing barriers to accessing support programs that reduce recidivism rates.

#### Ranking of this Section:

Little Progress has been made to take actions to address the overrepresentation of Indigenous women in federal corrections, with only 1 of 13 CFJ being started. In fact, the increasing overrepresentation of Indigenous women in federal correctional institution signals there have even been some steps backwards. The Correctional Investigator of Canada's report, *Ten Years Since Spirit Matters: A Roadmap for Reform* ("*Ten Years Since Spirit Matters*"), which was tabled in Parliament on November 1, 2023,<sup>89</sup> notes that the overrepresentation of Indigenous women in federal corrections has increased from approximately 32%<sup>90</sup> to 50%<sup>91</sup> over a 10-year period.

The OCI found that Correctional Services Canada ("CSC") has made "very little progress" on expansion of Healing Lodges and Community Release. There are still only 10 Healing Lodges in Canada, only two of which are specifically for women. In *Ten Years Since Spirit Matters*, the OCI notes there is a two-tier system when comparing the funding and resources for community-run and CSC-run Section 81 Healing Lodges. The OCI also found that the contributions of Elders, who contract their services to CSC, are not properly respected or valued by their employer, which suggests that there is much work to be done to address CFJ 14.10.

The maximum-security classification continues to be in place despite CFJ 14.2 which calls on CSC to rescind this classification that limits federally sentenced women from accessing services, programs and supports. In the OCI's

88 Reclaiming Power and Place: Executive Summary, Page 40.

89 *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*, See online: [Spirit Matters EN ÔÇô Web.pdf](#)

90 *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, Office of the Correctional Investigator, online: <https://oci-bec.gc.ca/sites/default/files/2024-01/oth-aut20121022-eng.pdf> at 11.

91 *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*, Office of the Correctional Investigator, online: [Spirit Matters EN ÔÇô Web.pdf](#) at 5.

## PROGRESS ON

# Breathing Life into the Calls for Justice

Annual Report 2022-2023, it is noted that Indigenous women were placed at maximum security at more than three times the rate of their non-Indigenous counterparts.

Indigenous women are under-represented in the Mother-Child program, which is aimed at fostering stability and continuity of the mother-child relationship, compared to their overrepresentation in the incarcerated population, which is at approximately 50%. The criteria for participation in the program results in excluding many Indigenous women, for instance, those with a maximum-security classification.

### Suggestions:

- CSC must fully implement all recommendations from the OCI's *Ten Years Since Spirit Matters: A Roadmap for Reform Report*, including those with respect to Section 81 Healing Lodges, Section 84 Community Release, and Elder services.
- While it is important that Gladue factors are considered by CSC, caution must be taken so that information obtained about these factors is not then used against the individual to increase their level of "risk."
- As the OCI recommended in the 2021-2022 Annual Report, that the CSC conduct a review of program requirements and eligibility criteria, in order increase access and remove barriers, especially for Indigenous mothers, and better collect, track and report on participation in the program.

### Rationale:

The OCI's report noted that in the ten years since the original *Spirit Matters*<sup>92</sup> report, only one new community Section 81 Healing Lodge has been created and the number of spaces of community-run Healing Lodges has only increased by 53 beds.<sup>93</sup> In all, there are ten Healing Lodges in Canada, six are Section 81 community-run lodges, and four are CSC-run.<sup>94</sup> There are no Healing Lodges in the Ontario or Atlantic Regions, none in the North, and no community-run facility in the Pacific region. This number is insufficient given the growing number of Indigenous people entering federal custody.<sup>95</sup> Only two Healing Lodges are specifically for women.

For Section 81 Healing Lodges, the OCI Report identified a number of issues including: too few community-run Healing Lodges, high vacancy rates at Healing Lodges, and there is a two-tier Healing Lodge system which provides less resources to community-run Healing Lodges when compared to CSC-run lodges.<sup>96</sup>

In the OCI's Annual Report 2022-2023, it is noted that Indigenous women, were placed at maximum security at more than three times the rate of their non-Indigenous counterparts.<sup>97</sup> In the 2021-2022 Annual Report of the Office of the Correctional Investigator, the OCI repeated their recommendation that the levels system for maximum-security

92 *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, Office of the Correctional Investigator, online: <https://oci-bec.gc.ca/sites/default/files/2024-01/oth-aut20121022-eng.pdf> at 11.

93 *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*, See online: [Spirit Matters EN ŐÇô Web.pdf](#) at 9.

94 *IBID.* at 39.

95 *IBID.* at 9.

96 *Ten Years Since Spirit Matters* at p.29-67.

97 Office of the Correctional Investigator Annual Report 2021-22, online: <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022> [OCI 2021-2022 Annual Report] at 60.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

women be rescinded.<sup>98</sup> The 2021-22 OCI Report notes that in Secure Units, maximum security women are subjected to a unique classification system which results in movement restrictions that disproportionately affect Indigenous women (given their overrepresentation in maximum security).<sup>99</sup> The OCI outlined that devastating impacts of the level system were reported by Indigenous women, for instance, the level given can impact access to ceremonies and cultural events.<sup>100</sup> The CSC's Departmental Plan for 2024-25 notes it will monitor and evaluate the impact of tools for case management and security reviews of Indigenous offenders, including security classifications.

The OCI's investigation found a number of concerns regarding the role of Elders in federal institutions, including a lack of understanding of the roles and contributions of Elders within CSC, lack of a consistent and national approach to engage Elders, lack of Elder representation within CSC's decision-making structures, and inadequate recognition, compensation and support of Elders at all levels.<sup>101</sup> Based on the CSC Departmental Plans for 2023-24 and 2024-25, there could be further action taken to enhance the role of Elders within federal correctional institutions in the future.

Through the CSC's Institutional Mother-Child Program, which started in 2001, mothers in federal institutions can apply to have their children reside with them.<sup>102</sup> The aim is to provide "a supportive environment that promotes stability and continuity of the mother-child relationship."<sup>103</sup> The Library of Parliament produced a report on the CSC's Mother-Child Program<sup>104</sup> and found that there were low participation rates, and the restrictive program eligibility criteria contributed to low participation, particularly for Indigenous women.<sup>105</sup> Over a twenty year period, a total of 154 mothers have participated in the program, so on average there are about five mothers participating per year.<sup>106</sup> Indigenous women are under-represented in the Mother-Child program compared to their representation of the incarcerated population, which is approximately 50%.<sup>107</sup> Of the 183 mothers who applied to participate in the program since 2022, 29% were First Nations or Métis, and no Inuit women had applied.<sup>108</sup> The exclusionary criteria limits the availability of Mother-Child Programs for Indigenous women, for instance, the high rates of Indigenous women with maximum-security classification make them ineligible.<sup>109</sup>

***In a submission for the Beijing +30 review, the AFN included the overincarceration of Indigenous women as a measure to determine how effectively Canada is addressing factors such as socio-economic inequalities, political and cultural disadvantages, and systemic racism—unfortunately, the conclusion is Canada's approach is failing First Nations women as the overincarceration rate is only getting worse.***

98 IBID. at 26.

99 IBID. at 25.

100 IBID.

101 *Ten Years Since Spirit Matters* at 128.

102 Office of the Correctional Investigator Annual Report 2021-22, online: <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022> at 28.

103 Commissioner's Directive 768, Institutional Mother-Child Program, <https://www.csc-scc.gc.ca/politiques-et-lois/768-cd-en.shtml>

104 OCI 2021-2022 Annual Report at 29.

105 IBID.

106 IBID.

107 IBID. at 32.

108 IBID.

109 OCI 2021-2022 Annual Report 32.



## PROGRESS ON

# Breathing Life into the Calls for Justice

### All Canadians (CFJ 15.1-15.8)

Take actions supporting Canadian society denouncing and speaking out against violence against Indigenous women, girls, and 2SLGBTQQIA+ people.

*"If Canadian settler colonialism was genocidal, where exactly did it occur and when did it begin? And considering the intergenerational effects at stake, as well as the perpetuation of settler colonial practices, can we say for sure whether genocide has even ended?"<sup>110</sup>*

Colonial structures and policies are persistent in Canada and constitute a root cause of violence experienced by First Nations women, girls, and 2SLGBTQQIA+ people. All Canadians must begin to speak out and raise awareness about violence against First Nations women, girls, and gender diverse people.

#### Ranking of this Section:

**Little Progress** has been made by Canadians speaking out against violence against Indigenous women, girls, and 2SLGBTQQIA+ people. There has been an increase in memorial sites, and participation in annual marches, and days of remembrance, but not all Canadians participate. In 2023, the Federal Government announced engagement on developing a "Red Dress Alert," which would be an alerting system used when Indigenous women, girls, or 2SLGBTQQIA+ people go missing. This work is still early in development; however, Budget 2024 included additional investments and extended the mandate for three more years. A national alerting system would peripherally help to raise collective awareness of MMIWG2S+, however, it is not a direct response to the CFJ.

There has been no dedicated effort towards the implementation of CFJ 15.2, 15.4, 15.5, 15.6 and 15.7. The Federal Government has funded anti-racism and anti-hate speech initiatives and strategies; however, they were not targeted to MMIWG2S+. Denialism of institutional systemic racism is on the rise when critical incidents happen, with public reactions feeling as though the racism and bias is limited to one individual or one institution.

#### Suggestions:

- Government funding for anti-racism and anti-hate speech initiatives should encompass support for tools to help educate on MMIWG2S+ in response to the CFJ in Section 15.
- Education content for newcomers to Canada should include content to raise awareness of Indigenous Peoples with an MMIWG2S+ lens.

110 Reclaiming Power and Place: Executive Summary, Page 3.

## PROGRESS ON

# Breathing Life into the Calls for Justice

### MANITOBA LANDFILL SEARCH

*In December 2022, the Winnipeg Police Service informed the family members of Morgan Beatrice Harris and Mercedes Myran, as well as the public, that the women's remains will most likely be located in the Prairie Green Landfill, and a search would not be conducted. Morgan Harris and Mercedes Myran are among four (4) First Nations women believed to be victims of a serial killer. The other two First Nations women are Rebecca Contois and an unidentified woman who was given the name Mashkode Bizhiki'ikwe (Buffalo Woman).*

*After over a year of advocacy work by the families with the support of local First Nations and the Assembly of Manitoba Chiefs, the Federal Government and newly elected Manitoba Premier Wab Kinew announced funding commitments of \$20 million from the federal and provincial governments to search the landfill.*

- Establish a federal day of remembrance and honouring for MMIWG2S+ with coordinated educational campaign, similar to Orange Shirt Day.

#### Rationale:

Progress has started on CFJ 15.1, 15.2 and 15.8, including an increase in memorial sites, and participation in annual marches and days of remembrance, but all Canadians do not participate. The federal government has reported that they organize national events to honour MMIWG and denounce violence against them, including the June 3rd anniversary of the National Inquiry into Missing and Murdered Indigenous Women and Girls and Red Dress Day on May 5.

In 2023, the Federal Government announced measures to develop a "Red Dress Alert," which would be an alerting system used when Indigenous women, girls, or 2SLGBTQIA+ people go missing. Budget 2023 included \$2.5 million over five years to support a Federal-Provincial-Territorial-Indigenous table on MMIWG2S+, with a mandate to prioritize discussion on how to launch the "Red Dress Alert." This work is still early in development, but Budget 2024 included additional investments of \$1.3 million over three years to help keep Indigenous women, girls, and two-spirit people safe by co-developing with Indigenous partners, on a priority first phase, a regional Red Dress Alert system. An alerting system would peripherally help to raise collective awareness of MMIWG2S+, however, it is not a direct response to the CFJ. On May 3, 2024, the Government of Canada announced that it will be using funds set aside from this year's 2024 federal and provincial budgets to pilot the Red Dress Alert in Manitoba. This announcement from the Government of Canada included that Indigenous people will design and lead this pilot Red Dress Alert, which is meant to inform the development of the National Red Dress Alert.

The Federal Government has funded anti-racism and anti-hate speech initiatives and strategies; however, they were not targeted to MMIWG2S+. Budget 2023 included \$25.4 million over five years to Canadian Heritage to continue to support Canada's Anti-Racism Strategy and fight all forms of racism. Canada's Anti-Racism Strategy ended in 2022, and there is no listing of projects that were funded under the Anti-Racism Action Program. Denialism of institutional systemic racism is on the rise when critical incidents happen, with public reactions often perceiving the racism and bias as limited to one individual or one

institution. The Provincial Governments and their implementations to anti-transgender and anti-2SLGBTQIA+ only puts gender diverse people at a higher risk. Legislation like this only instills and initiates more hate towards the 2SLGBTQIA+ community, which results in hate crime.

## PROGRESS ON

# Breathing Life into the Calls for Justice

## 2SLGBTQQIA+ Specific Calls for Justice

The Calls for Justice that are specific to the 2SLGBTQQIA+ community are meant to emphasize the need for greater awareness and a tailored response to 2SLGBTQQIA+ issues. The 2SLGBTQQIA+ specific Calls for Justice reflect the need for an implementation approach that considers the unique challenges to safety for 2SLGBTQQIA+ individuals and groups, including youth. The evaluations within this section look at actions and inaction over the period of June 2019-June 2024.

### Government and Service Provider Obligations and Inclusivity (CFJ 18.1-18.2)

Take actions supporting greater awareness and inclusivity of 2SLGBTQQIA+ peoples

*"Racist colonial attitudes justified Canada's policies of assimilation, which sought to eliminate First Nations, Inuit, and Métis Peoples as distinct peoples and communities."<sup>111</sup>*

First Nations in Canada have a rich history of holding Two-Spirit and gender-diverse people in very high regard in the community and honouring them as a sacred part of the circle. However, due to colonial structures and lack of awareness measures in place, First Nations individuals of the 2SLGBTQQIA+ community are often ostracized and excluded from government and service provider policies, programs, frameworks, and decision-making discussions.

#### Ranking of this Section:

**Little Progress** has been made to support greater awareness and inclusivity of 2SLGBTQQIA+ individuals and groups. The Federal Government made a historic investment of \$100 million over five years to support the Federal 2SLGBTQI+ Action Plan. In extension, the 2SLGBTQI+ Secretariat appointed a dedicated Two-Spirit Advisor to work with partners throughout the federal government and with Indigenous 2SLGBTQI+ communities, organizations, and representatives.

While these are positive steps forward at the Federal level, Provincial and Territorial governments have not adopted similar plans or made commitments to support 2SLGBTQQIA+ individuals and groups.

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Suggestions:

- Commitments from provincial and territorial governments to support greater awareness and inclusivity of 2SLGBTQIA+ people and groups.
- Funding needs to be given directly to First Nations. Currently, the funding break down from Canada is only applicable to organizations, and there are no dollars for First Nation's to strategize on safe spaces or safety for 2SLGBTQIA+ people.
- Fund regional 2SLGBTQIA+ organizations that address shelter, gender affirming care, and outreach workers.

### Rationale:

Women and Gender Equality (WAGE) Canada established a specific 2SLGBTQIA+ Secretariat to oversee the implementation of the Federal 2SLGBTQI+ Action Plan. Under the Federal 2SLGBTQI+ Action Plan, 17 organizations that identified Indigenous 2SLGBTQI+ individuals and communities as the primary population they serve have been supported under the 2SLGBTQI+ Community Capacity Fund and 2SLGBTQI+ Project Funds. In 2022, the Federal Government made a historic investment of \$100 million over five years to support the Federal 2SLGBTQI+ Action Plan, which includes supporting the resilience and resurgence of Indigenous 2SLGBTQI+ communities as the first 2SLGBTQI+ communities. While the political commitments have been made, there are little details on actions to accomplish the goals within the 2SLGBTQI+ Action Plan.

There has been no progress by provincial and territorial governments to advance CFJ 18.1 and 18.2. In 2023, provinces have been increasing calls for anti-transgender policies and legislation, which is a significant step backwards in being inclusive of all perspectives in decision making. Violating Indigenous Rights, which are protected under Section 35 of the Constitution, is problematic as 2SLGBTQIA+ people are a part of First Nations culture. Not only are we going backwards, but they also violate our rights and what we believe to be true.

### Data Collection and Research (CFJ 18.3-18.4)

Take actions to increase precision in data collection and research to recognize and capture the diversity of 2SLGBTQIA+ communities

*"Despite the National Inquiry's best efforts to gather all of the truths relating to the missing and murdered, we conclude that no one knows an exact number of missing and murdered Indigenous women, girls and 2SLGBTQIA people in Canada."<sup>112</sup>*

To truly capture what is required moving forward, the AFN's commitment to identifying and alleviating these systemic barriers has revolved around partnering and collaborating with boots on the ground First Nation communities who experience such discrimination on a daily basis.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### Ranking of this Section:

**Moderate Progress** has been made to increase precision in data collection and research methods. The Federal 2SLGBTQI+ Action Plan includes a priority to strengthen 2SLGBTQI+ data and evidence-based policy making. Agreements have been entered into to support the development of research projects related to 2SLGBTQI+ people in Canada. This progress includes reports being developed relating to uncovering attitudes towards the 2SLGBTQI+ community in Canada.

Canada is the first country to collect and publish data on gender diversity from a national census where citizens who do not identify as either male or female can list their gender as “X” on Canadian identification documents. This practice has been adopted by some provinces, but it is not a widely accessible option. In 2021, Statistics Canada made changes to data collection for the 2021 census regarding the question of gender identity.

### Suggestions:

- Conduct follow-up studies annually on the Attitudes, Awareness and Behaviours Surrounding 2SLGBTQI+ Communities in Canada, to measure the impact or effect of initiatives to raise awareness and understanding of the 2SLGBTQI+ communities in Canada.
- Provincial and Territorial commitments to increase precision in their data collection to capture the diversity of 2SLGBTQI+ community at a regional level.
- Service providers and research to change collections methods to include precise questions around gender and gender-identity.
- Inclusion of 2SLGBTQI+ organizations in federal data collection and research initiatives.

### Rationale:

The Federal 2SLGBTQI+ Action Plan includes a priority to strengthen 2SLGBTQI+ data and evidence-based policy making. Through this process \$7.7 million in research was approved to support new community-led research, and to conduct new data collection and research to inform future 2SLGBTQI+ initiatives. In 2023, Women and Gender Equality commissioned an opinion study on Attitudes, Awareness and Behaviours Surrounding 2SLGBTQI+ Communities in Canada. This is an important initial survey to capture information on stigma and discrimination faced by 2SLGBTQI+ communities in Canada, as well as other equity-seeking groups. This report explores myths, stigma, stereotypes, as well as the experiences of those who identify as part of the 2SLGBTQI+ communities.

In 2019, the Federal Government announced that citizens who do not identify as either female or male can list their gender as “X” on Canadian identification documents. This has been an adopted practice by Ontario, Alberta, Manitoba, Nova Scotia, and Newfoundland and Labrador.

Statistics Canada updated their data collection for the 2021 census to add more precision to questions, like the language “at birth” to the sex question and a new question on gender was included. Statistics Canada stated that these changes are to allow for “public decision makers, employers, and providers of health care, education, justice and other services to better meet the needs of all men and women – including transgender men and women – and non-binary people in their communities.”<sup>113</sup>

113 The National Post. 2022. “1 in 300 Canadians over 15 identify as transgender or non-binary.” <https://nationalpost.com/news/canada/1-in-300-canadians-over-15-identify-as-transgender-or-non-binary>

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Front-Line Representation and Culturally Safe Services (CFJ 18.5)

Take actions to support 2SLGBTQQIA+ representation in front-line staff with culturally services

*"First Nations, Inuit, and Métis women, girls, and 2SLGBTQQIA people in Canada have been the targets of violence for far too long."<sup>114</sup>*

To support First Nations women, girls and gender-diverse people, we need to ensure they have access to healthcare, childcare, and other social support services where space is held for 2SLGBTQQIA+ front-line staff. These services are crucial for alleviating the burdens disproportionately borne by First Nations.

#### Ranking of this Section:

**No Progress** has been made towards advancing CFJ 18.5, which is where Canada must work towards increasing 2SLGBTQQIA+ representation in front-line staff and to provide culturally specific support services or safe spaces.

#### Suggestions:

- Commitment to ensure government programs and services includes front-line 2SLGBTQQIA+ staff and management.
- Creation of culturally specific support services with programs and spaces designed to meet the needs of 2SLGBTQQIA+ clients and their communities.

#### Rationale:

While the Federal 2SLGBTQI+ Action Plan does include supporting the growth and sustainability and leadership of 2SLGBTQI+ community organizations in advocating for and serving the communities they represent as a priority, this has not translated into concrete commitments to increase representation with front-line staff.



## PROGRESS ON

# Breathing Life into the Calls for Justice

### 2SLGBTQQIA+ Youth and Youth Focused Services (CFJ 18.6)

Take actions to support youth programs, including mentorship, leadership, and support services

*"...more often than not other people or institutions deny them the space to bring these solutions forward and create meaningful change."<sup>115</sup>*

Solidarity and collaboration with other marginalized communities and human rights organizations around Canada strengthen our collective efforts to combat backlash and promote inclusivity for the 2SLGBTQQIA+ community.

#### Ranking of this Section:

**Little Progress** has been made to support 2SLGBTQQIA+ youth programs. There are a number of 2SLGBTQQIA+ organizations across Canada, and some have a specific youth focus. Yet, there are no stand-alone funding commitments available to help support 2SLGBTQQIA+ youth in developing leadership skills. There were also significant steps backward in 2023 with the Provincial governments of New Brunswick, Saskatchewan and Alberta introducing policy and legislation that negatively impacts transgender youth.

#### Suggestions:

- Funding commitments to support 2SLGBTQQIA+ youth to develop leadership skills and provision of mentorship opportunities.
- Funding commitments to support prevention initiatives for 2SLGBTQQIA+ youth to address self-harm and suicide.

#### Rationale:

There are a number of 2SLGBTQQIA+ organizations across Canada, and some have a specific youth focus. However, there is no stand-alone funding commitment to help support 2SLGBTQQIA+ youth to develop leadership skills or provide mentorship opportunities. Funding announcement for youth employment or leadership skills is broad funding and does not guarantee 2SLGBTQQIA+ inclusion.

In 2023, the Provinces of New Brunswick, Saskatchewan and Alberta announced "Parental Rights" policies and legislation that affect transgender, gender-diverse, and 2SLGBTQQIA+ youth. These policies and legislation targets trans- and gender-diverse people and would require youth to obtain parental consent and parental notification in order to choose their name and pronoun use in schools. Rather than promote choice of the youth, it limits their agency. The potential impact of these policy and legislative changes is to limit gender-affirming care and treatments. Suicide rates

115 Reclaiming Power and Place: Executive Summary, Page 22.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

for the 2SLGBTQQIA+ youth are disproportionately high, and forcing youth to either hide their identities or be alienated by unsupportive families would exacerbate that.

The federal governments and regional governments have implemented youth councils, or council members to their governments. Much like when governments call for jobs and advertise to minority groups first, they must create positions for 2SLGBTQQIA+ youth specifically. It is more difficult for 2S+ youth to be selected or feel comfortable applying because much of these existing workplaces are not safe spaces. For example, most of the government buildings, offices, etc. do not have gender neutral bathrooms, which puts our youth at risk and makes them uncomfortable. Having dedicated 2SLGBTQQIA+ youth on their councils can bring this perspective. They will not hold space if there is no space dedicated for them.

*The AFN strongly condemns the decisions to implement policies regulating the use of pronouns as a violation of basic human rights.*

### **Support for Safe Spaces and 2SLGBTQQIA+ Organizations (CFJ 18.7-18.11)**

Take actions to create safe spaces and support 2SLGBTQQIA+ organizations

*"...as many witnesses expressed, this country is at war, and Indigenous women, girls, and 2SLGBTQQIA people are under siege."<sup>116</sup>*

First Nations rights holders must have various avenues to seek justice when they feel their human rights have been violated. It is important that these spaces are safe for gender diverse First Nations. Upholding human rights is a fundamental aspect of First Nations values and traditions, aligning with our commitment to protect collective rights and the right to self-determination. As such, confronting and counteracting systemic discrimination and violence through creating safe spaces and support services for First Nations peoples, particularly women, children, and gender diverse individuals, should be a top priority for all governments.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### Ranking of this Section:

**Little Progress** has been made to create safe spaces and support 2SLGBTQQIA+ organizations. While there has been some funding made available to 2SLGBTQQIA+ organizations, there has been no consistent long-term core funding to support grassroots initiatives and organizations to advance CFJ 18.7.

The Federal government announced the Cultural Spaces in Indigenous Communities Program, which did not have a specific component for 2SLGBTQQIA+ cultural spaces and the reporting on the project does not indicate whether the spaces have 2SLGBTQQIA+ specific components.

No progress has been made to advance CFJ 18.8.

### Suggestions:

- Funding commitments to support the creation of 2SLGBTQQIA+ specific and safe cultural spaces.
- Funding commitments to support capacity funding for 2SLGBTQQIA+ grassroots initiatives and organizations to provide safe spaces and cultural supports for 2SLGBTQQIA+ people.
- Dedicated funding to safe space creation in cultural spaces is needed, like sweat lodges, 2S+ powwows, and all ceremonies. Revitalizing our cultures and welcoming 2S+ people back into the community circle is either not happening or is happening very slowly.
- Gender Neutral Bathrooms need to be implemented as this is a huge gap in the safe-space creation. Many 2SLGBTQQIA+ people are attacked in bathrooms, or confronted if they go in, which puts them at risk.

### Rationale:

Some governments and services providers have funded existing grassroots initiatives and organizations; however, the funding is inconsistent and short-term. The investments to support the Federal 2SLGBTQI+ Action Plan have not extended to supporting the capacity of grassroots initiatives or organizations.

The Federal government announced the Cultural Spaces in Indigenous Communities Program, with \$108.8 million over two years to re-establish and revitalize Indigenous cultural spaces. This program funded 16 projects and was not specific to 2SLGBTQQIA+ cultural spaces or whether the funded projects include 2SLGBTQQIA+ specific components.

*Responding to CFJ 18.9, the AFN established a 2SLGBTQQIA+ Council within the organizational governance structure to provide advice and guidance on 2SLGBTQQIA+ issues.*

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Policing (CFJ 18.12-18.14)

Take actions to ensure the safety and security of 2SLGBTQQIA+ individuals

*"Indigenous women, girls and 2SLGBTQQIA people are often met with derision, racism, and dismissal during initial encounters when new relationships are being formed."<sup>117</sup>*

Efforts to improve the relationships between First Nations and policing authorities must capture gender diverse First Nations voices and needs, as they are central to decision-making processes that directly impact them.

#### Ranking of this Section:

**No Progress** has been made in the policing context to ensure the safety of 2SLGBTQQIA+ people. Although some policing services may be offering training or education regarding 2SLGBTQQIA+ people, these resources are not universally available to all police services and training is not mandatory. Hate crimes related to sexual orientation continue to rise. Many 2SLGBTQQIA+ individuals are not reporting their experiences of violence due to mistrust of police.

#### Suggestions:

- Increase mandatory training and education programs for police services across Canada regarding 2SLGBTQQIA+ people and pronouns to address discrimination in policing and increase access to justice.
- Police need to take gender-diversity and safe space training.
- Ensure that if First Nations gender-diverse and transgender people are incarcerated, they have their preferred gender orientation recognized.

#### Rationale:

When considering risk for hate crimes in Canada, it is important to consider the increased risk 2SLGBTQQIA+ face as a result of the intersection of race and gender identity. Statistics Canada data indicated a 7% rise in 2022 for police-reported hate crime incidents in Canada when compared to 2021 data.<sup>118</sup> Hate crimes based on race or ethnicity and sexual orientation accounted for the most increase. From 2021 to 2022, there was a 1% decline in hate crimes targeting Indigenous people. Although there is a small recent decline, the number of hate crimes targeting Indigenous people was 138% higher in 2022 than in 2019. In 2022, there were 491 reported hate crimes targeting sexual orientation,

117 Reclaiming Power and Place: Executive Summary, Page 10.

118 Police-reported hate crime, 2022, Statistics Canada, online: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/240313/dq240313b-eng.pdf?st=jqNR0L3V>

## PROGRESS ON

# Breathing Life into the Calls for Justice

which was a 12% rise since 2021 (438). The data also indicates that in 2022, 29% of hate crimes were cleared by police,<sup>119</sup> when compared with 34% of all criminal incidents (excluding traffic offences) reported to police during that same year.

It is important to note that not all hate crimes are reported to police. As the 2019 General Social Survey on Canadians' Safety (GSS on Victimization) points out, less than a third (29%) of criminal incidents were reported to police. The GSS on Victimization noted that of the 223,000 criminal incidents which were perceived to be motivated by hate, only 22% of victims reported the incident(s) to the police.<sup>120</sup> In the context of Indigenous people, given the mistrust that exists in policing services in Canada, it is highly likely that 2SLGBTQIA+ people experiencing violence are underreported in the data.

In terms of education and resources available to address discrimination in policing, there are some educational and training resources available through some policing services to address discrimination against 2SLGBTQIA+ people. The Canadian Police Knowledge Network, which is a national non-profit organization that provides training for Canadian police and public safety professionals, offers an introductory course on 2SLGBTQ+ rights in Canada.<sup>121</sup> This course is two-hours in length. Ontario's Serving with Pride provides resources and support for 2SLGBTQIA+ police officers and allies, and currently offers a full day 2SLGBTQ+ Awareness and Practices for Police, Law Enforcement and Criminal Justice Professionals.<sup>122</sup> British Columbia's Out on Patrol also provides resources and support for 2SLGBTQIA+ police officers and allies. Unfortunately, education and training does not extend to all police services, and existing training programs are not mandatory.

According to a 2021 study conducted by researchers from the University of Ottawa and University of British Columbia, many sex workers, including transgender workers, are not reporting violence due to fear of being targeted for arrest on prostitution-related or other charges.<sup>123</sup> In 2022, Trans PULSE Canada, which is a national community-based study of the health and well-being of trans and non-binary people, released the *Access to Justice for Trans and Non-Binary Sex Workers* report.<sup>124</sup> This report found that, "trans women, men, and non-binary people who do sex work experienced extremely high levels of violence but did not feel encouraged to report violence, and in fact often avoided calling 911 in emergency situations." The report also indicated that Indigenous and racialized sex workers were most severely impacted by police mistreatment and barriers to justice, noting that 95% of Indigenous sex workers in the study anticipated police harassment and over half had already experienced unreasonable police stops, searches, or arrests.

119 Victims of Hate Crime, 2015-2021, Justice Canada, online: <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2023/jan5.html>

120 Victims of Hate Crime, 2015-2021, Justice Canada, online: <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2023/jan5.html>

121 Canada Police Knowledge Network: <https://www.cpkn.ca/en/course/lgbt-issues/>

122 Serving with Pride, 2SLGBTQ+ Awareness and Practices Training for Police, Law Enforcement and Criminal Justice Professionals: <https://www.servingwithpride.ca/training>

123 Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada, online: <https://www.mdpi.com/2076-0760/10/1/13#B40-socs-ci-10-00013> at Page 2.

124 Safety and Access to Justice among transgender and Non-binary Sex Workers in Canada under PCEPA: Findings from the Trans PULSE Canada Study <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11595955/br-external/Jointly3-e.pdf>

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Knowledge Gathering (CFJ 18.15-18.16)

Take action to support 2SLGBTQQIA+ knowledge gathering

“Understanding the many shapes violence against Inuit, Métis, and First Nations women, girls, and 2SLGBTQQIA people can take requires an intersectional approach.”<sup>125</sup>

The CFJ represent a collective responsibility across the board. This responsibility cannot be ignored or overlooked. It is imperative that each and every one of us rise to the occasion, to lend our voices, our expertise, and our resources to drive meaningful change and foster healing within First Nations communities.

#### Ranking of this Section:

**Little Progress** has been made to support gathering 2SLGBTQQIA+ cultural knowledge and traditional teachings. Support from government and educators supporting Knowledge Keeper gatherings that focus on 2SLGBTQQIA+ cultural knowledge and teachings is very limited.

#### Suggestions:

- All levels of government commit to supporting 2SLGBTQQIA+ Knowledge Keeper gatherings and research.
- Educational institutions and researchers support research projects on 2SLGBTQQIA+ cultural knowledge and traditional teachings led by 2SLGBTQQIA+ researchers.
- Update existing government cultural training curricula to include a unit on 2SLGBTQQIA+ history and knowledge to combat denialism and bias.
- Include and engage with 2SLGBTQQIA+ organizations in the establishment of processes for Knowledge Keepers' gatherings and research projects.
- Ensure there is support for a 2S+ gathering to share knowledge.

#### Rationale:

2SLGBTQQIA+ led research is vital to gathering knowledge about the traditional teachings relating to the place, roles, and responsibilities of 2SLGBTQQIA+ people within their respective communities. While there are some smaller gatherings that have been coordinated involving Knowledge Keepers and a focus on 2SLGBTQQIA+ people, there lacks a cohesive governmental or educational institution response to CFJ 18.16. Supporting safe spaces for 2SLGBTQQIA+ Knowledge Keepers to gather and for 2SLGBTQQIA+ researchers to conduct research is essential to ensure the knowledge is not lost.

125 Reclaiming Power and Place: Executive Summary, Page 11.



## PROGRESS ON

# Breathing Life into the Calls for Justice

## 2SLGBTQQIA+ Awareness and Cultural Training (CFJ 18.17-18.20)

Take action to support awareness and improve cultural training on 2SLGBTQQIA+ peoples

*“Words, actions, and behaviors that condone violence tell us something about the attitudes and values that shape relationships. These relationships, based on underlying or systemic beliefs, translate into troubling day-to-day realities in the lives of Métis, Inuit, and First Nations women, girls, and 2SLGBTQQIA people.”<sup>126</sup>*

Harnessing power and diversity must begin with strengthening and expanding our advocacy and policy toolkit. This training will equip us with the tools to analyze policies and programs through a lens of gender diversity and inclusion unique to First Nation people.

### Ranking of this Section:

**Little Progress** has been made to raise awareness and improve cultural training on 2SLGBTQQIA+ people. The Federal 2SLGBTQI+ Action Plan includes an objective to raise awareness and improve understanding of 2SLGBTQI+ communities and issues, however, this objective has not been fully implemented and there has not been any movement at the Provincial or Territorial levels to address CFJ 18.17. At a local level, there has been some movement on CFJ 18.18 and CFJ 18.19, with some organizations offering training on inclusion in corporate, social services, and government sectors. The training offered by the federal government to government employees is not mandatory and participation in courses is low. Provincial and Territorial governments have been slow to respond to CFJ 18.20; however, some school boards have offered information to educators, students and parents about gender and sexual identity.

### Suggestions:

- Funding commitments to support re-education campaigns to combat hate, denialism, and the spread of misinformation targeting 2SLGBTQQIA+ individuals and communities.
- Provincial and Territorial commitments to support greater awareness of 2SLGBTQQIA+ history, gender, and sexual identity.
- Make government cultural sensitivity training on 2SLGBTQQIA+ communities and issues mandatory to raise awareness and improve understanding.

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### **Rationale:**

The Federal 2SLGBTQI+ Action Plan includes the objective to raise awareness and improve understanding of 2SLGBTQI+ communities and issues, which does advance the work around CFJ 18.17. This work is supported by a \$5.6 million investment for an awareness campaign to enhance inclusion and break down stigma and discrimination against 2SLGBTQI+ communities through an awareness campaign. CFJ 18.17 is directed towards all levels of governments, service providers, and educators, and during this review period there was a lack of similar action from Provinces, Territories, service providers and educators. At a local level, there are some organizations who have begun offering training and resources to schools, corporations, social services and government sectors.

There has been some movement at local levels to advance CFJ 18.18, with organizations providing cultural competency training to those in legal or health care professions. As noted in CFJ 12.12, there has been some training also provided for child welfare and family services agencies. These trainings are not mandatory for any level of government or service providers, and some of them require a registration fee to take the training, which adds barriers to accessing training. There has been no significant progress or commitment from Provincial or Territorial governments to response to CFJ 18.18 or CFJ 18.19.

Provinces and territories have also been slow to respond to CFJ 18.19, with significant steps backwards reported on the decisions by the provincial governments of New Brunswick, Saskatchewan, and Alberta to introduce policy and legislation that severely and negatively impacts transgender youth. The rhetoric around Parental Rights Policies negatively impacts education and socialization in schools around gender and sexual identity. Some school boards and provinces, like the Ottawa-Carleton District School Board and province of Manitoba, have offered information to educators, students and parents about gender and sexual identity. This has not been consistently supported across all levels of governments nor is it a widespread practice at the local level.

### **Corrections (CFJ 18.21-18.22)**

Take action to provide 2SLGBTQIA+ support services, cultural supports, and end misgendering in correctional institutions

*"...policies, practices and stereotypes confronting First Nations, Inuit, and Métis women and gender-diverse people today were put into place long ago."<sup>127</sup>*

Together, we have the power to challenge injustice, dismantle barriers, and create a world where every transgender and non-binary person can live authentically and without fear.

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Ranking of this Section:

**No Progress** was made to provide dedicated support services or cultural supports in either federal or provincial correctional institutions to advance CFJ 18.22. There was also no progress made toward CFJ 18.21 to build awareness to end misgendering in correctional institutions and ensuring that transgendered people are protected.

### Suggestions:

- All levels of government commit to raising awareness of the dangers of misgendering in correctional systems and families.
- Increased access to low-barrier support services and cultural supports for 2SLGBTQIA+ people who are incarcerated.

### Rationale:

This lack of progress towards CFJ 18.21 and CFJ 18.22 is consistent with the lack of action around CFJ 14.1-14.3 for Correctional Services and findings from the Office of the Correctional Investigator.

## Coroners (CFJ 18.23)

Take actions to create reporting parameters for investigations involving 2SLGBTQIA+

*“Each testimony we heard in the Truth-Gathering Process provided unique perspectives of roles and responsibilities in various Nations and communities.”<sup>128</sup>*

First Nations face immense systemic violence during our most heartbreaking moments in life. One of those moments is when a loved one is missing. Policies and programs aimed at advancing reconciliation between First Nations and the Canada’s justice system must be intersectional and follow a holistic approach, taking into account the diverse experiences and identities within the gender diverse population.

### Ranking of this Section:

**Moderate Progress** has been made to ensure that coroners’ reports and reporting related to crime use gender-neutral or non-binary options. While there are some resources published on websites related to raising awareness for the 2SLGBTQIA+ community, it is concerning seeing as these resources are primarily available at the federal level rather

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

than across-the-board inclusive initiatives demonstrated by the provinces and territories.<sup>129</sup> For example, vital statistics, such as coroners' report, are the sole responsibility of the provinces and territories and thus it is perturbing that progress on ensuring there is a gender marker of "X" is as recent as 2020.

### **Suggestions:**

- Create reporting requirements that abide by pre-determined generic gender descriptors that are flagged by organizations who represent 2SLGBTQIA+ individuals and their interests.
- Amend existing legislation involving vital statistics to ensure that generic gender diverse language is prioritized over blanket solutions such as simply adding a third marker on documents.

### **Rationale:**

All provinces and territories have largely altered their approaches to reporting requirements for vital statistics, though all at varying levels and years. For example, Saskatchewan and Manitoba only recently began to implement changes related to increasing gender inclusivity for birth certificates in 2020.<sup>130</sup> In extension, Yukon and PEI only amended their Vital Statistics Act in 2018 to increase gender inclusivity.<sup>131</sup> This trend is evident across the board for all of Canada's provinces and territories where they have only recently started to implement tangible change related to vital statistics reporting, including coroners' reporting.

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129 Statistics Canada. 2022. "Frequently asked questions on Vital Statistics." <https://www.statcan.gc.ca/en/about/relevant/vscc/faq>

130 eHealth Saskatchewan. (n.d.) "Change of Sex Designation." <https://www.ehealthsask.ca/residents/Pages/Sex-Designation.aspx>; CBC News. 2020. "Manitoba to allow non-binary option on birth certificates in response to human rights ruling." <https://www.cbc.ca/news/canada/manitoba/manitoba-to-allow-non-binary-option-on-birth-certificates-1.5546888>

131 eHealth Saskatchewan. (n.d.) "Change of Sex Designation." <https://www.ehealthsask.ca/residents/Pages/Sex-Designation.aspx>

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Human Security (CFJ 18.24-18.25)

Take actions to ensure there are housing spaces for 2SLGBTQIA+ that are facing homelessness and poverty

*“Loss of culture contributes to, or is experienced as, a form of trauma that extends across generations.”<sup>132</sup>*

Ensuring there are more housing options available for gender diverse First Nations speaks to how committed Canada is to improving the socio-economic conditions to help prevent First Nation women, girls, and gender diverse peoples from going missing and being murdered.

#### Ranking of this Section:

Little Progress has been made on achieving substantial tangible change in developing housing and supports for 2SLGBTQIA+ First Nation individuals in Canada. There are a few funding opportunities being offered from organizations to support First Nations housing, however, a majority of funding is often built upon existing and repackaged funding that was forecasted for First Nations years ago. There were 1,127,010 First Nations people in Canada according to the 2021 Census; this number has been steadily increasing since 2016 thus indicating that 2SLGBTQIA+ individuals are growing in population per year as well.<sup>133</sup> Out of the 13 programs examined by the 2024 Auditor General Report, 2SLGBTQIA+ progress nor language was flagged at all.<sup>134</sup> This reality indicates that this initiative, and similar housing initiatives, are too new and limited in their scope to call for focused research on the matter.

#### Suggestions:

- Dedicate 2SLGBTQIA+ specific funding for increasing housing support in the form of homeless shelters and general housing where required.
- Dedicate carrying out a census towards 2SLGBTQIA+ specific individuals to reveal what housing resources assist the most when faced with poverty and lack of resources.

132 Reclaiming Power and Place: Executive Summary, Page 23.

133 Statistics Canada. 2023. “Canada’s Indigenous Population.” <https://www.statcan.gc.ca/o1/en/plus/3920-canadas-indigenous-population>

134 Office of the Auditor General of Canada. 2024. Reports of the Auditor General of Canada to the Parliament of Canada Housing in First Report 2 Nations Communities. [https://www.oag-bvg.gc.ca/internet/docs/parl\\_oag\\_2024\\_03\\_02\\_e.pdf](https://www.oag-bvg.gc.ca/internet/docs/parl_oag_2024_03_02_e.pdf)

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Rationale:

Within the 2024 Auditor General Report, out of the 13 programs that they had examined, housing related to 2SLGBTQIA+ individuals was not flagged once. In extension, the words "gender diverse" and "2SLGBTQIA+" do not appear once in this report thus indicating that within National Housing Strategies there is little support and recognition of 2SLGBTQIA+ people. In other words, 2SLGBTQIA+ people are either looped into existing funding where they receive little support, or their support is too new and lacks tangible change where dedicated research is limited because data is unavailable—limited data on the matter of 2SLGBTQIA+ housing further reinforces that there are no adequate supports in place to assist 2SLGBTQIA+ people facing homelessness and housing.

### Health Service Providers (CFJ 18.26-18.31)

Take actions to integrate healthcare provider education pertaining to 2SLGBTQIA+ individuals and empowering Indigenous care workers and those seeking 2SLGBTQIA+ healthcare services

*"The values of respect, reciprocity, and interconnectedness can help connect principles across a diversity of Indigenous communities."<sup>135</sup>*

Investing in education, healthcare, and economic opportunities for the 2SLGBTQIA+ community is crucial for breaking the cycle of poverty and creating sustainable change. The empowerment of gender diverse First Nations is essential for the overall well-being and prosperity of First Nation communities and society as a whole.

### Ranking of this Section:

**Little Progress** has been made in this area of supporting 2SLGBTQIA+ in Canada. Recent studies have indicated that while attitudes have shifted towards supporting 2SLGBTQIA+ individuals, it is still apparent that there are systemic and internal biases held towards this community that result in barriers to accessing healthcare services.<sup>136</sup> In extension, it has been raised by researchers that transgender individuals in particular face elevated rates of verbal violence when attempting to access their treatments. It is not healthcare providers or institutions, but instead organizations that advocate for the 2SLGBTQIA+ community in dismantling false information and fighting against systemic discrimination.

No progress has been made to advance CFJs 18.29-18.30.

135 Reclaiming Power and Place: Executive Summary, Page 14.

136 National Library of Medicine. 2023. "Review of current 2SLGBTQIA+ inequities in the Canadian health care system." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10392841/>



## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### Suggestions:

- Develop mandatory training modules with members from the 2SLGBTQQIA+ community or organizations that represent them.
- Integrate mandatory training for healthcare providers on matters pertaining to 2SLGBTQQIA+ treatment and lived realities.
- Develop in partnership with the 2SLGBTQQIA+ community, dedicated care positions for 2SLGBTQQIA+ individuals within institutions that deliver any kind of healthcare service.

### Rationale:

There are currently no mandatory education requirements in place regarding ensuring that healthcare providers are informed on treating and communicating with 2SLGBTQQIA+ individuals who seek treatments.<sup>137</sup> This reality is reinforced through a recent cross-sectional study that carried out a survey of 150 physiotherapy students from accredited Canadian physiotherapy programs as the results highlighted that half of these students reported feeling comfortable assessing 2SLGBTQQIA+ individuals.<sup>138</sup> Similarly, this study revealed that students partaking in paramedical courses were not subject to mandatory learning of 2SLGBTQQIA+ individuals as at least 29% reported not having any prior knowledge of this community; pertaining to 2SLGBTQQIA+ training, 47% reported training ranging from 0-10 hours and 24% reported training of 24+ hours.<sup>139</sup>

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<sup>137</sup> Primeau, C.A., Philpott, H.T., Vader, K. et al. Knowledge, behaviours, and training related to 2SLGBTQIA+ health education amongst entry-level physiotherapy students in Canada: results of a nationwide, cross-sectional survey. *BMC Med Educ* 23, 519 (2023). <https://doi.org/10.1186/s12909-023-04499-4>.

<sup>138</sup> IBID.

<sup>139</sup> IBID.

## PROGRESS ON

# Breathing Life into the Calls for Justice

### Child Welfare (CFJ 18.32)

Take actions to prioritize ensuring there is education pertaining to 2SLGBTQQIA+ within child welfare agencies

*"...witnesses regularly pointed to encounters that ignore the agency and expertise held by Indigenous women, girls, and 2SLGBTQQIA people."<sup>140</sup>*

It must be understood that behind every statistic and every headline, there are real families whose lives have been shattered by tragedy. Through prioritizing 2SLGBTQQIA+ related education within child welfare agencies, we can create a future where First Nation women, girls, and 2SLGBTQQIA+ individuals are safe, valued, and empowered.

#### Ranking of this Section:

**Moderate Progress** has been made to ensure there is 2SLGBTQQIA+ education and training within child welfare agencies and that it is made available to parents and caregivers. At the national level, the Canadian Association of Social Workers (CASW) has worked towards ensuring that there are resources available about 2SLGBTQQIA+ individuals, as well as resources for individuals who belong to the 2SLGBTQQIA+ community.<sup>141</sup> At the Provincial and Territorial level, there have been inconsistent responses to implementing CFJ 18.32. The training that has been developed is not mandatory for child welfare workers, parents or caregivers.

#### Suggestions:

- Support for research to develop educational training modules tailored for child welfare workers, parents, and caregivers.
- First Nations governments leverage their inherent right and make service standards for 2SLGBTQQIA+ a priority in CFS.

#### Rationale:

The moderate progress towards CFJ 12.1-12.5 has not extended to work towards advancing CFJ 18.32. The FSA on long-term reform is in a draft stage—language encouraging FNCFS providers to consider the needs of 2SLGBTQQIA+ would be included in the terms and conditions as an eligible expense; however, implementing such a lens would have to be at the direction of the First Nation or as legislated by the province. The Federal program provides funding for a broad scope of services under the FNCFS umbrella to either agencies delegated by the province and/or the First Nation

140 Reclaiming Power and Place: Executive Summary, Page 23.

141 CASW. (n.d.). "Practice Resources." <https://www.casw-acts.ca/en/practice-resources-lgbtq2s>

## PROGRESS ON

# Breathing Life into the Calls for Justice

to provide service to the First Nation, or to the province directly to the Ministry in charge of CFS services. Either way, the Federal program does not control this level of service standard, thus First Nations governments should leverage their inherent right and make service standards for 2SLGBTQQIA+ a priority in CFS. As a national level response, the Canadian Association of Social Workers has worked toward providing resources about 2SLGBTQQIA+, and for individuals who belong to the 2SLGBTQQIA+ community. For example, they have tools such as links to other organizations that are advocating for the 2SLGBTQQIA+ community, links to resource toolkits specific to 2SLGBTQQIA+ experiences, and access to information sharing databases.<sup>142</sup>

At the provincial and territorial level, there have been inconsistent responses to implementing CFJ 18.32. The Ontario Association of Children's Aid Societies prepared a 2021 report that identified 10 priorities that require systemic and organizational change in order to provide equitable services for 2SLGBTQQIA+ children, youth, and families. In Alberta, proposed policy by Alberta Premier would ban gender affirming care like puberty blockers for youth under 16 years of age.<sup>143</sup>

## Conclusion: Breathing Life into the Calls for Justice

Five years ago, the National Inquiry released *Reclaiming Power and Place*, which gave voice to the experiences of survivors, their families, and First Nations communities throughout Canada. The National Inquiry called for justice to remedy the injustices experienced by First Nation women, girls, and 2SLGBTQQIA+ people. Through the CFJ, the National Inquiry gave a roadmap for how to move forward, and emphasized that the action needed "to end and redress this genocide must be no less monumental than the combination of systems and actions that has worked to maintain colonial violence for generations."<sup>144</sup> Unfortunately, this level of coordinated action has not been taken to date. Implementing all 231 CFJ is an immense task for governments, institutions, and individuals, but it can be accomplished through cooperation, adequate funding, and commitment to move forward with urgency.

The AFN's five-year review, outlined in this report card, provides an opportunity to reflect on the positive work completed, examine work underway, and identify the gaps where no progress has been made. Overall, this report card found there has been poor implementation of the CFJ to date, with most of the sections ranked as either having no-progress or being in-progress, but not completed. The intention of the report card is to motivate and support further action, as well as provide accountability to survivors and their families. Although the report card spotlights areas of inaction, it also provides suggestions for immediate steps that can be taken to address the gaps.

The AFN is mandated to continue to monitor the implementation of the CFJ. Over the next year, it is hoped that additional tangible measures will be put in place to respond to the CFJ. Individuals, institutions, and governments all have a role to play to breathe life into the CFJ.

142 *IBID.*

143 Dryden, Joel. "How Alberta's proposed trans youth rules fit into a polarized international landscape", CBC News: <https://www.cbc.ca/news/canada/calgary/alberta-trans-youth-rules-international-landscape-1.7135324#:~:text=Under%20Smith's%20proposed%20policy%2C%20puberty,first%20ban%20on%20such%20medication.>

144 *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Vol. 1b*: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1b.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf) at 167.

# PROGRESS ON

## *Breathing Life into the Calls for Justice*

### Appendix A - Citations

#### **Government of Canada Websites/Resources**

- **Federal Budgets**
  - Fairness for Every Generation, 2024
  - A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future and Statement and Impacts Report on Gender, Equality, Diversity, and Quality of Life, 2023
  - A Plan to Grow Our Economy and Make Life More Affordable, 2022
  - A Recovery Plan for Jobs, Growth, and Resilience, 2021
- **Justice Canada**
  - Indigenous Justice Strategy, What we Learned Report: Summary Wave 1
  - New funding to support families of missing and murdered Indigenous people and Indigenous victims and survivors of crime
  - Response to parliamentary committees and external audits
  - Applying R v Gladue: The use of Gladue reports and principles, 2023
  - Victims of Hate Crime, 2015-2021
  - Evaluation of the Indigenous Courtwork Program Final Report, March 2023
  - Gender-inclusive Language
  - Impact Assessment Act. S.C. 2019, c. 28, s. 46.
- **Office of the Commission for Federal Judicial Affairs**
  - Demographic statistics on diversity in the judiciary
- **Office of the Parliamentary Budget Officer**
  - The Federal Cost of Minimum Sentences, March 30, 2022
- **Public Safety Canada**
  - National Strategy to Combat Human Trafficking, 2019-2024
- **Correctional Services Canada**
  - Commissioner's Directive 768, Institutional Mother-Child Program
  - Departmental Plans (2023-24 and 2024-25) and Department Results (2022-23)

## PROGRESS ON

# Breathing Life into the Calls for Justice

- **Crown Indigenous Relations and Northern Affairs**
  - 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan
  - Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People
  - 2022-23 Federal Pathway Annual Progress Report
- **Statistics Canada**
  - Police-reported hate crime, 2022
  - Frequently asked questions on Vital Statistics, 2022
  - Canada's Indigenous population, 2023
- **Indigenous Services Canada**
  - Co-developing distinctions-based Indigenous health legislation
  - Investing in Indigenous community infrastructure, 2024
  - Transferring infrastructure service delivery to First Nations, 2024
  - Reaching Home: Canada's Homelessness Strategy, 2019
- **Infrastructure Canada**
  - Final Report of the Advisory Committee on Homelessness, 2022
- **Impact Assessment Agency of Canada**
  - Suncor Base Mine Extension Project, 2023
- **Women and Gender Equality**
  - Federal 2SLGBTQI+ Action Plan

### Federation of Law Societies

- Report of the Truth and Reconciliation Calls to Action Advisory Committee
- General website also used for information

### Law Society of Ontario

- Guide for Lawyers Working with Indigenous Peoples
- Guide for Lawyers Working with Indigenous Peoples, 1<sup>st</sup> Supplement
- *Note: These sources were mentioned, but not used to draw information from for the CFJ Report Card.*

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### **The Office of the Correctional Investigator**

- *Ten Years Since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada*
- *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, Office of the Correctional Investigator
- Office of the Correctional Investigator Annual Report 2021-22

### **Canadian Bar Association**

- Appendix B Gladue & Indigenous Self-Governing Courts across the Country
- Response to Missing and Murdered Indigenous Women and Girls Inquiry: Calls for Justice, June 2020
- Webpage: The Path – Indigenous Cultural Awareness Course
- Response to Missing and Murdered Indigenous Women and Girls Inquiry: Calls for Justice, 2020
- The Path: Your Journey Through Indigenous Canada.

### **Government of Saskatchewan Website**

- eHealth Saskatchewan, Change of Sex Designation

### **Canadian Association of Social Workers Website**

- Practice Resources- LGBTQ2S+

### **Canada Mortgage and Housing Corporation**

- Indigenous Shelter and Transitional Housing Initiative, 2023

### **The New Democratic Party**

- Delivering for Canadians Now, 2022

### **Office of the Auditor General**

- Reports of the Auditor General of Canada to the Parliament of Canada: Report 3 - First Nations and Inuit Policing Program, 2024
- Report of the Auditor General of Canada to the Parliament of Canada: Report 2 – Housing in First Nations Communities, 2024

### **Supreme Court of Canada**

- Reference re Impact Assessment Act, 2023 SCC 23



## PROGRESS ON

# *Breathing Life into the Calls for Justice*

### Other Websites Consulted:

- The Law Commission of Canada
- The Hotel Association of Canada
- Marriott International Hotel
- Meeting Professionals Against Human Trafficking
- PACT (Protect All Children from Trafficking)
- Truckers Against Trafficking (TAT)
- Women's Trucking Federation of Canada
- Know Human Trafficking
- Council of Ministers Responsible for Transportation and Highway Safety
- Canadian Trucking Alliance
- Not in my City
- Canadian Institute for the Administration of Justice
- Canadian Police Knowledge Network
- Serving with Pride
- Provincial hotel and trucking association websites
- Trans Care BC

### AFN Reports

- Breathing Life into the Calls for Justice (2021)
- Connecting Hearts and Making Change (2023)
- National Homelessness Action Plan (2024)

### Articles

Ayden Scheim and Greta Bauer. 2022. Safety and Access to Justice among Transgender and Non-binary Sex Workers in Canada under PCEPA: Findings from the Trans PULSE Canada Study. Trans PULSE Canada. <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11595955/br-external/jointly3-e.pdf>

Crago, Anna-Louise, Chris Bruckert, Melissa Braschel, and Kate Shannon. 2021. "Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada" Social Sciences 10, no. 1: 13. <https://doi.org/10.3390/socsci10010013>

## PROGRESS ON

# *Breathing Life into the Calls for Justice*

CBC. 2020. Manitoba to allow non-binary option on birth certificates in response to humans rights ruling. <https://www.cbc.ca/news/canada/manitoba/manitoba-to-allow-non-binary-option-on-birth-certificates-1.5546888>

Dominique Comeau, Claire Johnson, and Nadia Bouhamdani. 2023. Review of current 2SLGBTQIA+ inequities in the Canadian health care system. *National Library of Medicine*. doi: [10.3389/fpubh.2023.1183284](https://doi.org/10.3389/fpubh.2023.1183284)

Forestry for the Future. 2023. "How Indigenous participation in forest management is changing resource development in Canada." *Maclean's*. <https://macleans.ca/longforms/indigenous-participation-in-forestry-is-essential/>

Julien Gignac. 2018. Yukon legislative assembly passes act to ensure more gender- inclusive Language. *Yukon News*. <https://www.yukon-news.com/news/yukon-legislative-assembly-passes-act-to-ensure-more-gender-inclusive-language-6996957>

Liane Langstaff, Stacy Porter, and Maggie Sainty. 2024. FEDERAL IMPACT ASSESSMENT IN FLUX: THE IMPLICATIONS OF THE SUPREME COURT'S DECISION IN THE REFERENCE RE IMPACT ASSESSMENT ACT. *Gowling WLG*. <https://gowlingwlg.com/en/insights-resources/articles/2024/federal-impact-assessment-influx/#:~:text=On%20October%2013%2C%202023%2C%20Canada's,legislation%20unconstitutional%20in%20four%20decades.>

Primeau, C.A., Philpott, H.T., Vader, K. et al. 2023. Knowledge, behaviours, and training related to 2SLGBTQIA+ health education amongst entry-level physiotherapy students in Canada: results of a nationwide, cross-sectional survey. *BMC Med Educ* 23, 519. <https://doi.org/10.1186/s12909-023-04499-4>

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