

UN Permanent Forum on Indigenous Issues

Twenty-fourth Session

Agenda Item 3 on the theme “Implementing the *United Nations Declaration on the Rights of Indigenous Peoples* within United Nations Member States and the United Nations system, including identifying good practices and addressing challenges”

Join Statement from the Coalition for the Human Rights of Indigenous Peoples in Canada, including:

Professor Brenda Gunn, University of Manitoba; Laurie Buffalo; Lea Nicholas Mackenzie; Professor Sheryl Lightfoot, University of Toronto; International Chief Wilton Littlechild

Amnistie internationale Francophone; British Columbia Treaty Commission; Canadian Friends Service Committee; Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government; International Organization of Indigenous Resource Development; Tsilhqot’in National Government

We are pleased to present the following Joint Statement on behalf of the Coalition for the Human Rights of Indigenous Peoples, which brings together a number of Indigenous Nations and organizations, as well as civil society partners in Canada.

This statement addresses the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*, and we recommend to the Permanent Forum on Indigenous Issues:

- THAT, consistent with their international human rights obligations, States must develop, in cooperation and consultation with Indigenous Peoples comprehensive National Action Plans to fully implement the *United Nations Declaration on the Rights of Indigenous Peoples*. Such Plans must set out concrete steps to advance implementation with appropriate timelines.
- THAT, Consistent with Paragraph 7 of the Outcome Document of the World Conference, particular emphasis should be given to ensuring legislators, civil servants and the judiciary understand the rights set out in the *Declaration* and the obligation to uphold these rights.
- THAT, consistent with the standard of free, prior and informed consent affirmed throughout the *Declaration*, measures must also be put in place to ensure transparency, accountability and oversight regarding what implementation steps will be taken and how they will be taken in cooperation and consultation with Indigenous Peoples. These measures must, in turn, be supported by a financial commitment to ensure Indigenous Peoples have the technical capacity to participate fully.

- THAT, States should set up independent Indigenous led monitoring mechanisms to ensure the implementation of the UN Declaration on the Rights of Indigenous Peoples. We further suggest that the Forum recommend actions for Indigenous Peoples human rights to be better integrated throughout the UN system.

Through the Action Plan, Canada has committed to establishing an “independent Indigenous rights monitoring, oversight, recourse or remedy mechanism”¹ that will monitor implementation of the *Act* and the Action Plan and provide redress and remedies to Indigenous Peoples when their rights are violated. The need for such a body has been highlighted by the United Nations Expert Mechanism on the Rights of Indigenous Peoples.² Canada needs to take concrete steps to establish this mechanism for accountability and transparency in the implementation of the National Action Plan and coinciding *Act*.

In response to the discussion questions posed in the concept note for this dialogue, the Coalition would like to share our experience from Canada.

In 2021, Canada became the first UN Member State to adopt national legislation requiring the government to harmonize its laws and policies with the *Declaration*. However, given Canada’s long history of denying, disregarding, and attempting to extinguish the rights of Indigenous Peoples, the challenges for implementation across all government departments and programs are many.

To overcome the challenge of entrenched, systemic discrimination, States must commit to work, meaningfully and respectfully, in genuine cooperation with Indigenous Peoples, consistent with the *Declaration*. Meaningful and comprehensive engagement of Indigenous Peoples in the work of Member States and UN entities includes respecting Indigenous Peoples’ right to free, prior and informed consent, as affirmed throughout the *Declaration* and particularly article 19. Article 22 of the *Declaration* also underscores that, “Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this *Declaration*.”

Developing consistent institutional and operational practices that recognize and implement Indigenous Peoples’ rights also requires comprehensive measures to ensure legislators, civil servants and the judiciary understand the rights set out in the *Declaration* and have clear guidance on how to uphold these rights. While Canada has made some progress on training, much work remains to be done. Our Coalition is committed to supporting education and training in respectful partnership with the Government of Canada. At a minimum, such a process should

¹ The United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan (2023): <https://www.justice.gc.ca/eng/declaration/ap-pa/ah/pdf/unda-action-plan-digital-eng.pdf>, page 29, Shared Priority 19.

² A/HRC/EMRIP/2024/2, pp. 18-19, para 9.

start with a shared understanding about needs and objectives, an agreement regarding timelines and accountability, and resources to support the process.