



MAKE IT SAFE

Canada's Obligation to End the First Nations Water Crisis

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H2OCreate

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Sign posted in the community school in Neskantaga First Nation reminding students, from kindergarten to Grade 8, that the water is not safe to consume. © 2015 Samer Muscati/Human Rights Watch May 2016

Who is Human Rights Watch?

- An independent, international organization
- Defends the rights of people worldwide; investigate abuses; expose the facts widely; & pressure those w/ power to respect rights & secure justice
- More information can be found at:
www.hrw.org



Installed in 2009, a reverse osmosis machine is the only source of clean drinking water in the Neskantaga First Nation, a remote community in Northern Ontario which has been under a boil water advisory for more than twenty years.

Many people find it difficult, particularly during the brutal sub-zero winter, to make the long walk to collect drinking water from the machine.

According to government reports, the machine breaks down at least a few times a year and bottled water must be flown in for about \$15,000 a month.

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The Project

- Looked at impact of historically poor water and sanitation conditions on First Nations in Ontario
- Examined distinct impacts women in these communities experience related to poor access to water and sanitation
- Presented to a United Nations treaty body in Geneva in February



Roxanne Moonias, mother to an infant with a chronic illness, demonstrates one of the steps she takes to ensure her baby is not exposed to contaminants in the water. Roxanne lives in Neskantaga First Nation and says that it takes her an hour each time to properly wash and rinse his bottles. © 2015 Samer Muscati/Human Rights Watch

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Water issues faced by communities

- Contaminated source water
- Drinking water advisories on systems
- Contaminated wells
- Contaminated cisterns
- Septic fields failing
- No water connection



Six Nations of the Grand River (SNGR) is the largest First Nation community in Ontario, with nearly 12,000 residents on the reserve. SNGR's new state of the art water treatment facility, built in 2013, services less than half of the households, while the majority of SNGR residents still get their water from private wells or cisterns. © 2016 Rod Whitlow

Types of Contamination

- Coliform
- Escherichia coli (E. coli)
- Cancer-causing trihalomethanes
- Uranium
- Plus aesthetic concerns re: iron, sulfur, etc



Filters provided by Batchewana First Nation to a household with poor quality well water. Without the filters the water is unusable even for bathing or cleaning; and households must always use bottled water for drinking.

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Findings

- Risk of exposure to contaminants
- Decrease the quality and quantity of water – changes hygiene behaviors
- Caregivers shoulder extra burdens
- Impacts the cultural rights of First Nations persons



A drawing by the grandson of Chief Dean Sayers, Batchewana First Nation, highlighting the importance of Mishibijiw, an Ojibwe water spirit.

HR framing improves accountability

- The human rights legal framework defines who are duty-bearers & rights-holders
- Water & sanitation as a legal entitlement—HR mechanisms can expose deficiencies & recommend improvements
- Obligation to protect can reach into private sphere—ensuring enabling measures



Youths walk along the road in Neskantaga First Nation, a remote community in Northern Ontario which has been on a boil water advisory since 1995.

Why does this problem persist?

- This is a problem that can be resolved
- Yet it has persisted for decades
- Billions of dollars committed

Why does this problem persist? (cont.)

- Absence of Regulations
- Poor design and construction
- Persistent under-investment
- Lack of engagement of First Nations on source water protection



Isadora Bebamash, Lake Huron Commissioner of the Anishinabek Women's Water Commission from M'Chigeeng Nation located on Manitoulin Island, pictured at the pow wow grounds in Whitefish River First Nation.

Increase focus on marginalized & discriminated against

- Human rights law obliges states to address discrimination & reverse its impact
- Substantive equality requires states prioritize & take enabling measures

Participation

- A key principle of human rights, people should actively have say in decision-making around water/sanitation delivery & response
- For participation to be meaningful, enabling environment must exist or be created

Recommendations

- In collaboration with First Nations, develop a plan for addressing water and sanitation conditions on reserves that allows for long-term and sustainable solutions beyond the current five-year budget.

Recommendations

- Direct Indigenous and Northern Affairs Canada (INAC) to prioritize capital allocations for First Nations communities under long-term drinking water advisories.

Recommendations

- Establish an independent First Nations water commission to monitor and evaluate government performance related to water and wastewater on First Nations, including specifically the outcomes related to government water and wastewater funding commitments.

Recommendations

- Work closely with First Nations to promulgate enforceable drinking water and sanitation regulations.



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