

Indigenous World Association

UN/ECOSOC

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The logo for Lawyers' Rights Watch Canada is displayed on a dark blue rectangular background. The text "Lawyers' Rights Watch Canada" is written in a white, serif font. The letters "L", "R", "W", and "C" are significantly larger and more prominent than the other words, creating a stylized acronym effect.

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Date: 17 September 2014

HRC section: Agenda Item 3 and 5

Speaker: Mr. Kenneth Deer

Oral Statement to the 27th Session of the UN Human Rights Council from Indigenous World Association, a non-governmental organization in Special Consultative Status, and Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in Special Consultative Status

Re: Reports of the Special Rapporteur on Indigenous Peoples and Reports of the Expert Mechanism on the Rights of Indigenous Peoples

Mr. President:

We join the chorus of speakers in congratulating the new Special Rapporteur on the Rights of Indigenous Peoples, Vicky Tauli Corpuz, and we look forward to working with her.

We would like to address the report on Canada written and presented today by the previous Special Rapporteur, Professor James Anaya.

The report was thorough, thoughtful and accurate. It was a scathing indictment of one of the richest countries in the world. We would like to quote the report:

“The well-being gap between aboriginal and non-aboriginal people in Canada has not narrowed over the last several years, treaty and aboriginal claims remain persistently unresolved, indigenous women and girls remain vulnerable to abuse, and overall there appear to be high levels of distrust among indigenous peoples towards government at both the federal and provincial levels.

“Aboriginal peoples’ concerns and well-being merit higher priority at all levels and within all branches of government, and across all departments. Concerted measures, based on mutual understanding and real partnership with aboriginal peoples, through their own representative institutions, are vital to establishing long-term solutions. To that end, it is necessary for Canada to arrive at a common understanding with aboriginal peoples of objectives and goals that are based on full respect for their constitutional, treaty and internationally-recognized rights.”

Since his report there has been little or no progress in the fields of education, murdered and missing Indigenous women, housing, high suicide rates, harassment at border crossings, and other issues. Canada has made no commitment to engage with the recommendations of the Special Rapporteur.

For the upcoming High Level Plenary Meeting called the UN World Conference on Indigenous Peoples, the government of Canada had no national consultation process with Indigenous Peoples. Many other States with significant Indigenous populations sought out the opinions of those Indigenous Peoples to take them into consideration in the development of the Outcome Document. Canada preferred not to have input from Indigenous Peoples, despite repeated requests and recommendations for First Nations leaders and UN Indigenous Experts to the UN including Grand Chief Edward John, member of UNPFII and Chief Wilton Littlechild, member of EMRIP.

To make matters worse, the government of Canada was the only State to object to the Outcome Document paragraph that refers to the Free, Prior and Informed Consent of Indigenous Peoples. The only State. This position is contrary to the recent Supreme Court of Canada (SCC) in the Tsilhqot'in case. In paragraph 97 SCC states: "Governments and individuals proposing to use or exploit land whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group" (Tsilhqot'in Nation v. British Columbia, 2014 SCC 44; date: June 26, 2014).

This is very similar to its objection of the Right to Water which gained international condemnation before Canada changed its position.

We ask the Human Rights Council, the Special Rapporteurs and the Treaty Bodies to monitor Canada closely. Don't be fooled by Canada's rhetoric. Rich countries like Canada remain rich by denying the human rights of Indigenous Peoples.

Thank you, Mr. President.