



**innovationseven**  
INNOVATION FOR SEVEN GENERATIONS

~ UN Universal Periodic Review ~

*Report from Engagements with Indigenous-led  
Organizations*

**Submitted to:**  
Canadian Heritage

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## Introduction

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The department of Canadian Heritage is responsible for leading and coordinating Canada's response to the United Nations (UN) Fourth Universal Periodic Review (UPR4). As part of its response, the department supported the engagement of both civil society organizations and Indigenous-led organizations to seek feedback on how the government should prioritize among the 332 recommendations made to Canada to improve its human rights record. Canada appeared before the Universal Periodic Review Working Group of the Human Rights Council on November 10, 2023, for its UPR4.

The UPR was established when the Human Rights Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. This mandated the Council to "undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States."<sup>1</sup> The UPR is a mechanism that enables the Human Rights Council to examine whether countries are meeting their human rights obligations and commitments.

Innovation 7 (I7) was contracted to lead the engagements with Indigenous-led organizations and interested representatives. Innovation 7 undertook a series of engagement sessions that provided an opportunity to organizations to learn more about the UPR process and to contribute unique perspectives to the decision-making of federal, provincial, and territorial governments who will respond to the UPR4 recommendations. Innovation 7 worked closely with Canadian Heritage to organize engagement sessions as a post-UPR4 appearance follow-up, informing decision making in the development of Canada's response to recommendations arising from the UPR process. Innovation 7 conducted engagement sessions with Indigenous-led organizations as well as accepting written submission via online process.

The primary objective of the engagement sessions was to gather the input of representatives of Indigenous-led organizations on the UPR4 recommendations believed to be important for Canada to adopt. Additionally, the group engagement sessions were to promote understanding and awareness of Canada's international human rights treaty reporting and UPR processes.

This report summarizes the findings from the engagement with Indigenous-led organizations between November and December 2024. This report is followed by a presentation that Innovation 7 will make to the Senior Officials Committee Responsible for Human Rights (SOCHR) in January 2024.

## Methodology

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As a first step, I7 reviewed all documentation provided by PCH (current and past UPR reports and past action plans) and performed background research as needed. UPR4 recommendations were then placed into thematic areas for ease of providing feedback. I7 then proceeded to the stakeholder outreach engagement and finally the engagements, which were undertaken in three phases:

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<sup>1</sup> <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>

1. Targeted interviews with NIOs
2. Group engagement sessions
3. Written submissions.

## Targeted Interviews with NIOs

The first phase of engagement included targeted interviews with the NIOs. The following interviews were conducted:

- Native Women's Association of Canada (NWAC)
- Congress of Aboriginal Peoples (CAP)

Unfortunately, the Assembly of First Nations (AFN) were not available to participate in the engagement until after January 8, 2024. I7 did not hear back from Inuit Tapiriit Kanatami (ITK) or the Metis National Council (MNC) following many attempts to contact them. As indicated below, MNC indicated they preferred to use the permanent bilateral mechanism (PBM) to provide government with feedback on the UPR4 recommendations.

## Dialogue Sessions

I7 began the process of outreaching to various organizations via email invitations. Emails were sent out to approximately 260 individuals from 67 organizations. When individuals could not be reached, telephone calls were undertaken. Due to the short project timeline, several emails were sent and one round of follow-up phone calls was undertaken.

These sessions were designed to engage representatives from Indigenous organizations to seek their input, guidance and recommendations to inform Canada's response to the recommendations received in mid-November 2023, as part of the UPR4 process. The sessions facilitated by I7 were an opportunity for organizations to learn more about the UPR process and contribute their unique perspectives to the decision-making of federal, provincial, and territorial governments who will respond to the UPR4 recommendations.

The virtual sessions with Indigenous led organizations were 2.5 hours in length and were undertaken on the following dates:

- December 11, 2023
  - 15 participants registered and 9 participated in the event
- December 13, 2023

A third session was planned for December 14, 2023, however there was only one registrant for this session. As a result, this session was conducted as an interview. In total, 25 registrants and 17 participants from 15 Indigenous led organizations participated in the Discussion Circles (out of a total of 64 Indigenous organizations who were invited to participate)

## Written Submissions

Organizations were also invited to provide a written submission if they were unable to attend any of the engagement sessions. I7 offered three ways for organizations to provide written submissions:

- Using a link to submit organization's feedback on the UPR4 recommendations for Canada as they relate to Indigenous human rights:
- Using a written submission form provided by I7 or if the organization wanted to submit something that was already prepared, they could send it to an I7 representative.
- Directly to Canadian Heritage

I7 requested that online and/or written feedback be submitted by December 22, 2023. Written submissions were received from the following organizations:

- Native Women's Association of Canada (NWAC)
- Ontario Native Women's Association (ONWA)
- Congress of Aboriginal Peoples (CAP)
- Grand Council of the Crees/Cree Nation Government
- First Nations Health Authority (FNHA)
- Looking in Ontario

### Overview of Outreach

- Email communications were launched by PCH to introduce I7 and the UPR feedback process on November 10, 2023
- I7 emailed NIOs directly over five times from November to December 2023
- I7 emailed and follow up with Indigenous-led organizations
  - I7 followed up weekly to provide additional documents such as:
    - The UPR4 recommendations
    - Translated UPR4 recommendations
    - Helpful links and background information to help invitees better understand the UPR4 and government supported engagement process; provide access to past UPR4 reports and informational links.

**Note:** Copies of written submissions are available upon request.

## Limitations

### *Timing of the Engagement Process – Extremely Tight Timelines*

It was understood that the process was being driven by the UN Human Rights Council and I7 recognized that the timelines are exceptionally tight. The tight timelines were a topic of discussion at the beginning of the engagement sessions to ensure that participants understood the timelines were being driven by the UN, not the Government of Canada.

The timelines for this engagement process were as follows:

- Release of the UN UPR recommendations for Canada - mid-November 2023
- Outreach to engagement participants - the last two weeks of November; with further follow up in December 2023
- Engagements - undertaken in December 2023 (to allow participants time to prepare for these discussions)
- Summary report - to government by January 5, 2024
- I7 presentation of the summary report from these engagements to the Senior Officials Committee Responsible for Human Rights - January 15, 2024
- Federal government - responds to the UPR4 in February 2024

### **Complexity**

The engagement sessions were designed to engage representatives from Indigenous organizations to seek their input, guidance and recommendations to inform Canada's response to the UPR4 recommendations received on November 10, 2023. In order to aid the engagement process, I7 provided the following documentation to participants to assist in their understanding of the process:

- The recommendations as received from the UN (A\_HRC\_55\_12\_Canada\_E)
- Translated UPR 4 recommendations **Note:** these were not the official translation from the UN but were the translation undertaken by Canadian Heritage to support those who preferred to read the recommendations in French (attached)
- Links to videos on the 4<sup>th</sup> UPR Session
- Links to Canada's national report submitted in August 2023, and its annexes, including the concluding observations and recommendations stemming from Canada's Third Universal Periodic Review in 2018, and verbatim input provided by Indigenous organizations in the "What We Heard Annex".

To further aid the engagement process, I7 provided a categorization of the UPR4 recommendations into 'Key Areas/Themes' to assist with the analysis. Session participants indicated that this was very helpful.

Of the 332 recommendations – 82 were directly related to Indigenous Peoples and these were categorized by the following thematical areas. (Please note there was no direct reference made to Inuit or Métis peoples in the UPR4 recommendations – only Indigenous Peoples and five references to First Nations.)

- Jurisdictional, Legal (inherent rights) and/or Legislative Related Recommendations
- Indigenous Children and Families Related Recommendations
- Policing and the Justice System Related Recommendations (including incarceration)
- Gender-based Violence and Human Trafficking Related Recommendations (including those related to the MMIWG Call to Justice)
- Reduction of Poverty and Inequalities for Indigenous Peoples Related Recommendations (including those related to living in Northern and remote locations in Canada, water, health, housing, education, etc.)

Based on the engagement sessions and written submissions, the following three categories were added:

- Environment and Climate Change
- Health (although it was embedded under Poverty and Inequalities)
- Racism

### *Limited Reach with NIOs/RIOs*

As mentioned above, due to the short timelines, a number of NIOs were unable to participate in this engagement process. Unfortunately, the voice of the Inuit and Métis Peoples are limited in this engagement process.

- MNC representatives indicated, given the time constraints, they would use the PBM to provide input into the UPR4 engagement process. The PBM is viewed by the MNC as a good working model of reconciliation which has been an effective tool for the Métis Nation to solve policy problems in cooperation with the Government of Canada.
- ITK (no response).
- AFN (heard back but timelines too short and they were not able to provide feedback and direction until after January 8<sup>th</sup>, 2024).
- Chiefs of Ontario (COO) also indicated the timelines were too short to provide meaningful discussion through COO's governance structure.
- A number of organizations, while interested, indicated they did not have the capacity to participate during the holidays over the timelines indicated.

What follows is the summary of feedback on the priorities the Indigenous-led organizations made in relations to the UPR4 332 recommendations for Canada. An overview of all the UPR4 recommendations and the priorities identified through this engagement process is available upon request.

## Summary of Engagement Prioritization of UPR4 Recommendations and Context

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What follows is a summary of comments and discussions related to I7's engagement with representatives of Indigenous organizations on how they would prioritize the UPR4 human rights recommendations for Canada.

These discussions and comments are summarized as follows:

- General discussion and areas of agreement
- Discussion on the UPR4 engagement process as led by Canadian Heritage
- Summary of the recommendations that representatives of the Indigenous organizations identified as priorities for Canada to implement

### General Discussion and Areas of Agreement

- A majority of participants support the implementation of all recommendations with many indicating how very difficult it was to prioritize the recommendations as they see all the recommendations as important and of value
  - Part of the challenge is prioritizing some recommendations over others
  - Some noted the importance of aligning with key decisions and directives such as the Jordan's Principles
  - ONWA's position is that all recommendations should be accepted in full and prioritize those that address safety, healing, and leadership of Indigenous women
- All of those engaged, through this process, supported all the UPR4 recommendations related to Indigenous Peoples but also those that are more generally related to areas of racism, the environment and accountability. As noted by a representative of the government of the Cree Nation - the Special Rapporteur noted that the challenges faced by Indigenous Peoples in Canada are all interconnected. The written submission further identified General Recommendation No. 39 (CEDAW) on the rights of Indigenous women and girls, which calls upon a wholistic approach and the adoption of intersectional perspectives and consider the interdependence and interconnectedness of a multitude of factors in their adoption of laws, policies, national budgets and interventions related to Indigenous women and girls.
- A number of participants noted how very difficult it was to prioritize the recommendations as they see all the recommendations as important and of value
  - Part of the challenge is prioritizing some recommendations over others
  - Some noted the importance of aligning with key decisions and directives such as the Jordan's Principles
- Many of those engaged indicated disappointment with how general the UPR4 recommendations are and overall lack of accountability in Canada to implement the UPR4 recommendations leading to tangible results.



- There was general agreement among those consulted that if the governments of Canada would fully implement the *United Nations Declaration Act* that it would in time address all the human rights challenges faced by Indigenous Peoples in Canada.

## Feedback on Canadian Heritage's UPR4 Engagement Process

- Many of those invited to participate in the 17 engagement sessions were not aware of the UN UPR process until they were contacted. Many were not given the opportunity to submit input directly to the UN as a stakeholder in April 2023 and were not included in Canada's draft report consultations in May 2023. Some representatives of the national Indigenous organizations indicated that they were overlooked in the original engagements undertaken by the government of Canada in the spring/summer of 2023.
  - Generally, participants do not feel that they are given enough information on the UPR process. One participant noted a non-profit organization that supports education on the UPR <https://www.upr-info.org/en>
- Many of those engaged emphasized the need to improve engagement across all levels of government and society to improve human rights for everyone.
  - Direct and ongoing engagement by government with NIOs, RIOs and rights holders on the UPR and human rights of Indigenous peoples
  - More ongoing engagement by governments across three stages: pre (engagement and drafting), post (adoption phase) and monitoring (ongoing)
- CAP representatives expressed concern in respect to Canada's approach to human rights and the rights of the communities they represent. They noted that Canada's approach to those represented by CAP is one of exclusion and assimilation. Their direction to work with some Indigenous Peoples and organizations has left CAP communities outside of critical laws and processes such as UNDRIP.
- The need for governments (federal, provincial and territorial) to engage more directly with civil society – especially Indigenous led organizations – pre and post the UPR reporting process.
  - It was highly recommended that governments, at all levels, invest more in listening to larger civil society and Indigenous-led organizations.
- The importance of finding ways to bring an intersectional lens to the UPR reviews and reports in the future. Many of the recommendations related to gender-based violence pertain to women and are silent on youth, two-spirited and intersectional Peoples. It was very important to some of the participants that an intersectional lens be applied and that the recommendations be inclusive of 2SLGBTQQA+. (Discussion Circle #1)
  - NWAC hopes Canada will reflect a culturally-relevant gender-based analysis in its response to the UN HRC in February 2024.
- FNHA – indicated that the UPR process is opaque and engagement with stakeholders are inconsistent. FNHA recommends more measurable recommendations, greater engagement of a wide breadth health stakeholders, and more rigorous implementation of recommendations that specifically address the needs of First Nations, Métis, and Inuit peoples as distinct entities throughout the implementation process. It also found a lack of focus on health is apparent in the absence of recommendations relating to inequities in access and services for First Nations people

in areas such as culturally-appropriate long term care, mental health, maternal health, and traditional wellness.

- CAP provides counter arguments to a distinctions based approach
- ONWA recommends a Nation-to-Nation/Distinctions-Based PLUS framework, recognizing that the present Nation-to-Nation/Distinctions-Based structures are a colonial legacy that leaves out the voices of Indigenous women and fails to appropriately respond to their unique and distinctive need. ONWA sees this approach as exclusionary and contrary to UNDRIP.
  - Nation-to-nation and distinction-based approaches do not align with the current reality of where Indigenous women and Indigenous peoples live and access services, contributing to ongoing service gaps and unmet needs. For example, 82% of Indigenous peoples in Canada live “off-reserve” in rural and urban centres and access services from Indigenous organizations in these urban/rural settings.
- In the future, participants in one Discussion Group recommend the inclusion of Youth and Elders to obtain their reflections on this
- It was noted that Canada participates in every UPR and wants to be on the UN HR Council. A participant recommended that for every country, where there are Indigenous Peoples, that Canada raise Indigenous rights issues in the UPR recommendations for these countries
  - *Canada has a role to play in elevating Indigenous issues on the international stage*
- It was noted that the UPR and Rapporteur talk about renewing the relationship with Indigenous Peoples or organizations but they do not talk about Indigenous Peoples as Nations – it was felt by some that this has to change

*“We are not on an equal footing.”*

## Engagement Feedback UPR4 Recommendations by Key Areas

What follows is a summary of engagement feedback obtained through interviews and discussion circles with, and written submissions provided by, representatives of Indigenous organizations, Nations, and communities.

The prioritization of the UPR recommendations are presented by key discussion themes – first in a table format which includes the UPR4 recommendations for Canada and identification of which groups, organizations or Nations identified the recommendation as a priority. This is followed by general comments received that provide some context as to why these recommendations were prioritized.

**Note:** there is significant overlap and duplication across the recommendations. I7 would advise government representatives to cluster the recommendations by themes and link the recommendations that are similar. To the best of our ability, (given the time constraints) this has been undertaken below.

## Jurisdictional, Legal (inherent rights) and/or Legislative Related Recommendations

### United Nations Declaration on the Rights of Indigenous Peoples (UNDA)

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority   |
|--------------|--|---|
| 6.290        | Fully align federal, provincial and territorial legislation with the United Nations Declaration on the Rights of Indigenous Peoples (Dominican Republic);  | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP<br>ONWA                       |
| 6.291        | Bring federal, provincial and territorial legislation fully into line with the United Nations Declaration on the Rights of Indigenous Peoples (Croatia);   | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP<br>Looking in Ontario<br>ONWA |
| 6.294        | Include the right to free, prior, and informed consent for all Indigenous Peoples in the forthcoming National Action Plan in order to align legislation with the United Nations Declaration on the Rights of Indigenous Peoples (Denmark); | Discussion Circle #1<br>NWAC<br>FNHA<br>FNHA<br>Grand Council of the Crees<br>CAP<br>ONWA                                       |
| 6.295        | Adopt adequate measures to guarantee Indigenous Peoples' right to consultation and free, prior and informed consent, and their rights to lands, territories and resources (Namibia);   | Discussion Circle #1<br>NWAC<br>Grand Council of the Crees  |

#### General Comments:

- It was largely felt that if the government fully implements the UNDA that this would be foundational and key to equality and reconciliation with Indigenous Peoples. These participants noted that the full implementation of UNDA would lead to the removal of systemic racism and discrimination.
- CAP, NWAC and the government of the Cree Nation has recommended an independent commission or tribunal be created to oversee the implementation of UNDA and to provide Indigenous Persons and groups with access recourse and remedies for the breach of their UNDRIP rights by the federal government.

- Discussion Circle #2 agreed that UNDRIP is foundational and must be respected – however, these should be seen as minimal standards – it is not what some participants would put forward. They expect government to go beyond these minimum standards.
- Inter-governmental jurisdiction was identified as a challenge
- NWAC recommends that
 

*“moving forward from the 4th UPR, Canada's Action Plan to Implement the UNDRIP Act must include measures that facilitate and ensure Indigenous people's unrestricted access to their rights. The UNDRIP Act binds Canada to consult and cooperate with Indigenous people throughout the whole implementation process. This mandate aligns with the UNDRIP principles of advancing Indigenous people's inherent right to self-determination, self-governance and to “freely determine their political status and freely pursue their economic, social and cultural development.”*
- ONWA recommends accepting and fully implementing overarching UNDRIP recommendations which would demonstrate a commitment across federal, provincial, and territorial governments to enact UNDRIP into law and to accountability and action.
- Grand Council of the Crees and Cree Nation Government support UNDA and the UNDA Action Plan but have serious concerns that much of the consultation and cooperation with Indigenous Peoples on the development of Canada's UN Declaration Action Plan appears to be shifting increasingly towards and channeled through specific large national organizations which are not viewed as representative of the unique circumstances, needs, interests and aspirations of all Indigenous Peoples. In fact, certain Indigenous Peoples may not necessarily identify with large national organizations.
- FNHA is supportive of advancing a self-determined Aboriginal and Treaty right to health care, which sets the necessary foundation to improve health service delivery. It prioritizes recommendations that advance legislative and structural solutions to combat anti-Indigenous racism (76, 84, 288, 289, 302), protect and promote the rights of Indigenous Peoples (31, 282, 283, 287, 298), align federal/provincial/territorial legislation with the United Nations Declaration on the Rights of Indigenous Peoples (290, 291, 294)
- Looking in Ontario – support the appointment of an independent Federal Commissioner of Children's Rights to oversee the provinces to ensure they fully implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- NWAC – Canada must respect and adhere to the international legal treaties and obligations by which they are bound. This includes human rights within the CEDAW, the ICCPR, the ICESCR, the UNGA resolution on environmental rights, and other UN-based human rights frameworks.

## Free, Prior and Informed Consent

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority                            |
|--------------|--|--|
| 6.296        | Continue its consultation efforts to secure the Indigenous Peoples' right to free, prior and informed consent when proceeding with megaprojects in Indigenous territories (Republic of Korea); | Discussion Circle #1<br>NWAC<br>Grand Council of the Crees<br>ONWA |
| 6.297        | Ensure Indigenous Peoples' rights especially their free, prior and informed consent, and fully implement the Truth and Reconciliation Commission's Calls to                                    | Discussion Circle #1<br>Discussion Circle #2                       |

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority                          |
|--------------|--|--|
|              | Action and investigate all historical and present cases of violations, take historical responsibilities and provide due remedy and compensation (China); | NWAC<br>Grand Council of the Crees<br>Looking in Ontario<br>ONWA |

**Note: #294-297** – all of which relate to free, prior and informed consent.

#### General Comments:

- The importance of free, prior and informed consent was discussed along with the implementation of the Calls to Action
- In relation to #297 – one Discussion Group participant recommended that the federal government provide a public apology, support a public inquiry and provide due remedy in relation to the 60s Scoop children and encouraged the correction of birth records. Although adoptees/parents can apply for original birth registrations, some documents have been destroyed and others are missing.

## Accountability

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority                     |
|--------------|--|---|
| 6.46         | Make official information about the implementation of UPR recommendations, accessible to the public and communicate such information to the Parliament (State of Palestine); | Discussion Circle #1<br>Discussion Circle #2<br>CAP<br>ONWA |
| 6.69         | Establish a National Mechanism for Implementation, Reporting and Follow-up and consider the possibility of receiving cooperation (Paraguay);                                 | Discussion Circle #1<br>Discussion Circle #2<br>CAP<br>ONWA |

**Note:** closely linked to #6.68

**Note:** similar to the UPR3 recommendation for Canada 142.34

#### General Comments:

- There was strong support for Canada to accept and implement recommendations #46 and #69 related to a domestic mechanism to oversee the implementation of the UPR recommendations and accountability.
  - ONWA indicated that these recommendations are foundational to the implementation of recommendations related to Indigenous Peoples
- All of those consulted agreed that there was a need for a domestic implementation mechanism for UPR. It was noted that this process would be stronger if this were in place – build on what has been done and accountability to implement recommendations. *Walk the talk*

- There was agreement about the lack of a mechanism to fully implement the past UPR recommendations and a lack of accountability for the implementation
- Both discussion circles noted that Canada needs to establish reporting and accountability mechanisms for UPR as well as MMIWG and TRC, RCAP.
  - It was noted that the lack of accountability dates back to the Royal Commission on Aboriginal people (RCAP)
  - Discussion Circle #1 noted that there is a lot of repetition/duplication among the recommendation and that many have also come up in the past UPR reports
  - Discussion Circle #2 participants noted the similarities between UPR3 and UPR4 recommendations and questioned the legitimacy of the UPR process – given the lack of accountability and what has Canada actually implemented?
- There is a need to determine what does accountability look like. A participant in one Discussion Circle indicated that it needs to be multi-generational
- The Cree Nation Québec, put forward a recommendation for a Tribunal to serve as an oversight mechanism. There were further recommendations that this body include Indigenous representation to speak to Indigenous rights, supported by Indigenous staff
  - *Need to hear Indigenous voices and be accountable and this requires a seat at the table*
- CAP’s written submission emphasized the importance of oversight and accountability as essential to the implementation of recommendations brought forward by Indigenous Partners and member states. CAP further notes that
 

*“without accountability and an oversight mechanism these recommendations and the UPR process is futile. Canada has an obligation to lawfully participate in this process and to participate utilizing a sincere approach. This cannot happen without adequate monitoring and options to keep Canada accountable.”*

## Torture

| UPR4 Rec’n # | Recommendations  | Recommendation Identified as a Priority      |
|--------------|--|--|
| 6.13         | Sign and ratify Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in line with its 2016 announcement to begin this process (United Kingdom of Great Britain and Northern Ireland); | Discussion Circle #1<br>Discussion Circle #2 |
| 6.14         | Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Burkina Faso);  | Discussion Circle #1<br>Discussion Circle #2 |

**Note: Recommendations 10-23** – those specifically related to torture and signing the UN protocol

### General Comments:

The two Discussion Circles discussed the issue of torture and the fact that Canada has not signed this UN Optional Protocol

## Indigenous Children and Families Related Recommendations

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority  |
|--------------|--|--|
| 6.195        | Ensure equal access to quality education and culturally appropriate education for all children with respected their language and heritage (Democratic People's Republic of Korea);   | Discussion Circle #2<br>CAP<br>Grand Council of the Crees                                  |
| 6.266        | Ensure that Indigenous children in the child welfare system preserve their identity and strengthen preventive measures aimed at avoiding the removal of children from their family environment by providing appropriate assistance and support to parents and caregivers (Greece); | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>FNHA<br>Looking in Ontario<br>ONWA |
| 6.267        | Continue working towards ensuring non-discriminatory First Nations child and family services as well as other public services such as education, health, culture and language (Slovenia);  | Discussion Circle #2<br>FNHA<br>Grand Council of the Crees<br>ONWA                         |
| 6.268        | Put an end to structural discrimination against children belonging to Indigenous groups and children of African descent and address disparities in access to services by children (Azerbaijan);  | NWAC<br>FNHA   |

### General Comments:

- As noted by the Cree Nation - Indigenous women and children continue to bear the brunt of the legacy of the colonial policies and the intergenerational trauma and impacts associated with these policies in the form of poverty, addictions, conjugal violence, substandard health care and education, and lack of housing and essential services.
- Need to preserve Indigenous identity and culture in the system (e.g., foster care) and appropriate supports to families and caregivers
  - The importance of advocating for the rights of children
- Important nuancing – the First Nations Child and Family Caring Society has found that the lack of access to basic services drives the over representation on Indigenous Peoples in the system
- There is a need to focus on prevention, as well as access to education and health care
  - Poverty reduction strategies need to be put in place
  - Funding the needs of children in their communities
- NWAC's position - The humanitarian crisis in Indigenous CFS is Canada's responsibility to solve. After all, "children don't put themselves in care," and centuries of colonial harms sit at the root of the crisis. The Canadian public has a role to play in creating the political will to push for urgent action.
- Looking in Ontario – recommend an independent Federal Commissioner of Children's Rights to oversee the provinces to ensure the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Looking in Ontario – who noted, in relation to the 60s Scoop Indigenous peoples and lost identity, that the Federal Government must take action in this unacceptable situation where birth records are not

made available and next of kin of deceased adoptees/parents who are denied birth information (for example – siblings) in some parts of Canada. Father's names were illegally wiped off the original birth registrations of 60's Scoop adoptees. This has caused a loss of identity and rights as it led to the removal of information leading many 60's Scoop adoptees to lose their Indigenous status. It also removed half of their ancestry and has made family reunions more difficult if the mother is deceased. This contributes to a further loss of family. It is recommended that the laws must change to allow corrections on the original birth registrations of Indigenous adoptees

## Policing and the Justice System Related Recommendations (including incarceration)

| UPR4 Rec'n # | Recommendations   | Recommendation Identified as a Priority  |
|--------------|---|--|
| 6.92         | Take further steps to combat discrimination against Indigenous Peoples and minority Discussion Circles (Türkiye);   | NWAC<br>CAP<br>Grand Council of the Crees  |
| 6.118        | Put an end to racial profiling and excessive surveillance by police and security agencies against Indigenous, Black and other racialized communities (Venezuela (Bolivarian Republic of));  | NWAC<br>FNHA<br>Grand Council of the Crees   |
| 6.124        | Put an end to serious prison overcrowding, solitary confinement, mistreatment and the terrible living conditions of detainees, most of whom are indigenous (Venezuela (Bolivarian Republic of));                                    | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees                                 |
| 6.129        | Tackle systemic issues of racial profiling, discrimination against indigenous persons and address overrepresentation of Indigenous Peoples in the prison system, especially women (Pakistan);                                       | NWAC<br>FNHA<br>Grand Council of the Crees<br>ONWA   |
| 6.130        | Strengthen its efforts to address the over representation of persons of African descent, Indigenous Peoples, and minority groups in the prison and welfare systems (Trinidad and Tobago);   | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees                                 |
| 6.131        | Invest in community-based, Indigenous-led policies to disrupt the Indigenous incarceration pipeline and adequately finance Indigenous-operated correctional facilities (Ireland);   | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>ONWA |
| 6.133        | Ensure that solitary confinement is in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and redouble efforts to address the overrepresentation of persons belonging to | NWAC<br>FNHA   |



| UPR4 Rec'n # | Recommendations   | Recommendation Identified as a Priority                    |
|--------------|---|--|
|              | Indigenous Peoples and other minority groups in prisons, as well as its underlying causes (Costa Rica);   |  |
| 6.300        | End ongoing militarization of Indigenous lands and the criminalization of Indigenous defenders to protect their original settlement (Democratic People's Republic of Korea);                      | Discussion Circle #1<br>NWAC<br>Grand Council of the Crees |
| 6.301        | End the ongoing militarization of Indigenous lands and the criminalization of Indigenous human rights defenders in the Trans Mountain and Coastal GasLink pipelines (Iran (Islamic Republic of)); | Discussion Circle #1<br>NWAC<br>Grand Council of the Crees |

### General Comments:

- The importance of investing in community led Indigenous policing models
- Cree Nation - Canada must continue to expand the Aboriginal Justice Strategy and strengthen Indigenous legal systems, restorative justice programmes and healing lodges and culturally appropriate victim and offender treatment programmes designed and delivered by Indigenous Peoples
- NWAC.
  - the criminal justice system continues to systemically discriminate against Indigenous Peoples. Although the federal government has committed to ending the overrepresentation of Indigenous people, Indigenous women still make up 50% of the female federal prison population
  - Indigenous communities need the opportunity to create their own networks of justice systems based off self-determination, community legal traditions, and each community's own needs
  - Canada must acknowledge and uphold Indigenous Peoples' right to practice and revitalize their own traditional legal systems, traditions, and customs in the administration of justice.
  - Criminal sentencing reforms include a more holistic and culturally relevant healing regime that would allow Indigenous offenders to heal from trauma, be reconnected with their Indigenous cultures and take accountability for their actions
- Put an end to serious prison overcrowding, solitary confinement, mistreatment and the terrible living conditions of detainees, most of whom are Indigenous.
- Part of the problem is that the Canadian governments implement and enforce criminal laws not Indigenous laws
- Criminalization of land defenders has to stop (Discussion Circle #1)

## Gender-based Violence and Human Trafficking Related Recommendations (including those related to the MMIWG Call to Justice)

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority  |
|--------------|--|--|
| 6.155        | Collect and publish the comprehensive data on human trafficking and its victims with a special attention to the Indigenous women (Iran (Islamic Republic of));   | Discussion Circle #1<br>NWAC<br>FNHA<br>CAP<br>ONWA  |
| 6.156        | Allocate the necessary human, technical and financial resources to effectively implement its policies and procedures, to combat trafficking in persons, including its procedures on comprehensive and systemic data collection, with a focus on trafficking of Indigenous women and children (Fiji); | Discussion Circle #1<br>NWAC<br>FNHA<br>CAP<br>ONWA  |
| 6.157        | Continue efforts to combat human trafficking, especially for Indigenous women and girls (Tunisia);   | Discussion Circle #1<br>NWAC<br>Grand Council of the Crees<br>FNHA                         |
| 6.241        | Ensure effective and comprehensive implementation of the National Action Plan to End Gender-Based Violence and to enact necessary accountability mechanisms for sexual- and gender-based violence, including for missing and murdered Indigenous women and girls (Denmark);                          | Discussion Circle #1<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP<br>ONWA          |
| 6.242        | Ensure effective and comprehensive implementation of the National Action Plan to End Gender-Based Violence, taking into account especially Indigenous women and girls, and enact necessary accountability mechanisms for gender-based violence (Finland);  | Discussion Circle #1<br>NWAC<br>FNHA<br>Grand Council of the Crees                         |
| 6.245        | Ensure effective and comprehensive implementation of the National Action Plan to End Gender-Based Violence, with a special focus on the situation of Indigenous women and girls (Sweden);  | Discussion Circle #1<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>ONWA                 |
| 6.246        | Enhance measures to combat sexual and gender-based violence, in particular, thorough investigation of cases against Indigenous women and girls (South Africa);   | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees |
| 6.247        | Ensure that all cases of gender-based violence, in particular against Indigenous women and girls, are thoroughly investigated (Luxembourg);  | NWAC<br>FNHA<br>Grand Council of the Crees   |
| 6.249        | Report publicly on continued violence against Indigenous women and girls, including killing and missing cases (Syrian Arab Republic);  | NWAC<br>FNHA<br>Grand Council of the Crees   |

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority  |
|--------------|--|--|
| 6.250        | Adopt measures for prevention, investigation, punishment and reparation in cases of gender violence with special emphasis on cases of missing or murdered Indigenous women and girls (Honduras);   | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees |
| 6.251        | Ensure that all allegations of forced or coerced sterilization of Indigenous women and girls are investigated impartially and independently, in order to ensure effective accountability and adequate reparation for the victims (Peru);   | Discussion Circle #1<br>NWAC<br>FNHA<br>ONWA   |
| 6.252        | Continue efforts to adopt the necessary measures to penalize the forced or coerced sterilization of Indigenous women and girls in all their diversity (Argentina);   | Discussion Circle #1<br>NWAC<br>FNHA   |
| 6.255        | Investigate all cases of gender-based violence, in particular against Indigenous women and girls; hold perpetrators to account and ensure redress (Iceland);   | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>Grand Council of the Crees         |
| 6.306        | Follow up on the visit of the Special Rapporteur on the rights of Indigenous Peoples to measure progress on cases of missing and murdered Indigenous women and girls. This includes the appointment of an interlocutor to report to the Assembly of First Nations on the status of the ongoing inquiry into these cases and the implementation of the UN Declaration on the Rights of Indigenous Peoples (United States of America); | NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP  |
| 6.309        | Strengthen measures to investigate the killings and disappearances of Indigenous children in residential schools across the country and provide justice to the families of victims and survivors (Bolivia (Plurinational State of));   | Discussion Circle #1<br>NWAC<br>Grand Council of the Crees                                 |

**Note: #146-157** are linked– *Continue efforts to combat human trafficking, especially for Indigenous women and girls (157).*

#### General Comments:

- The protection, safety and wellness of Indigenous women and children are seen as a priority. The highest composition of those that are missing
- The FNHA would prioritize recommendations relating to Missing and Murdered Indigenous women and girls (241, 249, 250, 304, 306)
- NWAC
  - Canada must act right away to end systemic violence against Indigenous women by answering the 231 MMIWG Calls to Justice with deadlines and accountability procedures to ensure measurable progress. This requires addressing socio-economic needs of victims such as funding for victims, safe shelter and housing, and access to counselling and legal services
  - Government of Canada must accurately reflect the unique needs of Indigenous Women, Girls, Two-Spirit, Transgender, and Gender-Diverse+ (WG2STGD+) people and that the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) Action Plan provide a culturally relevant and gender-based lens to supports the Calls for Justice and Calls to Action
- Forced sterilization are linked to racism health
- Preventing and combatting human traffic was identified as very important in Discussion Circle #1

- Recommendation #306 supports CAP's position to eliminate the discriminatory political application of the distinctions-based policy being used by Canada (as does #70, #88, #92, and #292)

## Reduction of Poverty and Inequalities for Indigenous Peoples Related Recommendations

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority                                    |
|--------------|--|--|
| 6.160        | Continue efforts to combat poverty and ensure an adequate standard of living, especially for Indigenous Peoples (Tunisia);   | NWAC<br>FNHA<br>Grand Council of the Crees                                 |
| 6.161        | Ensure that adequate measures are put in place to reduce poverty and inequalities facing people with disabilities and Indigenous Peoples (Estonia);  | Discussion Circle #2<br>NWAC<br>FNHA<br>CAP                                |
| 6.164        | Develop a national strategy to protect Indigenous and communities in the north of the country whose food security is threatened because of climate change (Cuba);  | NWAC<br>FNHA<br>Grand Council of the Crees                                 |
| 6.167        | Adopt measures to provide social support to people in need of housing (Belarus);   | Discussion Circle #1<br>Discussion Circle #2<br>Grand Council of the Crees |
| 6.171        | Implement fully the National Housing Strategy Act to eradicate housing insecurity faced by minority Discussion Circles, particularly indigenous women, LGBTQIA+ persons and children (Brazil);                             | Discussion Circle #1<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>ONWA |
| 6.174        | Implement fully commitments under the National Housing Strategy Act and ensure that those most in need, particularly vulnerable Discussion Circles and Indigenous Peoples, have adequate and affordable housing (Austria); | Discussion Circle #1<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP  |
| 6.177        | Adopt measures to guarantee the human rights to safe drinking water and sanitation in the entire territory, especially for Indigenous communities (Spain);   | NWAC<br>FNHA<br>Grand Council of the Crees                                 |
| 6.181        | Adopt a concrete strategy to strengthen access to quality health services and adequate housing, primarily for Indigenous Peoples, Afro-descendants, migrants and refugees (Mexico);  | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees         |
| 6.182        | Intensify its efforts to improve access to health and welfare services for its Indigenous People, particularly women and girls (Norway);   | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees         |
| 6.183        | Improve efforts to ensure the right to health for all by eliminating disparities and difficulties in accessing mental health care for Indigenous Peoples and minorities (Djibouti);  | Discussion Circle #2<br>NWAC<br>FNHA                                       |

| UPR4 Rec'n # | Recommendations   | Recommendation Identified as a Priority                            |
|--------------|---|--|
|              |   | Grand Council of the Crees   |
| 6.184        | Continue efforts to ensure Indigenous Peoples' access to health services, including sexual and reproductive health services (Finland);  | NWAC<br>FNHA<br>Grand Council of the Crees<br>ONWA                 |
| 6.191        | Intensify efforts to ensure Indigenous People's access to basic social and health services, including sexual and reproductive health services (Sweden);   | NWAC<br>FNHA<br>Grand Council of the Crees                         |
| 6.195        | Ensure equal access to quality education and culturally appropriate education for all children with respected their language and heritage (Democratic People's Republic of Korea);  | Discussion Circle #2<br>CAP<br>Grand Council of the Crees          |
| 6.202        | Enhance measures to ensure inclusive education especially for Indigenous Peoples (Ukraine);   | Discussion Circle #2<br>NWAC<br>Grand Council of the Crees         |
| 6.203        | Continue its efforts to improve inclusive education, especially for Indigenous Peoples (Albania);   | Discussion Circle #2<br>NWAC<br>Grand Council of the Crees         |
| 6.282        | Strengthen the protection of Indigenous Peoples (Cameroon);   | NWAC<br>FNHA<br>CAP<br>Grand Council of the Crees                  |
| 6.283        | Further enhance efforts to protect and promote the rights of Indigenous Peoples, ensuring in particular healthy lives and access to water and sanitation for all (Italy);   | NWAC<br>FNHA<br>ONWA<br>Grand Council of the Crees                 |
| 6.284        | Intensify its efforts to improve Indigenous Peoples' standard of living and health situation as well as prevent cases of enforced disappearances of women in the country (Poland);  | NWAC<br>FNHA<br>ONWA   |
| 6.285        | Strengthen current economic, social and cultural initiatives for Indigenous Peoples, in particular women and girls (Cabo Verde);  | NWAC<br>FNHA<br>CAP<br>Grand Council of the Crees                  |
| 6.286        | Adopt measures to improve the socio-economic conditions of Indigenous Peoples, with a special focus on women and girls (Bolivia (Plurinational State of));  | NWAC<br>FNHA<br>CAP<br>Grand Council of the Crees                  |
| 6.298        | Further strengthen its policies to fully realize economic, social and cultural rights of Indigenous Peoples and ensure the full participation of these communities in decision-making processes that affect them, including by withdrawing its consent to the planning and implementation of economic projects such as oil and gas pipelines (Vanuatu); | NWAC<br>FNHA<br>Grand Council of the Crees                         |
| 6.303        | Continue its actions with a view to completing the implementation of all of the Calls to Action of the Truth and Reconciliation Commission (France);  | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees |
| 6.304        | Implement all recommendations of the Truth and Reconciliation Commission, as well as the National Inquiry into Missing and Murdered Indigenous Women and Girls (Germany);   | Discussion Circle #2<br>NWAC<br>FNHA                               |

| UPR4 Rec'n # | Recommendations   | Recommendation Identified as a Priority                    |
|--------------|---|--|
|              |   | Grand Council of the Crees<br>ONWA                         |
| 6.305        | Continue efforts to address deep-set inequalities facing Indigenous Peoples including implementing the recommendations made by the UN Special Rapporteur on the rights of Indigenous Peoples and implementing the 94 Calls to Action issued by the Truth and Reconciliation Commission (New Zealand); | Discussion Circle #2<br>NWAC<br>FNHA<br>Looking in Ontario |

**Note: above are strongly linked to #166-#174 (as noted by Discussion Circle #1) – recommendations that have to do with access to adequate housing for Indigenous Peoples**

### General Comments:

- Prioritize the recommendations that are focused on reducing poverty and inequality for Indigenous children and equal access to health care
- Housing should be on its own – very important. It is a human right on its own. Lack of access to housing and specifically traditional housing
- A participant in one Discussion Circle recommended the federal government move forward with a Universal income. It was noted that while supports were evident during Covid since then the notion of a universal income for Canada has been pushed out of discussions
- The importance of food security
- The need to address disparities in access to services for Indigenous Peoples
- Need to ensure children, youth and their families have access to healthcare
- ONWA has been raising concerns about the slow implementation of these Calls, and in particular, the National Inquiry into MMIWG's Calls for Justice, and the need for progress and transparency across all levels of government
- The FNHA is prioritizing recommendations that highlight the need for safe and adequate housing, food security, clean drinking water, and socio-economic improvements for Indigenous Peoples (Recommendations 160, 161, 164, 171, 174, 176, 177, 178, 284, 285, 286). FNHA recommends addressing the root causes of trauma while also addressing the other social determinants, such as housing, food security and poverty.
- Colonial legacy of systemic discrimination – frontline service groups continue to make these a problem (policing and the reporting of a concern on missing persons, shelters and health care – Indigenous people are treated differently) – issues are not taken seriously and this creates vulnerabilities. Discrimination is everywhere and this is perpetuated with the most vulnerable populations
- NWAC - issues of racism underlie poverty for Indigenous Peoples. Need for the decolonization of structures, policies, programs and processes and in relation to access to services
- Cree Nation – need to stop the continued displacement of Indigenous Peoples and dispossession of their lands and resources caused by the legacies of colonization and racial discrimination.

## Environment and Climate Change

| UPR4 Rec'n # | Recommendations   | Recommendation Identified as a Priority  |
|--------------|---|--|
| 6.207        | Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks, with the full, effective and meaningful participation of persons in marginalized groups and in vulnerable situations, including women, children, persons with disabilities and Indigenous Peoples (Fiji); | Discussion Circle #1<br>Discussion Circle #2<br>NWAC<br>Grand Council of the Crees – emphasis on crisis<br>CAP<br>ONWA |
| 6.208        | Intensify efforts for the establishment of a comprehensive and binding human rights and environmental due diligence law in line with international human rights standards (Zambia);   | Discussion Circle #1   |
| 6.209        | Continue strengthening national programs and international cooperation to tackle negative impacts of climate change on the enjoyment of human rights, particularly the rights of people in vulnerable situations (Viet Nam);  | Discussion Circle #1   |
| 6.216        | Implement its climate commitment, including reducing its carbon emissions, taking into account, the adverse effects of climate change on the enjoyment of human rights (Timor-Leste);   | Discussion Circle #2   |

### General Comments:

- Participants noted support for the number of recommendations related to the environment and climate change
  - Discussion Circle #2 participants discussed the impact of climate change -specifically wildfires
  - Discussion Circle #1 participants discussed the impact of environmental abuses by resource companies such as mining companies on Indigenous Peoples' land
- The majority of discussions and written submissions recommended strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges
- Collectively the recommendations related to the environment are important
- Lack of focus on emergency response in relation to climate change
- It was noted that the UPR process did not generate sufficient recommendations to address the severely disproportionate impact of climate and environmental disasters on First Nations Peoples
- Discussion Circle # 1 participants noted the need for legislative frameworks that address cross sectoral environmental challenges – which include climate change disaster reduction frameworks

## Racism

| UPR4 Rec'n # | Recommendations  | Recommendation Identified as a Priority   |
|--------------|--|---|
| 6.70         | Take further effective measures in promoting social inclusion, preventing racism and all forms of discrimination (Viet Nam);   | Discussion Circle #1<br>Discussion Circle #2<br>CAP                               |
| 6.76         | Continue to strengthen the legislative and institutional foundations to combat discrimination against Indigenous Peoples, migrants, refugees, people of African descent and minorities, and to combat Islamophobia (Egypt);  | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP         |
| 6.80         | Further scale up its efforts towards combating racism and discrimination in Canada in all its forms (Nigeria);   | Discussion Circle #1  |
| 6.84         | Take further national steps to address structural racism in health services and prisons by including these issues in a National Anti-Racism Strategy and ensure that the strategy is evaluated and renewed for the next reporting cycle (Sierra Leone);  | Discussion Circle #1<br>FNHA<br>Grand Council of the Crees                        |
| 6.89         | Intensify efforts to address structural discrimination against children of Indigenous groups and African descent (Ghana);  | NWAC<br>FNHA<br>CAP   |
| 6.92         | Take further steps to combat discrimination against Indigenous Peoples and minority groups (Türkiye);  | NWAC<br>CAP<br>Grand Council of the Crees   |
| 6.115        | Enhance efforts to address crimes involving violence or threats of violence targeting members of Black, Indigenous, Asian, Jewish, Hindu, Sikh, and Muslim minority groups through independent investigations at the provincial and federal level with a particular focus on preventing arbitrary or unlawful killings by police (United States of America); | NWAC<br>FNHA  |
| 6.118        | Put an end to racial profiling and excessive surveillance by police and security agencies against Indigenous, Black and other racialized communities (Venezuela (Bolivarian Republic of));   | NWAC<br>FNHA<br>ONWA  |
| 6.285        | Strengthen current economic, social and cultural initiatives for Indigenous Peoples, in particular women and girls (Cabo Verde);   | NWAC<br>FNHA<br>CAP   |
| 6.288        | Develop programmes and plans to combat structural discrimination against Indigenous Peoples, with a special focus on children (Bolivia (Plurinational State of));  | Discussion Circle #2<br>NWAC<br>FNHA<br>Grand Council of the Crees<br>CAP<br>ONWA |
| 6.289        | Strengthen efforts to eliminate all forms of discrimination against Indigenous Peoples and preserve their local cultures (Iraq);   | FNHA<br>Grand Council of the Crees<br>CAP   |

**Note:** Linkages to recommendations #78-81; 84-86, 91 – take steps to combat and remove racism and discrimination



- Need to focus on those recommendations that seek to combat racism and discrimination – as these are seen as foundational change and access to services and supports
- Racism underlies it all – systemic racism underscores all aspects of access to social services and economic opportunities
- Housing should be on its own – very important. It is a human right on its own. Lack of access to housing and specifically traditional housing was seen as a form of racism
- remove systemic and structural discrimination and racism

The tracking of identified priority recommendations, discussion circle summary notes, and summary of Canada's UPR4 recommendations related to Indigenous Peoples and First Nations in Canada are available upon request.