



## **Open Letter by Senator Murray Sinclair and Senator Kim Pate to Premier Ball on the Unjust Incarceration of Beatrice Hunter**

June 12, 2017

Dear Premier,

We write to you today to express our extreme disappointment about the unjust incarceration of Beatrice Hunter, an Inuk woman and land protector who was recently incarcerated in Her Majesty's Penitentiary in St. John's Newfoundland.

Beatrice Hunter is a daughter, mother, grandmother and a law-abiding citizen who was arrested for asserting her basic human and Indigenous rights by engaging in a peaceful protest against a development project begun without consultation with the Indigenous community. The *Canadian Charter of Rights and Freedoms* guarantees Ms Hunter, and every other person in Canada, freedom of expression and the freedom of peaceful assembly. Protesting is a basic civil right, not a crime justifying imprisonment.

Section 35 of the *Constitution Act, 1982* affirms the right of Indigenous people to be consulted regarding the use of Indigenous lands. This expectation of consultation was reiterated last month when the Federal Government reaffirmed Canada's international commitment to adopting the United Declaration on the Rights of Indigenous Peoples (UNDRIP) without reservation. UNDRIP recognizes that Indigenous peoples have rights that constitute minimum standards for the survival, dignity and well-being of their communities and that governments have the duty to consult regarding land use. Specifically, Article 32.1 prescribes:

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*

The Muskrat Falls development project that Beatrice Hunter protested was begun without consultation, in violation of the government's constitutional obligations to Indigenous peoples, and stands to have long and lasting detrimental effects on the way of life of her people and the

future of her children and generations thereafter. Amnesty International reports that the “Innu, Inuit and settler Labradoreans have argued for years that Muskrat Falls threatens their traditional food supply in Lake Melville and will leave people living with anxiety about what they say is an unstable geology around the dam site that could lead to fatalities in the event of a dam breach.”

Ms Hunter, in participating in the protest of the project, acted in good faith to support the way of life of her people. She harmed no one and was motivated only by love and a sense of duty. She is a steward of land, the very land that the government failed to engage and consult about when the Muskrat Falls development was being planned. The actions of the government in this regard have been shameful: first robbing Ms Hunter’s people of their legal rights to express their views on the project through a consultation process, then jailing Ms Hunter for making her voice heard through the only means left to her.

With Canada’s 150th anniversary celebrations upon us, this nation is moving toward a new era by recognizing and working to right historical wrongs and turning to reconciliation processes to renew the relationship between governments, Canadians and Indigenous peoples.

To hold any woman in a men's maximum-security prison is unacceptable and a continuation of a legacy of racism and colonialism in this country that has contributed to the shocking overrepresentation of Indigenous women in prisons. We were very concerned about the welfare of Ms. Hunter who was subjected to daily strip-searches and who was being forcibly moved a thousand kilometres away from her family and support systems. Her story is a demonstration of how the Canadian judicial system continues to fail Indigenous women.

Although we are relieved that Beatrice Hunter was released from prison on Friday, June 9, 2017. in response to her unjust incarceration, we call on the provincial government of Newfoundland and Labrador to undertake a review of its laws to ensure they do not derogate from existing Indigenous rights and that they are in keeping with the United Nations Declaration on the Rights of Indigenous People.

**For more information:**

Senator Murray Sinclair, P.C.

[Senator.Sinclair@sen.parl.gc.ca](mailto:Senator.Sinclair@sen.parl.gc.ca)

Tel: 613-995-0234

Senator Kim Pate, C.M.

[Kim.Pate@sen.parl.gc.ca](mailto:Kim.Pate@sen.parl.gc.ca)

Tel: 613-995-9220