

## 1. Addressing Indigenous human rights in Alberta

The *Alberta Human Rights Act* states that it is recognized in Alberta as a fundamental principle and as a matter of public policy that:

- All persons are equal in dignity, rights and responsibilities
- Alberta's diverse racial and cultural composition and its importance is a fundamental principle and a matter of public policy
- All Albertans should share in an awareness and appreciation of the diverse racial and cultural composition of society and that the richness of life in Alberta is enhanced by sharing that diversity

It is the function of the Commission to:

- (a) Forward the principle that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation
- (b) Promote awareness and appreciation of and respect for the multicultural heritage of Alberta society
- (c) Promote an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta
- (d) Encourage all sectors of Alberta society to provide equality of opportunity

This mandate sets the standard for which all Albertans are entitled and provides the framework for the Commission to implement strategies that will address inequities and ensure full participation for all people, including Indigenous Albertans. Research indicates that Indigenous people face disproportionate rates of racism, discrimination, and hate in their day-to-day lives (see *Provincial data and research* below). Although Alberta's Indigenous population experiences higher rates of racism, discrimination, and hate, they do not access the Commission's complaint resolution services at the same rate as their non-Indigenous counterparts (see *Commission human rights complaint data* below).

The Alberta Human Rights Commission exists within Canada's colonial legal system. As recognized in the BC Civil Resolution Tribunal's [Reconcili\(action\) plan](#), Indigenous Peoples continue to experience disadvantages and injustices as a result of the lasting effects of Canada's colonial legacy. In addition to calls from the Indigenous community, numerous bodies are calling for systemic change, including decolonizing human rights systems by identifying and eliminating systemic and procedural barriers for Indigenous people.

Within its strategic priorities, the Commission has prioritized reforming its complaint resolution process, broadening its education and engagement activities, increasing its capacity to analyze and address systemic issues, as well as focusing on priority issues, communities, and populations. Addressing the significant human rights issues that Indigenous people and communities in Alberta face is a priority for the Commission, and the Commission is well positioned to provide leadership on, coordination of, and support to initiatives that positively influence outcomes for Indigenous people and communities.

In order to better understand the impact of the colonial settler history in Alberta, it is important that this strategy not be seen as a stand alone attempt to change the internal processes as it relates to

Indigenous people living in Alberta, but instead be the first step towards a continuing strategy that the Commission adopts for years to come.

## **2. Provincial data and research**

Alberta is home to approximately 260,000 of Canada's Indigenous Peoples (about 6.5% of the provinces population) from many First Nations, Métis, and Inuit backgrounds (Stats Canada, 2016 Census).

In Alberta, and throughout Canada, Indigenous Peoples continue to face ongoing inequity, hate, racism, and discrimination. Canada's history of colonization and the intentional elimination of Indigenous culture, history, languages, and spirituality through Indian Residential Schools, the Sixties Scoop, racist laws and policies, as well as other programs and practices, have led to ongoing disadvantage, injustice, human rights violations, and barriers to full participation in society for Indigenous Peoples.

Based on information found in the various reports commissioned throughout the province over the past decade, it is clear that discrimination against Indigenous people living in Alberta is an ongoing and significant issue. This issue is rendered increasingly complex due to the reluctance of many Indigenous individuals to file complaints or engage with the human rights process at either a federal or a provincial level.

A 2009 report by the Alberta Hate Crimes Committee found that Indigenous people living in Alberta are more likely than other groups in Alberta to be victims of racism, but less likely to report these incidents to authorities.

The City of Calgary produced a [Social Outlook Report](#) covering the years 2010-2015, which found that 33% of Calgary's Indigenous population are concerned with discrimination, compared to 13% of the general population.

In 2012, the City of Edmonton released a survey of residents that found that Indigenous residents more frequently faced discrimination than other groups.

A study published by Currie et al from the University of Lethbridge (2012) found that 27% of Indigenous university students had experienced racially-motivated housing discrimination in their lifetime. See a follow-up study published in 2018 [here](#).

In the 2018 Government of Alberta [Taking Action Against Racism report](#), it was identified that "racism has a profound impact on Indigenous peoples, who are subject to a unique form of prejudice in their day-to-day lives."

Human rights commissions across Canada have engaged with Indigenous communities and subsequently implemented a variety of initiatives to address the discrimination they face. During the summer of 2020, the Alberta Human Rights Commission conducted a cross-jurisdictional scan to better understand what provincial and territorial commissions were doing in the area of education and engagement impacting Indigenous people.

The Government of Alberta has conducted a variety of consultations with Indigenous people throughout the years. In 2017, Indigenous Relations and the Public Service Commission conducted a thorough engagement with the Indigenous community across the province on its plan to develop a government-wide approach for public service learning about Indigenous Peoples and communities. Many themes

related to discrimination and racism emerged. The Indigenous Learning Engagement summary can be found [here](#).

Between 2017-19, the Ministry of Seniors and Housing conducted a listening tour to inform the development of an Indigenous off-reserve affordable housing program. The engagement sessions were designed to answer the who, what, and where of housing needs, but were also designed to understand the context and human realities so that programming designed to support affordable housing can be as successful and effective as possible. Eleven themes emerged, including that landlord racism and discrimination were consistent undercurrents in feedback received throughout the engagement process. Proposed solutions included tenant advocacy and landlord accountability, neither of which have been actioned. The What We Heard Report Summary: Indigenous Housing Capital Program can be found [here](#).

### 3. Commission human rights complaints data

The Commission does not track whether or not a complaint is made by Indigenous person, but it does collect data on the number of complaints filed under each protected ground. This does not capture all of the complaints that are filed by Indigenous people living in Alberta, as they do not always cite discrimination based on ancestry, race, color, or religious belief. Data is not collected on whether a respondent is Indigenous.

Those who have filed complaints based on at least one of the Indigenous-related sub grounds (North American ancestry, Indigenous race or color, or Native spirituality) are as follows:

	Total Complaints accepted by the Commission	Complaints based on Indigenous sub-grounds	Percentage of total complaints based on Indigenous sub-grounds
2015-2016	821	29	3.5%
2016-2017	923	28	3.0%
2017-2018	893	28	3.1%
2018-2019	810	27	3.3%

This data shows that the total number of complaints filed with the Commission on Indigenous sub-grounds has remained consistently in the 3% to 3.5% range, while Indigenous people make up almost seven per cent of Alberta’s population. Based solely on these numbers, it appears as if the Indigenous population of Alberta is underrepresented, and one could say underserved, by the Commission’s current complaint process. As Martin Rees said, “absence of evidence is not evidence of absence.”

A breakdown of the grounds cited between 2015 and 2019 finds that in comparison to the Commission’s overall percentages, complaints citing Indigenous ancestry, race/colour, or religious beliefs are higher in the areas of goods, services, accommodation and facilities (30% vs. 13%), as well as in tenancy (7% vs. 2%). Lower rates are reported in employment practices (60% vs. 81%).

<b>Grounds cited by area, 2015-19</b>	<b>All grounds cited</b>	<b>Ancestry (North America) Race/Colour (Indigenous) Religious Beliefs (Indigenous Spirituality)</b>
Employment practices (Section 7)	81%	60%
Goods, services, accommodation or facilities (Section 4)	<b>13%</b>	<b>30%</b>
Tenancy (Section 5)	<b>2%</b>	<b>7%</b>
Applications and advertisements re: employment (Section 8)	2%	2%
Membership in a trade union, etc. (Section 9)	1%	1%
Publications, notices (Section 3)	<1%	1%
Retaliation (Section 10.1)	1%	n/a
Equal pay (Section 6)	<1%	n/a
Frivolous or vexatious complaints with malicious intent (Section 10.2)	<1%	n/a
*Percentages have been rounded.		
*Each complaint may cite more than one protected ground under more than one area.		

#### **4. Federal and International Reports**

Considerable work has been done both in Canada and internationally to address the legacy of colonization, advance reconciliation, and identify actions needed to advance the human rights of Indigenous Peoples. The Alberta Human Rights Commission will use the following foundational documents to guide its work on Indigenous issues:

##### Report of the Royal Commission on Aboriginal Peoples

In 1991, the Royal Commission on Aboriginal Peoples (RCAP) was established through Order in Council to “investigate and propose solutions to the challenges affecting the relationship between Aboriginal Peoples (First Nations, Inuit, Métis Nation), the Canadian government, and Canadian society as a whole.” Between 1991 and 1996, the RCAP held nearly 100 meetings and public hearing across the country to gather information. Its findings culminated in a five volume report, which can be accessed [here](#). Even though much of the report’s recommendations have never been implemented, the RCAP is still often considered foundational in shaping future commissions, inquiries, and approaches to Crown-Indigenous relations.

##### Truth and Reconciliation Commission of Canada Final Report

In 2015, the Truth and Reconciliation Commission (TRC) of Canada released their final [Calls to Action report](#). In order to redress the legacy of colonization and residential schools and advance the process of Canadian reconciliation, they call on all sectors of Canadian society to make substantial changes to the way in which they educate and operate in order to address this legacy. Several calls to action could impact the work of the Commission. Most relevant to the Alberta Human Rights Commission is Call to Action 57, which reads:

*We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties*

*and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.*

*Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*

The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) Inquiry released the [Reclaiming Power and Place Final Report](#) in September 2019. Chapter 3 of the report focused on emphasizing accountability through human rights tools and dedicated a section to domestic rights instruments in Canada. It discussed not only the *Canadian Human Rights Act*, but also the relevant human rights legislation in the provinces and territories across the country. The MMIWG report identifies that the concepts of ‘Indigenous rights’ and ‘human rights’ complement each other and “human rights instruments can provide avenues for redress.” It provides 231 Calls for Justice, several of which impact the Commission.

While federal, provincial, and territorial human rights legislation have the ability to serve as a tool to protect members of the Indigenous community from discrimination, both the TRC and MMIWG reports have found that the legislation and institutions in question are often ineffective when it comes to appropriately addressing the human rights needs of the Indigenous community.

*United Nations Declaration on the Rights of Indigenous Peoples*

After years of international consultation and deliberation, which included prominent Indigenous Albertans, the United Nations developed and adopted the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP), which entitles Indigenous Peoples the same human rights protections as are available to all people in the world. This document was adopted by the UN General Assembly in 2007 and endorsed by the Government of Canada in 2010. This Declaration affirms the inherent or pre-existing collective human rights of Indigenous Peoples, as well as the individual human rights of Indigenous women, men, and children. It provides a framework for justice and reconciliation, applying existing human rights standards to the specific historical, cultural, and social circumstances of Indigenous Peoples. Several of the articles within this Declaration relate directly to issues of human rights and discrimination.

The Commission has reviewed the national TRC and MMIWG reports, as well as the international UNDRIP recommendations, and identified significant connections to human rights work in Alberta.

## **5. History of the Commission’s Indigenous engagement and initiatives**

The Alberta Human Rights Commission has been increasing its engagement with Indigenous community over the last 15 years, with the majority being in the Treaty 7 area (South of the Red Deer River). During this time, the Commission participated in significant meetings and events, such as the TRC gathering in Edmonton, Indigenous funder meetings, and cultural gatherings, such as powwows and round dances. Through attending these events and assembling relevant data, the Commission has had a continued commitment to the Indigenous community in Alberta.

After the release of the TRC Calls to Action in 2015, the Commission was one of the first government bodies to arrange and present comprehensive Indigenous awareness training to its staff. Since then, the Commission has hosted several all-staff learning events. Staff members have attended the Calgary Police Service’s Aboriginal Justice Camp. The Calgary office normally hosts a weekly smudge ceremony, which is open to staff, other John J. Bowlen building tenants, and the community. The inaugural smudge ceremony was blessed by Elder Doreen Spence.

In 2013, after two years of consultation with Aboriginal Council of Lethbridge, Native Counselling Services of Alberta, and the Aboriginal Commission on Human Rights and Justice, the Commission developed its brochure [Aboriginal People and the Alberta Human Rights Act](#).

In 2013, former Chief of the Commission and Tribunals, Blair Mason, received the name of 'Arriving Buffalo Bull' in a naming ceremony at the Calgary Police Round Dance. The lead for Indigenous engagement, Cam Stewart, received an Eagle Feather and has participated in many ceremonies, including sweat lodges and vision quests. In 2019, Cam received the Blackfoot name of "Red Morning" in a naming ceremony at the Calgary Police Round Dance.

In 2013-14, the Commission hosted meetings with Indigenous people and organizations who were currently working on human rights related projects and programs. This culminated with the Aboriginal Human Rights Network Forum, where 50 participants from the Indigenous community attended and made recommendations to improve individual and organizational responses to human rights matters. During this time, the Commission's leadership heard concerns from Indigenous people about the human rights process and the Commission's involvement with the community, but was not prepared to move forward with many of the recommendations at the time. One of the recommendations that was successfully implemented for a number of years was designating a Commission human rights officer as a point of contact for Indigenous complainants and advocates. This helped individuals and community advocates understand, navigate, and increase their access to the complaint system.

To commemorate the 45 years of human rights legislation in Alberta, the Commission hosted dialogues in five cities across the province in 2017. In all of the cities, participants reported that Indigenous people experience discrimination at higher rates than the rest of the population, and cited examples of discrimination in housing and in public and commercial spaces, as well as systemic racism in institutions, including in the child welfare, education, and the justice systems. The lack of capacity to address human rights in Indigenous communities was also raised as a human rights issue. Profiling and stereotyping of Indigenous people were considered significant causal factors in the discrimination and racism they experience (see the report [Your Voice: Advancing Human Rights in Alberta](#)).

Between 2009 and 2019, the Human Rights Education and Multiculturalism Fund (HREMF) awarded \$2,345,895 in grants (23.4% of total grants) to projects addressing Indigenous issues in the province. These percentages increased over the years and in 2018-19, Indigenous-related grants accounted for 51% of all HREMF grants administered.

Through its continued funding and engagement on Indigenous issues, the Commission has gained the trust and respect from many Indigenous people in Alberta. The Commission could address its mandate and many of its priorities through expanding its relationships with Indigenous communities and peoples in Alberta.

## **6. Engagement Framework**

Using a community-based approach, the Commission will engage with the Indigenous community and collaborate with key stakeholders on human rights initiatives that reduce barriers and increase full participation in all aspects of society. To increase impact, initiatives will be complementary and include (where possible) education, awareness raising, policy development, reorienting services, and be supportive of community action and systemic change. Working across sectors and communities

throughout the province, the Commission will strive to ensure that efforts are coordinated to reduce duplication and maximize effectiveness.

Although there are many critical issues on which the Commission could, and should, take action, staff will focus on priority areas. This will involve external projects that will support building a human rights culture in Alberta, as well as internal projects to build the Commission's capacity, remove barriers to accessing Alberta's human rights system, and begin to increase accessibility of systems and practices within our own organization. The Commission will build on previous work with Indigenous organizations and communities, including leveraging the accomplishments of HREMF-funded projects, engaging in initiatives that are currently underway, and identifying gaps and new opportunities for engagement.

### ***Outreach and engagement as a tool***

By advancing its engagement with members of the Indigenous community in Alberta, the Commission will better understand the barriers that exist in accessing the *Alberta Human Rights Act* and the Commission as a whole. This engagement should involve both internal and external stakeholders in order to better understand the complex issues relating to Indigenous people living in Alberta, and their interaction with the Commission and understanding of the *Act*.

Taking a community informed approach, the Commission will ensure that Indigenous Peoples have input into the decisions and in implementing the initiatives that impact their lives. The Commission commits to listening to Indigenous stakeholders to ensure that the organization is on a meaningful path towards reconciliation.

One useful engagement process that is utilized by government and non-profit organizations who want to better understand Indigenous issues is the convening of Indigenous advisory groups. Some existing Indigenous Advisory Councils/Committees include:

- a. First Nations Women's Council on Economic Security (Indigenous Relations)
- b. Métis Women's Council on Economic Security (Indigenous Relations)
- c. Elders Advisory Council (Children's Services)
- d. Youth Advisory Council (Children's Services)
- e. Anti-Racism Advisory Council – 4 Indigenous reps (Culture, Multiculturalism, and Status of Women)
- f. United Way Elders Council
- g. City of Calgary Aboriginal Urban Affairs Committee
- h. Edmonton Aboriginal Urban Affairs Committee
- i. Law Society Indigenous Advisory Committee

### ***Formalizing a Commission Indigenous Advisory Circle***

A provincial Indigenous Advisory Circle will support the Commission with its efforts to move forward and provide advice on implementing its *Indigenous Human Rights Strategy*. The Advisory Circle will include individuals from various key stakeholder demographics and focus areas within Alberta Indigenous communities. Members will support the building of knowledge and relationships for all parties. A Terms of Reference (TOR) will be drafted, co-developed, and agreed on by the members to determine the scope and timeframe of members' participation. It is anticipated that during the first year, there will be regularly scheduled meetings with active input from the Circle members on both Commission administrative issues and those issues directly impacting Indigenous people in the community. In-person

meetings, when possible, should take place in a facility that allows for smudging, with meals and honorariums provided. Due to the COVID-19 pandemic, initial meetings will need to be done virtually.

Circle meetings can offer insight into the lived experience of Indigenous Albertans in relation to human rights issues. The Indigenous Advisory Circle could include Indigenous academics, Elders, knowledge keepers, Indigenous agency representatives, and Indigenous community leaders. Membership will be inclusive of communities or organizations that focus on human rights issues, including gender, sexual orientation, age, disability, etc., and having lived experiences with human rights issues, particularly in the health, education, housing, and justice sectors.

Potential members could include Indigenous leaders with recognized expertise in:

- Treaty territories of Alberta
- Métis Nation locals and/or Métis Settlements of Alberta
- Spiritual wisdom and knowledge
- Human rights and Indigenous rights
- Indigenous women, 2SLGBTQ+, and persons with disabilities
- Business and employment
- Indigenous housing and homelessness
- Justice, health, education, and child welfare systems

An Indigenous Advisory Circle will provide advice and input into implementing the action items contained in the Commission's *Indigenous Human Rights Strategy*, but will not replace broader engagement on specific issues and initiatives with Indigenous stakeholder organizations and communities.

**FURTHER READING AVAILABLE ON THE ALBERTA HUMAN RIGHTS COMMISSION WEBSITE:**

1. Summary of TRC, UNDRIP, and MMIWG recommendations impacting human rights in Alberta (2020)
2. Canada's Provincial and Territorial Human Rights Commission Engagement of Indigenous People and Issues Report (2020)
3. Alberta Human Rights Network Forum Final Report (2014)
4. Summary of Alberta Human Rights Education and Multiculturalism Fund Supported Projects 2009-2019