

BRIEF

Racism and discrimination
against First Nations

Summary portrait
and recommendations

Submitted to the

Secrétariat aux affaires autochtones

by the

**First Nations of Quebec and Labrador
Health and Social Services
Commission (FNQLHSSC)**



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Addressed to the:

Secrétariat aux affaires autochtones

Through the consultation process aiming to develop a government action plan to combat racism and discrimination against Aboriginal Peoples

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Presentation of the organisation

The First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) is a non-profit organisation that is responsible for supporting the efforts of the First Nations of Quebec in order to, among other things, plan and deliver culturally-appropriate and preventive health and social services programs.

Mission

The FNQLHSSC's mission is to promote and ensure the physical, mental, emotional and spiritual well-being of First Nations and Inuit individuals, families and communities. The FNQLHSSC also aims to foster access to comprehensive health and social services programs that are adapted to the First Nations and designed by organizations that are recognised and sanctioned by the local authorities.

Role

The FNQLHSSC's role is to act as a technical advisor and consultant among the First Nations communities and the Assembly of First Nations of Quebec and Labrador in the areas of health and social services. The FNQLHSSC fosters access to health and social services programs that are designed by and for the First Nations of Quebec. For this purpose, the FNQLHSSC:

- ◆ ensures that the First Nations have control over their health services and social services;
- ◆ ensures that the services that are provided to the First Nations respect their fundamental needs;
- ◆ coordinates and facilitates the exchanges and the sharing of information between the communities, among other things, by organising meetings and by providing a secretariat in order to connect the member nations.

Introduction

The news about the First Nations—and the speeches and images that accompany it—is sobering. Media coverage of the past 10 years could be summarized as follows: tensions with non-Native police; overrepresentation of First Nations in the penal and youth protection systems; chronic health problems; growing numbers of Aboriginal people who are homeless; chronic underfunding of education; high unemployment and school dropout rates; difficult housing conditions, both within and outside First Nations communities; complaints and recriminations by a section of the non-Native population against land claims and other actions related to the defense and promotion of the rights of Aboriginal peoples; etc. Not to mention the persistence of prejudices and stereotypes commonly associated with Aboriginal peoples. Of course, success stories also appear in the media, which we welcome. But what do all these appalling facts have in common? What all of these social phenomena share is that they are manifestations of racism and discrimination against First Nations and other Aboriginal peoples.

The images broadcast in 2012 from the Cree community of Attawapiskat testify to the extreme poverty experienced by some First Nations communities. This picture contrasts sharply with the idea held by a certain percentage of people about First Nations communities: that they are a privileged group that benefits from generous government subsidies. The images of makeshift homes with neither running water nor electricity, with people all crammed in together, could have been taken in other communities besides Attawapiskat, even though it must be said that the situation there is particularly critical. This example is far from being an isolated case. A number of other First Nations communities, including some in Quebec, also suffer this kind of chronic poverty. The community of Kitcisakik, located in Abitibi-Témiscamingue, is one of the most disadvantaged communities in Canada. This evidence of the existence of an “internal third world” is in stark contrast to the perception that many have about Canada and Quebec.

All too often, reports, articles and comments appearing in the media reveal a profound ignorance of First Nations history and realities, an ignorance that sometimes leads to dangerous generalizations. This is a phenomenon that should not be trivialized, much less ignored. This ignorance that we can see in society can also be found in the government.

While we recognize that the Quebec government has made progress in its relationship with the First Peoples, it is clear that much remains to be done. The FNQLHSSC welcomes, among



other things, Quebec's desire to renew its relations with the First Nations, as expressed by Prime Minister Pauline Marois on December 3, 2012; improvements in educational programs dealing with the history of Aboriginal peoples; partnerships between provincial departments and First Nations regional and community organizations; and greater government involvement in and recognition of certain issues. The Quebec government has, as is shown by these improvements, the power to continue its efforts to do better .

Racism and discrimination: The challenges faced by the First Nations

The development and application of the Indian Act is unquestionably the foundation of racism and discrimination against the First Nations. This is a special legal system that provides for nothing less than the total submission of the First Nations to the guardianship of the federal government. "The Indian Act was," and remains today, "a powerful tool in the hands of the federal government, giving federal civil servants the authority to manage band affairs, supervise Indigenous lands and trust funds, direct the personal and family lives of individual Aboriginal people, and deny basic Canadian civil and personal rights to hundreds of thousands of 'wards' of the federal state."¹

Racism and discrimination wear many faces. Here are the main forms they assume against the First Nations:

- ◆ The application of the Indian Act must be associated with what is called structural racism and discrimination, insofar as the system put in place by the federal government, with some collaboration by the provinces, private enterprise and the Church (residential schools), is a source of injustice and inequality.
- ◆ Despite the existence of various constitutional documents and after a number of Supreme Court judgments, the constitutional rights of the First Nations continue to be trampled on. Barriers in terms of the right to self-government, the right to be consulted about and compensated for projects that affect them and the right to live according to their customs, traditions and aspirations are also the result of systemic racism and discrimination.
- ◆ Jurisdictional conflicts that exist over the obligations of the various levels of government regarding access to public services result, in some cases, in discrimination.

¹ Ken COATES, *The Indian Act and the Future of Aboriginal Governance in Canada*, National Centre for First Nations Governance, May 2008, p. 2.



- ◆ Poverty and the socio-economic marginalization which is generally associated with it constitute a form of discrimination. Again, this is a structural problem to the extent that the Indian Act and the reserve system—allowing little or no access to natural resources—are major obstacles to economic viability.
- ◆ Violence, especially that committed against women, and the lack of consideration for the problems women face, represent additional forms of discrimination.
- ◆ Chronic under-funding for many programs destined for First Nations communities, as compared to most services provided to non-Natives, is also a manifestation of discrimination.
- ◆ In terms of everyday relations, the persistence of prejudices and stereotypes about the First Nations is reflected in particular by discrimination in employment, health and social services, education and housing. Biased opinions and other gestures with racist connotations impact on the lives of many First Nations individuals, whether they live in urban areas or are passing through, and serve to reinforce the socioeconomic isolation and marginalization of the First Nations.

Racism and discrimination against First Nations: The impact of colonialism

Racism and discrimination against Aboriginal peoples derive their main foundations from Canada's colonial history. This racism is of a structural nature. According to Charlotte Reading, "structural racism is perpetrated when policy makers and power brokers [re]produce or fail to redress structural inequities between racialized groups."² Quant Philomena Essed and David Theo Goldberg³ emphasize that the ideology of race, once integrated into a society's political and economic structures and systems, gains importance within the social order. Institutionalized racism in the Canadian political system has the effect of encouraging the racism of a certain segment of the population. Social exclusion is one of the results of this form of racism. Reading points out that "social exclusion physically and socially isolates racialized groups from equally participating in and benefiting from educational, economic, political, and health systems."⁴ The exclusion results in an unfair distribution of resources such as housing, health care, education, employment, justice and social welfare⁵. The exclusion of the First Nations

² Charlotte READING, *Understanding Racism*, National Collaborating Centre for Aboriginal Health, Prince George, 2013, p. 4.

³ Philomena ESSED and David Theo GOLDBERG, *Race Critical Theories: Text and Context*, Wiley, 2002.

⁴ Charlotte READING, *Understanding Racism*, National Collaborating Centre for Aboriginal Health, Prince George, 2013, p. 5.

⁵ *Ibid.*, p. 5.



from the wider society is a direct consequence of the adoption of the first laws providing for “the gradual enfranchisement of Indians.” Moreover, it is possible to draw parallels between the Indian Act of 1876 and the Apartheid system of South Africa. In the same way that Apartheid acted against all non-whites, the *Indian Act* legislated the geographic, social, economic and political isolation of the First Nations. Under this law, territorial and social status are primarily determined by an individual’s racial status, and it is the federal government who decides who is “Indian” and who is not. The result is that Aboriginal peoples are still essentially excluded from the rest of society. Here is what the Royal Commission on Aboriginal Peoples wrote 120 years after the adoption of the *Indian Act*:

Aboriginal housing and community services are in a bad state, by all measures falling below the standards that prevail elsewhere in Canada and threatening the health and well-being of Aboriginal people. The inadequacy of these services is visible evidence of the poverty and marginalization experienced disproportionately by Aboriginal people. (Royal Commission on Aboriginal Peoples, 1996, vol. 3)

According to Renée Brassard and Mylène Jaccoud, the process of marginalization of First Nations “begins in early childhood and is rooted in a much broader social context associated with the consequences of the colonization of First Nations in Canada and Quebec.”⁶

In *Enough to keep them alive: Indian Welfare in Canada*, Hugh Shewell⁷ shows that the federal government’s social welfare policies towards Aboriginal people have been designed with a specific purpose: the assimilation of the Aboriginal peoples of Canada. Since the creation of Indian Affairs in the mid-nineteenth century, the government's strategy has been to provide the bare minimum of services on the reserves. The reserves were conceived of as mere transit points, places of passage between “traditional” life and “modern” life in cities or in rural communities. By offering the bare minimum in First Nations communities—forcing people to survive in a state of dependency rather than to live independent and self-reliant lives—the federal government acted on its conviction that people would eventually abandon their customs and traditions to adopt the way of life of people of European descent. History has shown the great harm caused by these policies. In *The Unjust Society - The Tragedy of Canada's Indians*, Harold Cardinal⁸ explains that the relationship between Canada and the

⁶ Jaccoud, M. and Brassard, R. (2003). “The Marginalization of Aboriginal Women in Montréal,” in *Not Strangers in These Parts: Urban Aboriginal Peoples Policy Research Initiative*. Federal Interlocutor for Métis and non-Status Indians (Eds). Canada. p. 143-159.

⁷ Hugh SHEWELL, *Enough to keep them alive: Indian Welfare in Canada, 1873-1965*, University of Toronto Press, Toronto, 2004.

⁸ Harold CARDINAL, *The Unjust Society – Tragedy of Canada's Indians*, M. G. Hurtig Ltd, Edmonton, 1969.



First Nations, based on colonialism, is synonymous with racism, discrimination, subjugation, dependence and misery. Cardinal thus juxtaposes Pierre Elliott Trudeau’s concept of Canada as a “just society” to the concept of Canada as an “unjust society” for First Nations.

In fact, the development of the government’s policies and programs for the First Nations of Canada was inspired by the British system. The Elizabethan Poor Law (1834)—which legalized and institutionalized charity in Great Britain—ensured an “income” lower than that of paid work, even at its lowest rate⁹.

The current situation

Social and health inequalities between the First Nations and non-Natives continue to grow. While this inequity certainly gives cause for concern, of even greater importance is the need to focus on revising government policies so that they more accurately reflect First Nations realities.

Daniel Salée¹⁰ writes that despite the political and institutional advances of recent decades, the socioeconomic gap between Aboriginals and the rest of the population remains considerable. Despite some improvement, there is still much progress to be made, considering that both governments—Canada and Quebec—hope to remain in the driver’s seat when it comes to their relations with Aboriginal peoples. The author adds that this social relationship is one based on power, and virtually immutable to the extent that it is part and parcel of the culture and traditions of both Canada and Quebec.

It is pessimistic to say that the way things are today will never change, but it is complacent to think that everything is improving. In fact, what is crucial is to accelerate change. The First Nations face significant challenges, challenges that are for the most part related to their political, social and economic exclusion as evidenced by the main indicators available. This exclusion is based primarily on their status as First Nations and on the fact that they are distinct nations from those of Quebec and Canada.

The Department of Aboriginal Affairs and Northern Development Canada (AANDC) has developed a composite index of well-being, based on the Human Development Index (HDI) of the United Nations (UN). The Community Well-Being Index (CWB) is based on four indicators: housing, income, education and participation in the labor market. The index thresholds

⁹ Deb SIDER, *A Sociological Analysis of Root Causes of Aboriginal Homelessness in Sioux Lookout*, The Canadian Race Relations Foundation, Ontario, May 2005, p. 33.

¹⁰ Daniel SALÉE, “Peuples autochtones, racism et pouvoir d’État en contextes canadien et québécois – Éléments pour une ré-analyse”, *Nouvelles pratiques sociales*, 2005, vol. 17, n° 2, p. 54-73.

are between 0 and 1. As shown in Table 1, the gap between the First Nations and the Quebec population is considerable. Note that this is an average across all communities and that several other data surveys, including those from the First Nations Regional Health Survey (RHS 2008)¹¹, equally demonstrate the gap between living conditions and health indicators of the First Nations and the population of Quebec

Table 1 – The Community Well-Being (CWB) Index: Comparisons between the Aboriginal population and the population of Quebec

Components of the CWB	Crees (Eeyou Istchee)	Inuits (Nunavik)	Non-agreement First Nations	Quebec average
Income	.62	.58	.47	-
Education	.65	.59	.68	-
Housing	.77	.62	.69	-
Employment	.78	.81	.69	-
Average	.68	.67	.66	.79

Sources: Martin Papillon, “Aboriginal Quality of Life under a Modern Treaty: Lessons from the Experience of the Cree Nation of Eeyou Istchee and the Inuit of Nunavik,” *IRPP Choices*, August 2008, Vol. 14, no. 9., p. 12, and Erin O’Sullivan, “The Community Well-Being (CWB) Index: Well-Being in First Nations Communities, 1981-2001 and into the Future,” AANDC, Ottawa, 2006.

One of the reasons for such differences can be found in one of the key elements of discrimination against First Nations: the underfunding of programs and services provided for them. A number of reports from the Auditor General of Canada published over the last decade have drawn attention to this reality. The situation was recently criticized in the framework of the visit to Canada and Quebec of the UN Special

Rapporteur on the Rights of Indigenous Peoples, James Anaya, in October, 2013. The facts published in these reports indicate that chronic underfunding of social programs—including but not limited to early childhood and family support services, housing assistance and education programs—result in poor quality services provided to First Nations.

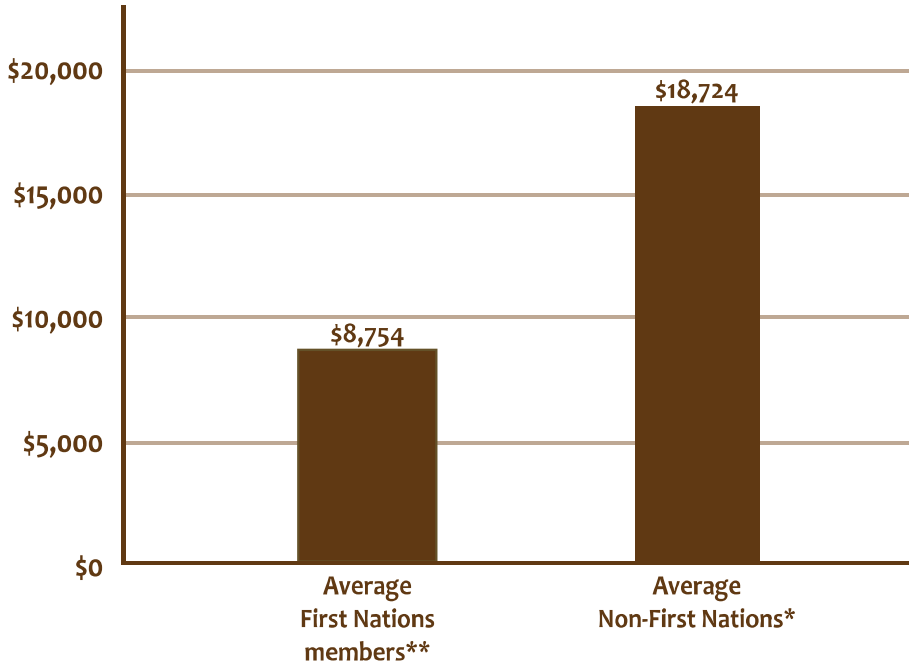
In this context, it is not surprising that there are significant differences between the living conditions of the First Nations and the rest of the population. A relatively recent estimate of the Assembly of First Nations drawn from data published by Statistics Canada and Aboriginal Affairs and Northern Development Canada showed that public expenditures for First Nations

¹¹ First Nations Regional Health Survey (RHS 2008), www.cssspnql.com.



were, on average, significantly lower than those for the rest of the population. A member of the First Nations living on reserve receives, on average, about \$10,000 less than a Canadian citizen, all levels of government combined (Table 2).

Table 2 – Comparison of government expenditures (per person) between First Nations and Canadians



* Source: Statistics Canada, consolidated revenue and expenditures at the federal, provincial, territorial and local levels, 2009; population per province and territory, 2010.

** Source: Indian and Northern Affairs Canada, 2009-10 forecasts; registered Indian population (estimate)

Conclusion

The FNQLHSSC strongly believes that the development of an action plan to combat racism and discrimination against Aboriginal peoples cannot be based on the current Quebec government policy in combating racism and discrimination: “La diversité: une valeur ajoutée.”

Indeed, one of the philosophical foundations of this policy is the concept of equality of opportunity. However, by the nature of the legal and political environment that dictates the relationship between Quebecers and the First Nations, and because of the gap between them in terms of their living conditions, it would be unrealistic to limit the plan of action to measures aimed at increasing equal opportunity. Although such measures play a role, they will not eliminate the racism and discrimination that the First Nations are subjected to.

The FNQLHSSC is aware that the basis for the racism and discrimination directed towards the First Nations lies in the implementation and application of the Indian Act and the system of governance and policies associated with it. In this regard, the FNQLHSSC must acknowledge the limited power of the Government of Quebec. However, the government can show leadership, as it has done in the past, by keeping its promise to renew its relationship with the First Nations, a promise made one year ago. If Quebec wants to continue to claim to be a progressive province in respect of its relations with the First Nations, it must assume its power to act by implementing strategies that meet the real needs of First Nations communities.

Recommendations

The First Nations are subject to provincial laws of general application. Section 88 of the *Indian Act*, in force since 1951, incorporates provincial laws of general application. These provincial laws do not need to explicitly mention the First Nations in order for the Quebec government to consider that they also apply to First Nations communities. There are many such examples of this under Quebec law.

There are too many provincial laws and policies that fail to take into account the realities and needs of First Nations communities. There have been a number of consultations that demonstrate significant deficiencies in relation to recognition of First Nations rights. This is one area where Quebec has the power to increase its collaboration with First Nations communities and organizations.



Increasing the awareness of political leaders, officials and public sector employees is another area in which the Government of Quebec has the power to change things. Even if there are already measures in place for this purpose, it is an area where Quebec has a duty to do more. The FNQLHSSC was particularly surprised last year when a former official who worked for the *Secrétariat aux affaires autochtones* (SAA) published a controversial book on First Nations and Inuit history. *Les Autochtones ne sont pas des pandas* was more or less a rant tainted with racism and ignorance. We recognize that the views expressed were not those of the government of Quebec. Nevertheless, the publication of the book demonstrates the need to increase awareness among government employees, especially those working with Aboriginal issues.

The Quebec government also has the power to contribute more to First Nations community social and economic development, particularly in the area of shared management of natural resources and the benefits associated with their exploitation. The recently concluded bilateral agreement between the Atikamekw and Quebec is a concrete example of the power available to the Quebec government to improve its relations with the First Nations.

Quebec also has the power to contribute to the communities' socio-economic influence through the development of a strategy and plan of work that integrates social policy objectives. These measures obviously need to respond to the real needs of the communities, which often differ from the rest of the population. For example, the action plans dealing with racism and discrimination, the fight against poverty and social exclusion, the social economy and the issue of homelessness are opportunities for creating integrated frameworks for collaboration with the First Nations. The FNQLHSSC welcomes the openness demonstrated by the Quebec government towards working in this way on a number of these issues.

Finally, the FNQLHSSC believes that Quebec should pay special attention to the content of what is being disseminated by the media. Media coverage of Aboriginal issues is still all too often marked by a profound ignorance of Aboriginal realities. Even today, it takes a visit from a representative of the United Nations or another international human rights organization to highlight the actual problems facing the First Nations. In this regard, the government of Quebec could develop initiatives directed towards the media in general, and in particular the *Fédération professionnelle des journalistes du Québec* (FPJQ) and the Quebec Press Council.

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