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UNDA Implementation Engagement Session

A Summary Report

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Native Women's
Association of Canada



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UNDA Implementation Engagement Session: A Summary Report

On September 20th, 2024, the United Nations Declaration Act (UNDA) implementation engagement session was held at the Native Women's Association of Canada's (NWAC) National Headquarters in Gatineau, Canada. The UNDA engagement session was one of the many workshops held during NWAC's annual general assembly. The guests included members and delegates from NWAC's Provincial and Territorial Member Associations (PTMAs). This report will present the summary of the UNDA Implementation project and the engagement session.

Project Summary

In the UN Declaration Act (UNDA) Implementation project, NWAC is supporting Justice Canada's efforts to align the laws of Canada with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) through engagement with community members and Indigenous experts. Through active participation and engagement activities, like the UNDA Implementation engagement session, NWAC seeks to support and contribute to efforts to implement UNDRIP in Canada. Through this process of working with Indigenous communities and conducting analysis, research, and engagement, NWAC will offer recommendations and advice to Justice Canada on UNDRIP implementation. In doing so, NWAC will work to develop and disseminate resources education and information on UNDRIP and its implementation in Canada. To ensure this is informed by community needs, engagements (ie. surveys, roundtables) will be hosted to obtain feedback on UNDRIP implementation, key priorities, and resource needs.



Background

This engagement session had 12 participants, representing four provinces (New Brunswick, Alberta, Quebec, and British Columbia) and three territories (Northwest Territories, Yukon, and Nunavut). The UNDA implementation engagement session was facilitated by UNDRIP expert Sara Mainville and was supported by expert panelist Brenda Gunn.

Sara Mainville

Sara Mainville is a subject-matter expert in Crown-Indigenous relations, UNDRIP, Treaty 3, and Anishinaabe Inakonigewin. Sara is a talented lawyer and an active member of the Ontario Bar (2005) and the BC Bar (2022), with specific matter approvals to practice in Nunavut and Quebec. In 2014, Sara was elected as Chief of Couchiching First Nation where she ensured the First Nation had a strong policy and social media presence. Sara uses their experience as a former Chief to help leadership work past difficult issues by leveraging Indigenous forms of dispute resolution that encourage discourse and grassroots solutions. Sara sees herself as a life-long learner willing seeking to better understand Indigenous knowledge systems across Canada.

Brenda Gunn

Brenda Gunn is a proud Métis woman and a law professor with the University of Manitoba where they combine academic research with activism. Brenda is recognized for pushing for greater recognition of Indigenous peoples' inherent rights as determined by their own legal traditions. Brenda leverages their expensive experience to participate in the international Indigenous peoples' movement. Recently, Brenda developed a handbook that is one the main resources in Canada on understanding the UN Declaration on the Rights of Indigenous Peoples. They have also provided technical assistance to the UN Expert Mechanism on the Rights of Indigenous Peoples.

Engagement Session Summary

To frame discussions, the facilitator began with a short presentation on UNDRIP and its implementation in Canada. In doing so, the speakers discussed the emphasizes of international human rights and the United Nations Declaration in changing Canadian law to better respect Indigenous rights. Sara highlighted the power of the UN Declaration in bringing socioeconomic cultural rights on the same level as political rights, as well as the power of Human Rights language in changing how states and countries see and respect Indigenous rights. They also discussed the areas to be cautious of regarding misconceptions with UNDRIP as a whole – presenting on the misinformation spread on social media about the UN Declaration and the need for caution and carefulness in the



approach to Indigenous self-determination. They concluded with focusing on the topic of gender-based issues and the need for a practical approach to implementation.

After presenting, the facilitator initiated conversation about UNDRIP with the engagement session participants using discussion questions provided by NWAC. The discussion involved topics such as accessing their prior knowledge of UNDRIP and its implementation in Canada. Through this conversation Sara and Brenda found a common need for simplified, accessible resources to be provided to the PTMAs and the wider public. These resources hope to fill the gaps that participants discussed feeling intimidated and not understanding UNDRIP documents. Another topic that was discussed was how NWAC can support in sharing information. This brought forward many recommendations as well as barriers to information being provided to Indigenous communities that NWAC will now focus on bridging.

A significant area of discussion was specific components of UNDRIP that require greater consultation with Indigenous women, girls, Two-Spirit, transgender, and gender-diverse (WG2STGD+) people. Many participants brought forward unique ideas depending on the region they were representing. Overall, this discussion brought forth a better understanding of what Indigenous communities across Canada require for NWAC specifically to work with Justice Canada on, regarding UNDRIP. The final point of discussion was any topics the participants and expert panelists felt NWAC needs to bring to discussion with Justice Canada on UNDRIP. This section was very in-depth and brought forth many points of focus for NWAC to do more analysis and research with the goal of furthering our engagement with Justice Canada on the implementation of UNDRIP and the UNDA Action Plan in Canada.

Summary of Findings

As mentioned above, many different topics were discussed during the UNDA Implementation engagement session that brought forth many suggestions, opinions and recommendations from the participants and UNDRIP specialists - the first being the disconnect with Indigenous communities and the access and understanding of UNDRIP. Through an open discussion, it was discovered that the majority of participants did not have much knowledge on UNDRIP prior to the session. This topic brought forth a lot of discussion of recommendations on how NWAC could assist with providing accessible resources and disseminating information. The participants discussed the importance on simplified information (UNDRIP and information shared with PTMAs from now on). They suggested that NWAC develop focus groups to continue discussions with the PTMAs after the workshop to ensure there is an open flow of information and communication with the PTMAs and Indigenous communities regarding the implementation of UNDA. There was also a desire for education and training to be done with PTMAs on what UNDRIP is in



more simplified terminology. This is to ensure the PTMAs are aware of the project and can confidently inform their communities about the UNDA project and how it affects them.

Another point of discussion was areas of UNDRIP that require greater consultation from Indigenous WG2STGD+ diverse people. All attendees shared the importance of having inclusive governance councils that represent all community members (Women, men, Elders, and LGBTQ+ individuals) and all Indigenous communities (First Nations, Métis, Inuit). The workshop brought forth the conclusion that topics like MMIWG2S+ and child welfare polices need to have greater consultation with WG2TSGD+ people. The participants felt due to systemic racism and oppression, Indigenous WG2STGD+ people's experiences needed to be prioritized in implementation to ensure honesty and to protect their community's rights. This area of discussion also brought forth the topic of Indigenous distrust with police, authorities and Justice Canada. For this reason, some areas of UNDRIP need to have further collaboration with Indigenous community members to foster trust and feelings of safety within Indigenous communities.

The final topic of discussion was the main points of UNDRIP that NWAC needed to focus on. Participants noted priorities related to:

- Housing (UNDA sections 88 and UNDRIP articles 21 and 23)
- Indigenous safety and security (UNDA sections 15 and UNDRIP article 7)
- Indigenous Peoples' right to protect their lands and the environment (UNDA sections 35, 40 and UNDRIP article 29)
- Indigenous Peoples' rights to have food security (UNDA sections 86)
- Indigenous gender-based violence (UNDA sections 9, 10, 22, 58, and UNDRIP article 7)
- Indigenous peoples' right to water, right to clean water and right to protect their water (UNDA section 49 and UNDRIP articles 25, 29 and 32).

Key Points

- Participants outlined several priorities for UNDA implementation and areas that require greater consultation with Indigenous WG2STGD+ people, including:
 - ↳ MMIWG2S+
 - ↳ Child welfare polices
 - ↳ Wellness checks (especially as there is a fear of police taking kids away and having police in the home)
 - ↳ Importance of having inclusive governance councils that represent all community members (women, men, Elders, and 2SLGBTQ+ individuals) and all Indigenous communities (First Nations, Métis and Inuit)
 - ↳ Issues with implementation due to systematic racism and oppression on polices



- Participants outlined keyways they would like to see Indigenous WG2STGD+ included in the UNDA implementation process, including:
 - ↳ Consultations with the communities and PTMAs
 - ↳ Making information more accessible and using subject matter experts to educate community members
 - ↳ Better communication and consolation with communities and, specifically regarding NWAC's work, with our PTMAs
 - ↳ Focus on Indigenous self-determination through highlighting the right to self-governance and decision making
 - ↳ With the understanding that Indigenous women in the communities speak on behalf of Mother Earth and hold knowledge that is critical in protecting the environment, resources, animals, land and water
- Participants outlined specific topics that they recommended NWAC to focus on or bring to discussions with Justice Canada on UNDRIP
 - ↳ Right to housing and security (with specific reference to housing quality issues, including mold)
 - ↳ Child welfare polices
 - ↳ Right to clean water and water rights
 - ↳ Ocean and fishery rights
 - ↳ Right to a clean environment
 - ↳ Right to traditional harvest of the land and resources
 - ↳ Right to protect land and resources (with specific reference to animals)
 - ↳ The ongoing suicide crisis occurring in Indigenous communities
 - ↳ Gender-based violence
 - ↳ Right to food security
 - ↳ Right for children to play



Recommendations and Next Steps

The workshop concluded with some main closing thoughts brought forward by the UNDRIP topic specialists and the PTMAs representation Indigenous voices across Canada. Overarching recommendations included:

- Indigenous perspectives, including those of Indigenous WG2STD+ people, must be represented in the implementation of UNDRIP and the UNDA Action Plan in Canada.
- Community members must be continued to be engaged to ensure the effective implementation of UNDRIP in Canada.
- Federal departments must internally analyze their own policies (and the role these policies can play in continuing systemic racism) to ensure alignment with UNDRIP.
- Significant work is required to increase education and awareness on Indigenous rights and UNDRIP implementation in Canada.

Through these recommendations, NWAC will conduct an additional community-level survey to determine what resources would be beneficial to increase education and awareness on UNDRIP and where there are large gaps in information that NWAC could help bridge. In addition to this, NWAC will continue engaging with experts and community members to advance and communicate priorities on UNDRIP implementation with partners at Justice Canada.



Appendix: Discussion Questions

The expert panelists led discussions based on the following engagement questions:

- What was your knowledge prior to this session on UNDRIP and its implementation in Canada?
- How could NWAC and/or the Government of Canada better share information on UNDRIP and its implementation in Canada with community members?
- Based on the presentation on UNDA and the areas it will impact Canadian law, do you have any priorities for its implementation? Are there any areas of UNDA which require greater consultation with Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people and/or gender-based analysis be included in the UNDA implementation process?
- How would you like to see Indigenous women, girls, Two-Spirit, transgender, and gender-diverse people and/or gender-based analysis be included in the UNDA implementation process?
- Are there any specific topics that you recommend NWAC focus on or bring to discussions with Justice Canada on UNDRIP?

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