

**Submission by the North American Region Preparatory Meeting for the United Nations Permanent Forum on Indigenous Issues Sixth Session (UNPFII6)**

**Co-Rapporteurs Celeste McKay, Native Women's Association of Canada and Andrea Carmen, International Indian Treaty Council**

*Note: The Preparatory Meeting was too place from April 21 – 22 in Minneapolis Minnesota and was attended by 65 representatives from 56 Indigenous Nations and organizations from the Permanent Forum's North America Region (United States and Canada). Paragraph numbers below correspond to the paragraph numbers in the entire document submitted as CRP7 to this session of the UNPFII.*

**RECOMMENDATIONS ON AGENDA ITEM 7. "HALF DAY DISCUSSION ON INDIGENOUS PEOPLES AND URBAN MIGRATION"**

*Indigenous Peoples Affected by International Borders*

43. Participants recognize that the current methods and procedures for enforcement of border control by the United States, Canada and Mexico violate the human rights, cultural rights, treaty rights, sovereignty, and, in some situations, the right to life of Indigenous Peoples and Nations, in particular of those divided by international borders between Canada and the United States and Mexico and the United States. Participants recognize and support the important work being carried out by impacted Indigenous Peoples and States to address the continued serious problems resulting from current border enforcement and immigration policies, which includes thousands of deaths in recent years. In this regard, the participants note with appreciation various events and Summits organized by Indigenous Peoples to address this issue, including the Border Summit of the Americas held in San Xavier, San Xavier District, Tohono O'odham Nation, September 29-October 1, 2006, which produced the "Declaration of San Xavier" affirming Indigenous Peoples rights in this regard. The participants also affirm the vital importance of recognition by states of Indigenous Peoples' and Nations own documentation of their Indigenous Nation Citizenship.
44. Participants call upon the Permanent Forum to request reports and updates from these and other States, regarding the status and implementation of remedies, in particular, where deaths and critical threats to the lives, safety and human rights of Indigenous Peoples occur. Of particular concern is the high rate of rape, murder, disappearance and trafficking of the Indigenous girl-child and Indigenous women.

45. Participants emphasize the importance of Article 36 of the *UN Declaration on the Rights of Indigenous Peoples* in upholding the rights of Indigenous peoples divided by international borders and call upon UNPFII6 to request States to respect the rights contained within this Article as an important step in resolving the grave violations of Indigenous Peoples' human rights they currently experience. Article 36 states:

“Article 36 Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.” (*UN Declaration on the Rights of Indigenous Peoples*, article 36)

46. Participants endorse the CERD's recommendation that Canada consider ratifying the 1954 Convention relating to States of Stateless Persons and the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families as well as other legislative and policy actions:

**“23...The Committee recommends that the State party consider ratifying the 1954 Convention relating to Status of Stateless Persons and the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. The Committee urges the State party to take necessary legal and policy measures to ensure that undocumented migrants and stateless persons whose asylum applications have been rejected are provided with access to social security, health care and education in all provinces and territories, in line with article 5 e) of the Convention. The Committee also recommends to the State party that it consider amending the Immigration and Refugee Protection Act (IRPA) so as to explicitly include statelessness as a factor of humanitarian and compassionate consideration.”** [Emphasis is original.] (CERD Concluding Observations on Canada 2007, para. 23)

47. The participants support calls for a 2<sup>nd</sup> International Border Security Summit that will focus on the human rights of Indigenous Peoples divided by international borders.

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Finally Madame Chair, as the co-Coordinator of the North America regional caucus for the Declaration on the Rights of Indigenous Peoples, I would like to add that the North America Region underscores, based on our own experiences, the close relationship between urban migration of Indigenous Peoples and the acceleration of language loss.

In North America, urban migration has taken place for a variety of reasons, including economic factors as well as government assimilation policies and programs which included relocation or rural and reservation Indigenous Peoples to urban areas, which occurred in the United States in the 1950's. This has had a particularly profound impact on language fluency among Indigenous children and youth whose families now live in urban areas.

Our region therefore expresses strong support for the proposal presented by the Indigenous expert member of the UNPFII from North America, Mr. Willie Littlechild calling upon the UNPFII to organize a UN Expert Workshop on Indigenous languages during the next year. We emphasize that its agenda should include discussion of the impacts of urban migration as well as positive models and best practices by states and Indigenous Peoples for the implementation of Article 14 of the UN Declaration on the Rights of Indigenous Peoples, paragraph 3 : *“States shall in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language”*

Thank you.