



GENOCIDE *in*

CANADA

**A LEGAL
EXPLANATION**

By Chloé and Fannie Lafontaine

Native Women's
Association of Canada



L'Association des femmes
autochtones du Canada

A GENOCIDE IN CANADA?

It's obvious...



Pff... you've got to be kidding!



IT MAY BE DIFFICULT TO ACCEPT THAT GENOCIDE IS OCCURRING IN CANADA



The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) heard thousands of stories of systemic and structural violence.

INESCAPABLE CONCLUSION:
THE CANADIAN STATE IS COMMITTING
GENOCIDE AGAINST INDIGENOUS PEOPLES

HERE
IS WHY...

First,

WHAT IS GENOCIDE?

It's an INTERNATIONAL CRIME.
The definition is found in



CONVENTION ON THE
PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE
1948

It's also a crime prohibited by
"Customary International Law"



i.e. unwritten law that binds
ALL states of the world

GENOCIDE REQUIRES 3 ELEMENTS:

1 Victims are part of a
"PROTECTED" GROUP because of
their race, nationality, ethnicity or religion.



2 To commit intentionally **one** of the **5 PROHIBITED ACTS**



MURDER



CAUSING
SERIOUS
BODILY OR
MENTAL HARM



INFLECTING ON
THE GROUP CONDITIONS
OF LIFE THAT CAN
LEAD TO ITS
DESTRUCTION



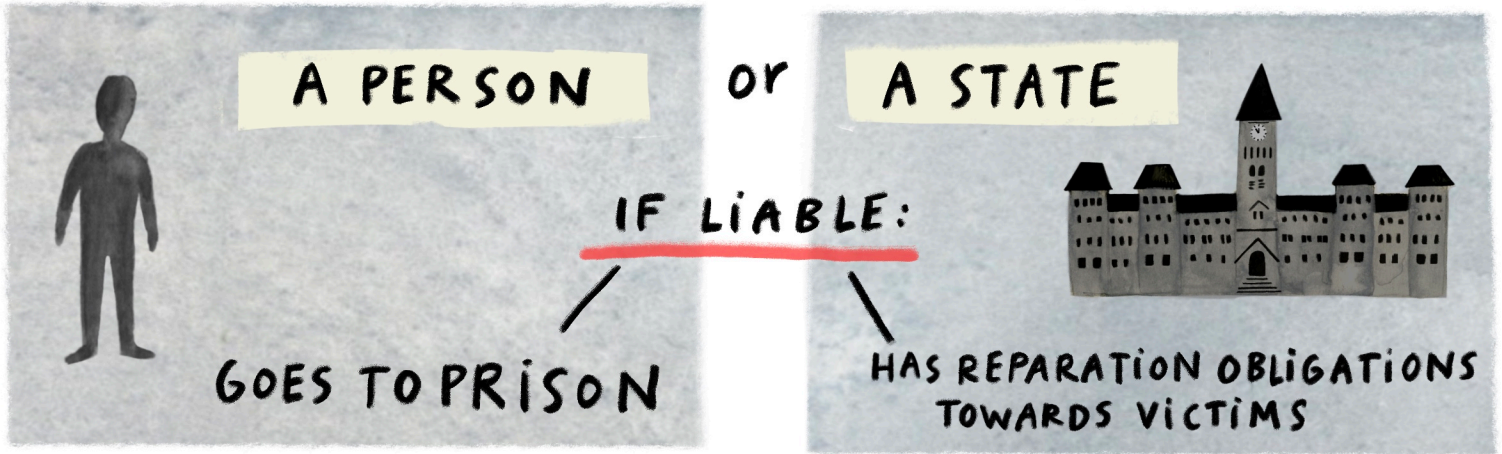
PREVENTING
BIRTHS WITHIN
THE GROUP



TRANSFERRING
CHILDREN OF THE
GROUP TO
ANOTHER GROUP

3 To commit those acts with the specific
INTENT to destroy the group.

GENOCIDE can be committed by



OK, BUT HOW DOES THAT APPLY TO CANADA?

1 INDIGENOUS PEOPLES ARE A **PROTECTED GROUP**

The Canadian constitution legally recognizes 3 groups of Indigenous Peoples

- INUIT
- METIS
- FIRST NATIONS

Hundreds of communities across the country.

Despite their diversity, Indigenous Peoples in Canada are seen as **A DISTINCT RACIAL/ETHNIC GROUP.**



2 CANADA COMMITTED ALL ACTS PROHIBITED BY THE DEFINITION OF GENOCIDE

Here are a few examples:



Blankets infested with smallpox virus



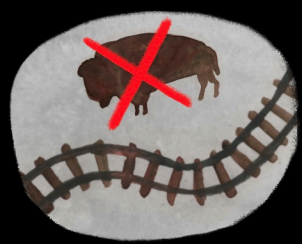
Scalping bounties



Extermination of the Beothuk in Newfoundland



Hanging of Louis Riel



Forced famine



- Indigenous People under trusteeship
- Destruction of cultural practices and of traditional governance structures
- Forced sedentarization



Forced relocation of Inuit
Sled dogs slaughter



Forced or coerced sterilization



60's Scoop



- RESIDENTIAL "SCHOOLS" (1880-1996)
- 150,000 children forcibly removed;
 - beaten, tortured, starved, raped
 - prohibition to speak their language
 - thousands of deaths



Over 2000 missing and murdered Indigenous women and girls

There are **DOZENS** more

IT'S THESE ACTS TAKEN TOGETHER THAT CONSTITUTE GENOCIDE

3 CANADA HAS THE **INTENT** TO DESTROY INDIGENOUS PEOPLES

Contrary to a person, a State does not have a soul or thoughts. Its **INTENT** can only be proven by its policies and conduct.

Many examples are on the previous page! ←



PHYSICALLY
(e.g. murder)

BIOLOGICALLY
(e.g. sterilization)

AS A SOCIAL UNIT
(e.g. destroy what creates ties)



CANADA HAS IMPLEMENTED A CONTINUOUS POLICY TO DESTROY INDIGENOUS PEOPLES PHYSICALLY, BIOLOGICALLY, AND AS SOCIAL UNITS

Colonial destructive policies took place over decades



The VIOLENT CONDUCT and the INTENT TO DESTROY are STRUCTURAL and SYSTEMIC and cross multiple administrations and political leaders

NUMEROUS MYTHS PERSIST

MYTH #1

COME ON, IT'S NOT THE HOLOCAUST!



Genocide is not just about massacres.
Genocide encompasses 5 types of conduct



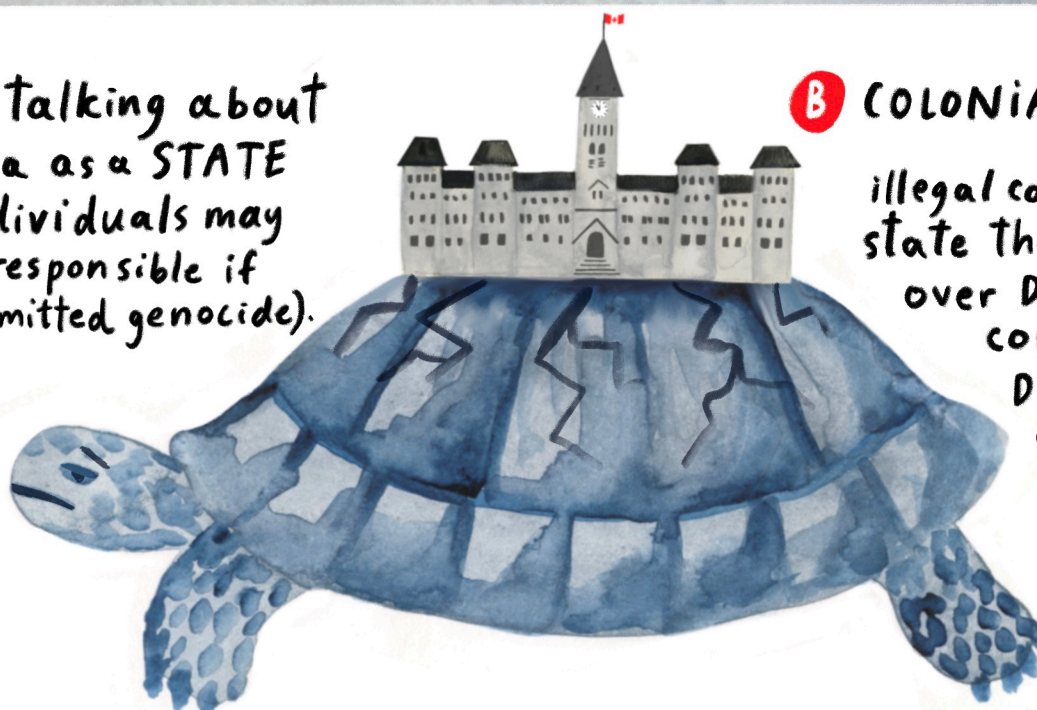
MURDER is only one of them (see p.3)

MYTH #2



OUR LEADERS ARE NOT MURDERERS!

A We are talking about Canada as a STATE (but individuals may also be responsible if they committed genocide).



B COLONIAL GENOCIDE = illegal conduct of the state that takes place over DECADES and is composed of DISTINCT ACTS and OMISSIONS.

C is characterized by the setting up and maintenance of a pattern of DOMINATION and DEHUMANIZATION.

IT'S OLD HISTORY,
CAN'T WE GET OVER IT???



Recognizing that it is GENOCIDE is a NECESSARY step
towards REPARATION for survivors.

Numerous policies have lasted until today and have
devastating effects for Indigenous communities.



Indian Act

The Indian Act
is still in force



Intergenerational
traumas



Millions of \$
invested in fighting
Indigenous Peoples'
rights



Abusive placement
of children by
child protection
services



Alarming rate
of suicide



Exploitation
and grabbing
of land



Systemic
racism



More than 2000
women and girls
murdered or disappeared



Excessive
Incarceration



Police violence



Inequitable
public services

THE GENOCIDE
CONTINUES

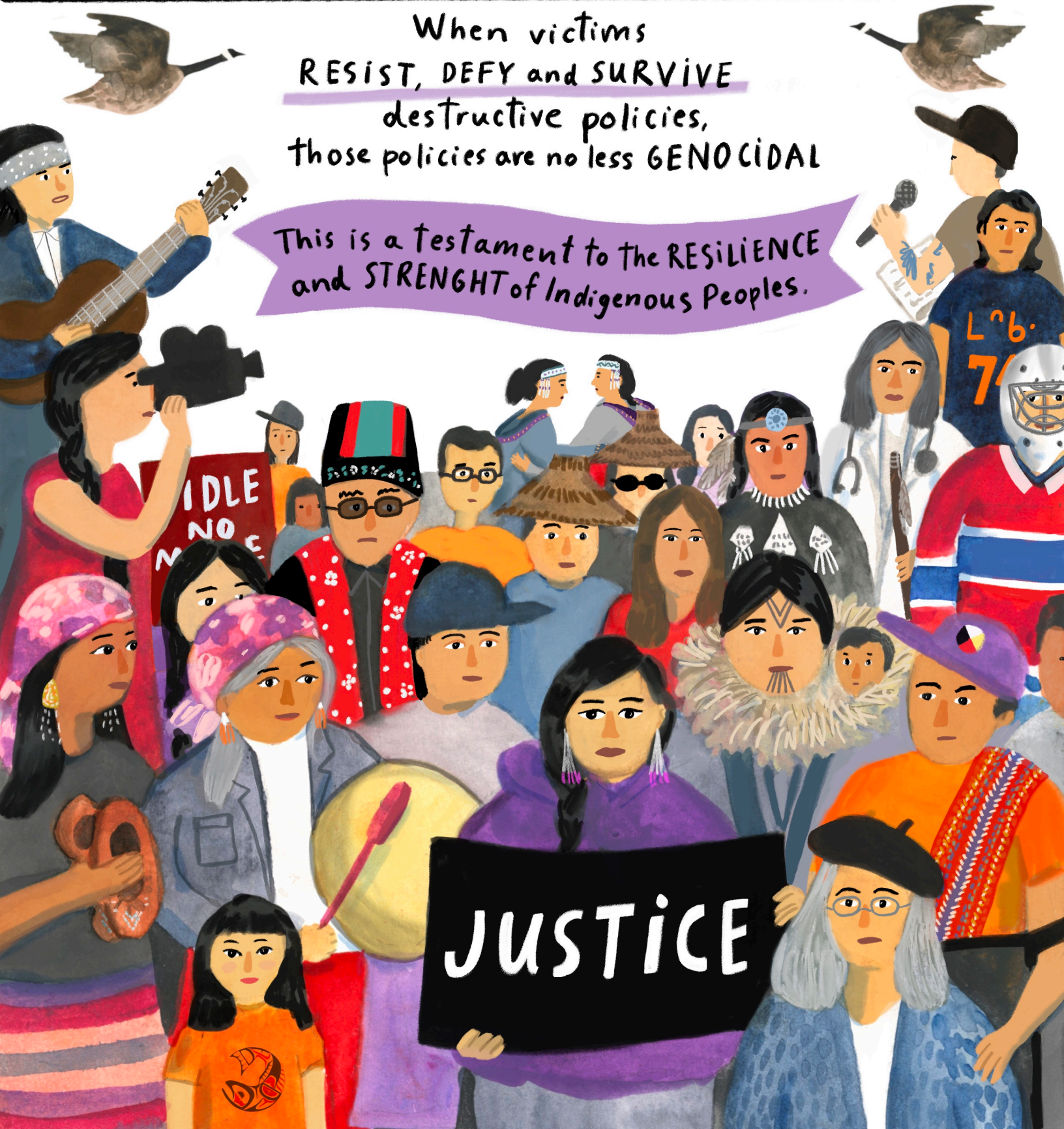
IT'S NOT GENOCIDE.
INDIGENOUS PEOPLES ARE STILL HERE



GENOCIDE is not about the result.
It's about the INTENT TO DESTROY.

When victims
RESIST, DEFY and SURVIVE
destructive policies,
those policies are no less GENOCIDAL

This is a testament to the RESILIENCE
and STRENGTH of Indigenous Peoples.



ENDING THE CANADIAN GENOCIDE OF INDIGENOUS PEOPLES IS A LEGAL OBLIGATION

COMMITTING GENOCIDE REQUIRES REPARATIONS:

IMPLEMENT:

- the 231 calls for justice of the National Inquiry on MMIWG
- the 94 calls for action of the Truth and Reconciliation Commission
- Spirit Bear Plan
- UN Declaration on the Rights of Indigenous Peoples
- Joyce's Principle
- and more

DECOLONIZE

Undo and reverse the influences of colonialism one by one



GIVE BACK THE POWER

To Indigenous Peoples as Peoples with the **RIGHT TO SELF DETERMINATION**



LISTEN and RESPECT

Indigenous Peoples' rights



REBUILD CANADA

Truth ~ Change



ABOUT THE AUTHORS



Chloé Germain-Thérien, alias Chloloula, oscillates between documentary filmmaking and graphic arts. She has a Master's degree in media and visual arts (UQAM) and now much of her time is dedicated to illustration (youth and editorial) and to graphic novels. Chloé is passionate about the use of illustration to describe complex information in an accessible format. The environment and social justice are important themes for her. Originally from Montréal, Chloé now lives in a rural area where she raises her daughter and is learning the names of plants.



Fannie Lafontaine is a lawyer, professor of law at Université Laval and Canada Research Chair in International Criminal Justice. From 2015 to 2020, she was an independent civilian observer of a police investigation into criminal acts allegedly committed by members of various police forces against Indigenous people in Quebec. She was the lead writer of the complementary report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, "A Legal Analysis of Genocide" (2019). In 2021, she was voted by Canadian Lawyer Magazine as one of Canada's 25 most influential lawyers. She is the mother of two wonderful teens, Marina and Raphaëlle.

Produced by the NWAC

The Native Women's Association of Canada (NWAC) is a National Indigenous Organization representing the political voice of Indigenous women, girls and gender diverse people in Canada, inclusive of First Nations on and off reserve, status and non-status, disenfranchised, Métis and Inuit.

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