

Not Above the Law: Using Human Rights Legislation to Address Abuse in Canada

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Riding the Waves of Change: Eindhoven, Netherlands

On January 17, 2017 the Canadian Human Rights Commission accepted [a complaint](#) from members of the Lake Babine First Nation in Northern B.C that alleged they had been discriminated against on the grounds of race, and on the grounds of their Place of Origin. The complaint is against the Royal Canadian Mounted Police (RCMP: the national police force that polices rural Canada), the Ministry of Public Safety—which oversees the RCMP, the Ministry of Sport and Peoples with Disabilities, and the Ministry of Heritage, which encompasses the “junior” sport ministry.

On November 10, 2017 Hereditary Chief Maryanne Perry filed a different complaint at the British Columbia Human Rights Tribunal on behalf of her brother, Richard Perry—also a hereditary chief from Lake Babine First Nation. This complaint was made against the University of British Columbia after they chose to utterly ignore First Nations people who wanted to speak with them about their choice of John Furlong, former CEO of the Vancouver Olympics, as a keynote speaker at a varsity sport fundraiser in February 2017:

<http://aptnnews.ca/2017/10/13/ubc-subject-of-human-rights-complaint-over-handling-of-furlong-speech/>

This paper will address the Canadian Human Rights Commission (CHRC) file.

On November 26, 2015, Lake Babine First Nation members wrote to Prime Minister Justin Trudeau asking for Furlong to be removed as chair of Own The Podium (the organization responsible for putting Canadians on the Olympic and World Championship podium), and told the prime minister they wanted to meet with government representatives so they could find a remedy to the decades-long wounds first inflicted by Furlong’s alleged abuse during his tenure as a Catholic missionary in Northern B.C., and then again when he started turning up in the media as the CEO of the 2010 Olympics. <http://www.canadalandshow.com/i-remember-john-furlong/> . Furlong had taught at both “Indian Day Schools” and at an “Indian Residential School” in the late 1960’s and mid-1970’s—information he did not disclose in hundreds of interviews as an Olympic Games CEO.

By November 2015, when the Lake Babine First Nation community wrote to the Prime Minister, approximately 60 people had alleged Furlong either abused them, they witnessed him abusing others, they reported his abuse, or others reported his abuse to them. As of today’s date, November 27, 2017, the Prime Minister has not responded. <http://joanmcewen.com/letter-from-john-furlongs-former-students-to-pm/>

Seven months after their initial request Minister of Sport, Carla Qualtrough, sent a letter to Cathy Woodgate, who had written the original letter to the Prime Minister. The “facts” Minister Qualtrough cited were completely incorrect. Ms. Woodgate was devastated by the Minister’s dismissive letter. Other Lake Babine members gave up, declaring Canadians would always be racist, and would ensure their abuser not only went free, but was awarded *because* he had

successfully abused so many First Nations children. But how could the new Liberal government, that declared their most important relationship was with Indigenous Peoples treat them with such inhumanity?

In addition to the federal government's inability to address the dozens of abuse allegations, the Lake Babine community also stated that the RCMP had not conducted a thorough investigation of Furlong after dozens of people came forward about his abuse, and were biased as their files showed they did not do an even cursory investigation of his missionary years. The failure of the federal government, and the federal police force for whom the Ministry of Public Safety are responsible, triggered the Lake Babine CHRC complaint: <http://concuSSIONinc.net/?p=11654>.

In December 2016 Furlong's former students also wrote to the IOC and to the Mayor of Calgary, Naheed Nenshi, asking both the IOC and the City to not entertain a 2026 winter Olympics bid as long as Furlong was the chair of the Canadian Olympic Committee's new bid committee. An excerpt of the letter reads as follows;

***“We suffered PTSD, depression, anger, hopelessness and it was all made worse when, instead of listening and meeting with us, Own The Podium, the Canadian Olympic Committee, the City of Vancouver, the province of B.C., and the Canadian government pretended we did not exist. That is when the hopelessness became worse. We used to run away from school as children, and tried to tell the RCMP about the abuse, but instead we were beaten again for ‘lying’ to the police. We are not lying. Furlong is the liar.*”**

Please do not make things worse for us. When Furlong was appointed by the Canadian Olympic Committee to chair the Calgary bid, that darkness returned. Please have nothing to do with these people. We invite the IOC to meet with us. We are a small group of the dozens who have come forward about his abuse. Your own Olympic Charter disallows you from engaging in racist behaviour. Please do not contribute to our PTSD and depression; instead you can help by demanding that the Canadian government thoroughly investigate how Furlong got these positions, why the RCMP did not investigate properly, and how we can find a remedy. We can't live through another Canadian Olympic bid with our memories of John Furlong.”

The IOC has never responded to this letter, while the City of Calgary wrote only that the COC's committee was separate from their own—as if a bid city cannot act with even a semblance of common humanity.

On October 22, 2017 the Complainants sent a more comprehensive outline of the complaint to the Commission. They requested that the Commission use the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf as the lens through which they would analyze what a “service” to Indigenous Peoples is.

Carolyn Bennett Minister of Indigenous and Northern Affairs, told the United Nations Permanent Forum in Indigenous Issues in May 2016 that Canada would fully implement the Declaration <http://www.northernpublicaffairs.ca/index/fully-adopting-undrip-minister-bennetts->

[speech/](#). In July 2017, the Canadian government followed up on Bennett's commitment to the implementation of the Declaration by publishing the Ten Principles <http://www.justice.gc.ca/eng/csjsjc/principles-eng.pdf> under which they would operate. The principles ensure the fundamental importance of the Declaration in the government's relationship with Indigenous Peoples, as well as the "Calls to Action" within the recent Truth and Reconciliation Commission's Report on Indian Residential Schools.

In terms of the Lake Babine First Nation complaint, there are particular Articles within the Declaration they have cited to show how they were discriminated against. For the sake of brevity, this paper will reference only one. Section 2, subsection (e) of Article 8 reads, "States shall provide effective mechanisms for prevention of, and redress for;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

The reason Article 8 is cited is because every time Furlong was endorsed by the government in a position of power within sport, it made the First Nations people who tried to have their abuse allegations heard appear as if they were lying--a stereotype many Canadians have about Indigenous people. Furlong's very presence in the public realm then became a form of propaganda working against Indigenous people. Comments were often made that Furlong's former students were lying in order to "get more money"—as if money somehow dropped out of the sky if First Nations people told untruths about powerful Canadians.

Right now, the Commission's lawyers are analyzing the arguments made by Lake Babine First Nation members under the UN Declaration and the Truth and Reconciliation Commission's "Calls to Action". These are exciting times in Canada as the UN Declaration is utilized as a tool for human-rights, and we see how whether the federal government will walk the walk on truth and reconciliation in Canadian sport.

Thank you very much.