



Public statement  
May 4, 2016

## **Bill C-262: An essential framework for implementation of the *United Nations Declaration on the Rights of Indigenous Peoples***

*In many ways, Canada waged war against Indigenous peoples through Law, and many of today's laws reflect that intent. ... The full adoption and implementation of the UN Declaration on the Rights of Indigenous Peoples will not undo the War of Law, but it will begin to address that war's legacies.*

Senator Murray Sinclair, Truth and Reconciliation Chair, April 2016

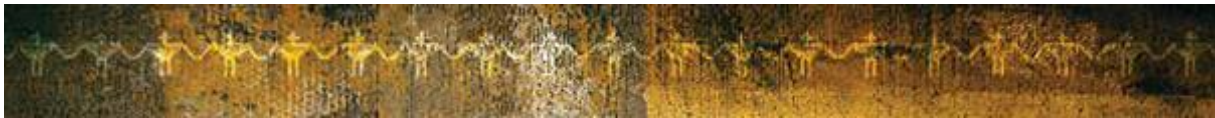
The *United Nations Declaration on the Rights of Indigenous Peoples* is a global human rights instrument setting out minimum standards for the “survival, dignity and well-being” of Indigenous peoples around the world.

In its Calls to Action, the Truth and Reconciliation Commission named the *UN Declaration* as “the framework” for Canadians to come together to redress the terrible harms that have been inflicted on Indigenous peoples throughout Canada’s history.

Our organizations have been deeply involved in the promotion of the *UN Declaration*. We are firmly convinced of its vital importance to the cause of justice and reconciliation. From this perspective, we support the private member’s bill on implementation of the *UN Declaration* introduced in Parliament on April 21 by MP Romeo Saganash.

The recently elected government led by Prime Minister Justin Trudeau has repeatedly expressed its commitment to the implementation of the *UN Declaration* as a top priority. Bill C-262 has five elements that are crucial to fulfilling this promise:

- ❖ Bill C-262 sets out the key principles that must guide implementation of the *Declaration*.



- ❖ Bill C-262 provides clear public affirmation that the standards set out in the *UN Declaration* have “application in Canadian law.”
- ❖ Bill C-262 would require a process for the review of federal legislation to ensure consistency with the minimum standards set out in the *UN Declaration*.
- ❖ Bill C-262 requires the federal government to work with Indigenous peoples to develop a national action plan to implement the *UN Declaration*.
- ❖ Bill C-262 provides transparency and accountability by requiring annual reporting to Parliament on progress made toward implementation of the *Declaration*.

Our organizations acknowledge that full implementation of the *Declaration* will require long-term commitment and collaboration. We need the *Declaration* precisely because so many of the laws and policies affecting the lives of First Nations, Inuit and Métis peoples in Canada are profoundly unjust and rest on foundations of racism and colonialism. As the Truth and Reconciliation Commission reminded us over and over again, “reconciliation is going to take hard work.”

The *UN Declaration* was the subject of one of the most extensive deliberation processes ever undertaken in the international human rights system. The collaboration between Canadian government representatives and Indigenous peoples during the final years of negotiation was a key factor in developing a text that could attain such broad, global support.

The development of the *Declaration* took more than two decades. Another decade has passed since the negotiations concluded. It is time for the government of Canada to commit to re-engage in a collaborative dialogue with Indigenous peoples to take the *Declaration* to the necessary next stage of domestic implementation. Bill C-262 provides a framework for doing so in a way that is principled, systematic, cooperative, transparent and accountable. This approach deserves the support of all Parliamentarians, all Parties and all Canadians.

- *The Coalition for the Human Rights of Indigenous Peoples*

**Statement endorsed by:**

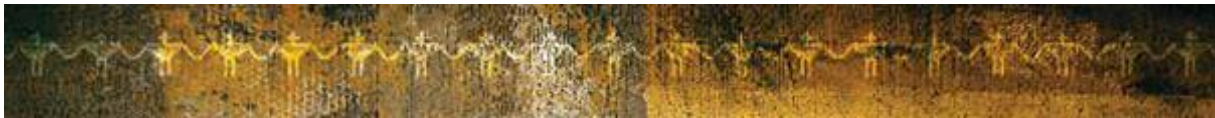
Amnesty International Canada  
Assembly of First Nations  
Assemblée des Premières Nations du Québec et Labrador/Assembly of First Nations of Quebec and Labrador  
BC Assembly of First Nations  
Canadian Friends Service Committee (Quakers)  
Chiefs of Ontario

First Nations Summit  
Grand Council of the Crees (Eeyou Istchee)  
Indigenous World Association  
KAIROS: Canadian Ecumenical Justice Initiatives  
Nunavut Tunngavik  
Québec Native Women/Femmes  
Autochtones du Québec  
Union of BC Indian Chiefs



## Background:

1. Bill C-262 sets out the key principles that must guide implementation of the *Declaration*. In its preamble, the Bill notes the importance of rejecting colonialism and doctrines of racial superiority. Instead, it embraces “a contemporary approach based on good faith and on principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights.”
2. Bill C-262 provides clear public affirmation that the standards set out in the *UN Declaration* have “application in Canadian law.” It is already well established that international human rights standards are a relevant and persuasive source of interpretation of Canadian law. Canadian courts regularly draw on international law for this purpose. The *UN Declaration* is not an exception: in fact, Canadian courts and tribunals have already used the *UN Declaration* to help interpret and clarify Canadian law. Affirmation of this principle in Bill C-262 helps address some of the confusion created by the previous government that had taken inaccurate and often contradictory positions on the legal application of the *Declaration*.
3. Bill C-262 would require a process for the review of federal legislation to ensure consistency with the minimum standards set out in the *UN Declaration*. When Canada formally endorsed the *Declaration* in 2010, the federal government expressed confidence “that Canada can interpret the principles expressed in the *Declaration* in a manner that is consistent with our Constitution and legal framework.” Unfortunately what followed was the continued adoption of legislation without consultation with Indigenous peoples and without regard for their rights, despite often profound impacts on Indigenous cultures, well-being, and exercise of constitutionally-protected rights. The new government has promised to review all such legislation. Bill C-262 provides a legislative framework for the promised review.
4. Bill C-262 requires the federal government to work with Indigenous peoples to develop a national action plan to implement the *UN Declaration*. Canada committed to such an action plan when it joined the international consensus in supporting the outcome document of the 2014 UN World Conference on Indigenous Peoples. Bill C-262 underlines the importance of doing so in a consultative and cooperative manner.
5. Bill C-262 provides transparency and accountability by requiring annual reporting to Parliament on progress made toward implementation of the *Declaration*.



**For more information:**

[Text of Bill C-262](#)

Text of the [United Nations Declaration on the Rights of Indigenous Peoples](#)

[‘Veto’ and ‘Consent’ - Significant Differences](#), by Paul Joffe

Inter-Parliamentary Union: [Implementing the UN Declaration on the Rights of Indigenous Peoples: Handbook for Parliamentarians N° 23](#), 2014,

Indigenous Bar Association: [Understanding and Implementing the UN Declaration on the Rights of Indigenous Peoples](#): An Introductory Handbook

Office of the UN High Commissioner for Human Rights and Asia Pacific Forum: [United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions](#)

Coalition for the Human Rights of Indigenous Peoples: [Joint Letter to Prime Minister Justin Trudeau on Free, Prior and Informed Consent](#)

