

September 11, 2015  
Public Statement

### **Anniversary of the *UN Declaration on the Rights of Indigenous Peoples*: Who's Afraid of Human Rights?**

Earlier this summer, the Truth and Reconciliation Commission called on the federal, provincial and territorial governments to implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the central framework for Canada to at long last address the racism and blatant disregard for the lives of First Nations, Inuit and Métis children and families exemplified by the residential school policy.

For organizations and individuals who have been deeply involved with the *Declaration*, the recommendation comes as no surprise.

Adopted by the UN General Assembly eight years ago on September 13, 2007, the *Declaration* sets out a global consensus on the minimum standards necessary to remedy policies, like Canada's residential schools experiment, that have uprooted, marginalized and impoverished Indigenous Peoples around the world. The *Declaration* affirms the rights of Indigenous Peoples to bring up their children in their language and traditions, to maintain their distinct relationships to their lands and territories, and make crucial decisions about their own lives and futures.

Given the depths of abuse documented by the Truth and Reconciliation Commission, and the failure of governments in Canada to even acknowledge this intergenerational abuse until forced to do so by a class action suit, the value of such international human rights standards should be self-evident. As UN Secretary General Ban Ki-moon said in a statement released during the TRC's closing ceremonies, the *UN Declaration* is a roadmap for reconciliation.

Unfortunately, the federal government remains deeply opposed to the effective use and implementation of the *UN Declaration*. Even prior to the UN General Assembly's adoption of the *Declaration* in 2007, the government claimed over and over again that the rights protections set out in the *Declaration* somehow undermine the Canadian Constitution, derail reconciliation between Aboriginal Peoples and their neighbours, or otherwise tear the Canadian political fabric. The government has made these claims in the face of overwhelming consensus to the contrary by Canadian constitutional and international law experts, and principled, interpretive rulings of courts in Canada and other countries.

Canadians should be appalled that their government would make such claims about any human rights instrument, much less one that is specifically intended to address the needs and injustices of some of the most vulnerable sectors of society. The federal claims ignore the active role that Canadian government representatives played in the development and shaping of the *Declaration*, the careful balancing provisions included in the *Declaration* to explicitly state that the rights of all people must be respected, and the

fact that the Supreme Court of Canada relies on the same core principles for the balancing of rights.

It's also worth noting that the same government that claims to champion the Constitution and rule of law has routinely ignored the constitutionally-entrenched rights of Indigenous Peoples when issuing resource development permits, has fought to prevent application of the *Canadian Human Rights Act* to its contemporary policies on First Nations child and family protection, and has had to be repeatedly sued to implement even recently negotiated Treaties.

This failure to respect the rights of Indigenous peoples has been strongly and repeatedly criticized by international human rights mechanisms, including the UN Special rapporteur on the rights of Indigenous Peoples, the UN Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination, and the Inter-American Commission on Human Rights.

Ultimately, what lies behind the rhetoric about the *Declaration* is the federal government's resistance to sharing - constructively and creatively - the extraordinary power and control it continues to exercise over so many Indigenous Peoples in Canada, notwithstanding that it was the misuse of this power that impoverished and dispossessed Indigenous Peoples. That is the real heart of the matter.

Through extensive research and the testimony of more than 6000 survivors of Indian Residential Schools, the Truth and Reconciliation Commission documented more than a century of horrific abuses. The Commission's summary report makes it clear that these abuses resulted both from government policies explicitly designed to eradicate Indigenous Peoples as distinct societies in Canada and, more broadly, from the assumption made by people in power that they knew what was best for Indigenous families, communities and Nations.

The *UN Declaration* was developed through a process of more than two decades of careful deliberation involving states and Indigenous Peoples from around the world. The *Declaration* refutes colonial domination of Indigenous Peoples in all its forms and sets out key standards and guarantees necessary to build a new relationship based on partnership and mutual respect.

The TRC asks us to embark on a new journey – one where human rights are upheld and the *UN Declaration* is the framework. This deserves the support of all Canadians.

*The Coalition for the Human Rights of Indigenous Peoples consists of Indigenous Peoples organizations and human rights groups. The Coalition has worked collaboratively on the development, successful adoption and implementation of the UN Declaration on the Rights of Indigenous Peoples for the past 15 years.*

**Statement endorsed by:**

**Amnesty International Canada; Assembly of First Nations; Canadian Friends Service Committee (Quakers); First Nations Summit; Grand Council of the Crees (Eeyou Istchee); Indigenous World Association; KAIROS: Canadian Ecumenical Justice Initiatives; Native Women's Association of Canada; Nunavut Tunngavik Inc.; Québec Native Women/Femmes Autochtones du Québec; Union of BC Indian Chiefs**