

Celeste McKay
20 May 2009

PFO9 celeste 231

**United Nation Permanent Forum on Indigenous Issues Eighth Session
New York, 18 May to 29 May, 2009**

Item 4 (a) and (b) – Human Rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples, Report of the expert group meeting on the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Statement presented by Celeste McKay, Director of Human Rights and International Affairs of the Native Women's Association of Canada

Thank you, Madame Chairperson. We welcome this opportunity to comment on the vital theme of human rights, from our experience in advocating for the rights of Indigenous women, their families and communities in Canada. Every State has the obligation to uphold and promote the human rights of Indigenous Peoples. The Native Women's Association of Canada (NWAC) is concerned about the current example being set by the government in Canada. As we know, Canada is one of the world's wealthiest countries and enjoys a reputation as a champion of human rights. Yet, our reality is that we continue to face an enormous gap in the protection and fulfillment of our human rights. This was accurately summarized by the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples in the report of his 2004 mission to Canada, which sadly remains true today:

“Economic, social and human indicators of well-being, quality of life and development are consistently lower among Aboriginal people than other Canadians. Poverty, infant mortality, unemployment, morbidity, suicide, criminal detention, children on welfare, women victims of abuse, child prostitution, are all much higher among Aboriginal people than in any other sector of Canadian society, whereas educational attainment, health standards, housing conditions, family income, access to economic opportunity and to social services are generally lower.”

This is only one example of many of international human rights bodies and mechanisms that have called on Canada to take effective actions to ensure that Indigenous Peoples can enjoy the human rights to which we are all entitled. Another recent example is the many recommendations made by States at the recent Universal Periodic Review of Canada. Our organization has repetitively expressed concern over the government's failure to engage in a meaningful dialogue about how to respond to implement these recommendations. Far too often, instead of taking meaningful action to bring about the needed change, the government has relied on simply enumerating how it is already spending money on existing programs. This approach falls short of making a commitment to implement effective solutions resulting in substantive change.

We are seeking a commitment from the government of Canada to establish a different kind of relationship where Canada will work collaboratively with Indigenous Peoples in Canada *at every step of the decision-making process*, to narrow the gap in human rights protection and fulfillment.

A cornerstone of such a relationship is support for the UN *Declaration on the Rights of Indigenous Peoples*. The UN Declaration is a road map for working collaboratively to fulfilling human rights that have been too long denied. The UN Declaration is particularly important to Indigenous women, who have suffered the consequences of multiple forms of discrimination as keepers of our traditions and cultures.

An essential part of implementing the UN Declaration is ensuring a culturally relevant gender-based analysis of the benefits and impacts of all policies, programs and laws that may affect the rights of Indigenous Peoples. Indigenous Peoples and representative organizations, including Indigenous women's organizations must be equal partners in this effort.

This commitment to fulfilling Indigenous Peoples rights should be the hallmark of all aspects of government policy, including foreign trade and investment. For example, Canada has been actively pursuing closer trade relations with Colombia. The NWAC had a leadership exchange with Indigenous women from ONIC, the National Organization of Indigenous Peoples in Colombia, which provided our leadership with the privilege of travelling throughout Colombia to meet with our Indigenous sisters and brothers. Indigenous Peoples in Colombia have been threatened and attacked for speaking up about their human rights. We have been disappointed that Canada has not used its trade relations as an opportunity to press for effective protections for the Indigenous leaders and communities who face daily threats to their survival. We want to acknowledge the Special Rapporteur's continued commitment to follow-up on its mission to Colombia to address the grave human rights violations facing Indigenous Peoples there.

In summary, we make the following recommendations to the Permanent Forum:

1. To encourage to all states, without exception, to endorse and implement the UN *Declaration on the Rights of Indigenous Peoples* as a universal and minimum standard to the protection and fulfillment of the human rights of Indigenous Peoples;
2. To encourage all states to collaborate with Indigenous Peoples and representative organizations, particularly Indigenous women's organizations, in the development and application of culturally relevant gender-based analysis tools;
3. To call on the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples to encourage the government of Canada to report on any measures taken specifically to implement the recommendations contained in the report to the 2004 Mission to Canada; and
4. To encourage all States to develop open and transparent mechanisms in collaboration with Indigenous Peoples to consider and report on treaty-monitoring bodies, special mechanisms and the universal periodic review and the Expert Mechanism on the Rights of Indigenous Peoples so that such recommendations are duly considered and result in real change to the lives of Indigenous women, their families and their Nations.