

Indigenous

# 'Appalling' legacy of residential schools tops UN Indigenous rights rapporteur's early findings

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Guatemalan expert's Canada visit ends, report expected in September



[Brett Forester](#) · CBC News · Posted: Mar 10, 2023 2:59 PM PST | Last Updated: March 10



José Francisco Calí Tzay, United Nations Indigenous rights rapporteur, delivers his preliminary report on March 10 in Ottawa following a 10-day trip across Canada. (Brett Forester/CBC)

Despite positive measures taken by Canada, Indigenous people continue to face obstacles to fully enjoying their individual and collective human rights in this country, the United Nations special rapporteur on the rights of Indigenous Peoples says.

José Francisco Calí Tzay delivered his preliminary findings Friday in Ottawa following a five-province, 10-day trip to Canada, concluding his first official visit since his 2020 appointment.

In a 30-minute speech to reporters, the UN expert decried what he called [the appalling legacy of residential schools](#), disturbing reports of residential school denialism and alarming testimony of violence against Indigenous women and girls.

He expressed particular concern about reports of forced and coerced sterilization of Indigenous women, the militarization of Indigenous lands, the criminalization of Indigenous human rights defenders, and the over-incarceration of Indigenous offenders across the country.

He urged Canada to address the "poverty to prison pipeline" and reduce the disproportionate number of Indigenous kids in the child-welfare system.

"Canada must adopt holistic reform in consultation with Indigenous people to address the root cause of these problems," Calí Tzay told reporters at Ottawa's Lord Elgin Hotel.

The expert called on all levels of government to implement recommendations from past reports, including his predecessor's, the Truth and Reconciliation Commission's report and the final report of the national inquiry into missing and murdered Indigenous women and girls (MMIWG).

"Human rights are universal, indivisible and interdependent, and all Indigenous Peoples should have equal rights and opportunities," he said.

"I urge the government of Canada, the provinces and territories to advance reconciliation based on the nation-to-nation relationship with Indigenous Peoples."

Special rapporteurs are independent experts the UN dispatches to report and advise on human rights. Calí Tzay, who is Mayan Kakchiquel from Guatemala, landed in Ottawa last week and visited Montreal, Winnipeg, Edmonton and Vancouver before returning to the capital.

The expert said his whirlwind of stakeholder meetings brought him mountains of documentary submissions and barely a wink of sleep.

As result, Calí Tzay declined to say whether Canada's efforts to overcome the obstacles he outlined have been sufficient, citing the need to carefully analyze the submissions and render an opinion in his final report.

## **Findings 'not news' to First Nations: AFN head**

He met with a wide range of people, including federal ministers, senators, Indigenous leaders, human rights advocates, civil society groups and others.

However it was the head of the Assembly of First Nations who first urged the UN rapporteur to visit Canada at the 21st permanent forum on Indigenous issues in New York in April 2022.

In an interview Friday, National Chief RoseAnne Archibald agreed with Calí Tzay's recommendations but said the findings are "not news" for First Nations.

"We have been advocating for the many things that he's addressed in his report for a number of years," she said.

"It's really the government inaction that we need to deal with."

Archibald had requested a full-fledged independent probe into genocide committed at residential schools in 2022. She wants to see a nod toward that in Calí Tzay's final report.



AFN Chief RoseAnne Archibald spoke at the UN and asked the Canadian government and the international community to act to prevent violence on International Women's Day on March 8, 2023. (United Nations)

Calí Tzay declined to say whether he believes acts of genocide have been committed against Indigenous people in Canada, saying it falls outside of his mandate to report and advise on human rights.

However, he did note that Canadian parliamentarians have unanimously passed a resolution urging the government to designate what happened at residential schools as genocide. He also focused at length on residential schools.

"During my visit, I observed the legacy of colonialism and the history of abuse and discrimination have left survivors and their families with a deep mistrust of Canadian institutions," he said.

Crown-Indigenous Relations Minister Marc Miller said no one in government should be surprised at the UN expert's preliminary report.

"Those findings speak for themselves. I think it's important to look at them clear-eyed and not to sit around and try to deny them, qualify them or denigrate them," Miller said.

"We'll look at them and as a mature government, and as a country, respond to them with the importance that they're due."

## Leaders welcome findings, urge strong final report

Calí Tzay planned to examine an ambitious set of issues, including the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

UNDRIP is a human rights instrument that establishes minimum standards for the survival, dignity and well-being of Indigenous Peoples worldwide. Though legally non-binding, the Canadian and B.C. governments have passed legislation pledging to harmonize their laws with the declaration.



Minister of Crown-Indigenous Relations Marc Miller arrives to a cabinet meeting on Parliament Hill in Ottawa in December 2022. (Sean Kilpatrick/Canadian Press)

Calí Tzay pledged to closely monitor the implementation of these laws, with a particular focus on how Ottawa harmonizes the Indian Act with the declaration, something Miller said he and the rapporteur spoke about at length.

The rapporteur did commend the government for advancing self-determination and other initiatives, such as signing self-government agreements with Métis associations.

"We look forward to continued conversations and developing our relationship with the Rapporteur to ensure that a Métis voice is included in future reporting," said Métis National Council President Cassidy Caron in a statement.

Sarah Niman, assistant manager of legal services at the Native Women's Association of Canada, said she expects Calí Tzay's report to reflect Canada's failure to implement the MMIWG inquiry's calls for justice.

"When it comes to Indigenous women and gender-diverse folks, he specifically mentioned that there are significant shortcomings," she said in an interview.

"The work is certainly not done."

Progressive Sen. Brian Francis, who is Mi'kmaw from P.E.I. and met with Calí Tzay last week, also welcomed the expert's findings.

"While not shocking it is especially discouraging and troubling to hear Mr. Calí Tzay note that the overall situation of Indigenous Peoples in Canada has not improved significantly since the last official visit in 2013," Francis said in a statement.

 **Senator Brian Francis**   
@BrianFrancisPEI · [Follow](#) 

Great to meet with Francisco Cali Tzay, the United Nations Special Rapporteur on the rights of Indigenous Peoples, who is in Canada to conduct an official visit. We discussed key issues impacting the lives of First Nations, Inuit and Métis people. [@UN\\_SPExperts](#) [@UN](#)



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Independent Sen. Kim Pate also said it was disheartening to hear how little things had changed since Calí Tzay's predecessor James Anaya visited. Pate said she looks forward to a strong final report.

"I think he would be hard-pressed to send anything but a fairly challenging report, at the very least, back to Canada because the situation is pretty dire," she said.

The report is scheduled to be completed by September.