

United Nations Human Rights Council

Expert Mechanism on the Rights of Indigenous Peoples, 3<sup>rd</sup> session

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Joint Oral Intervention by the International Indian Treaty Council, International Organization of Indigenous Resource Development, Ermineskin Cree Nation, Samson Cree Nation, Louis Bull Tribe, Montana First Nation, Native Women's Association of Canada

Agenda Item 5, Proposals to be Submitted to the Human Rights Council for its Consideration and Approval, oral intervention statement presented by Andrea Carmen, IITC

Thank you Mr. Chairman.

We take note with appreciation of the work of the EMRIP members to complete the Study on Indigenous Peoples' Right to Education as well as the first of two reports on Indigenous Peoples and the Right to Participate in Decision-making.

It is very important, in our view, to build upon previous work carried out by this and other UN bodies as well as by Indigenous Peoples, and to identify areas where collaboration and follow-up can enable advances to be made on key human rights issues.

In this regard we take note of important advances which have taken place regarding the rights of Indigenous Peoples to Education, which also directly address the Right to Participation in decision making. Of particular importance is work currently being carried out to address and bring to light the past abuses and ongoing legacies of state policies which resulted in the forced removal of large numbers of Indigenous children from their homes, families and communities without consent of the impacted Peoples in the name of "education". These programs, which were actually forced assimilation programs, were called residential schools in Canada, boarding schools in the United States and Aboriginal Assimilation (also known as "Stolen Generation") programs in Australia. They have other names in other regions.

One of the most important advances since the conclusion of the EMRIP's study on education is the implementation of the Truth and Reconciliation Commission on residential schools in Canada. Its purpose is to collect testimony from survivors, their families as well as school and government officials on the human rights violations, including many forms of extreme abuse, loss of language and culture and the death of unknown numbers of children under the residential school removal program which lasted from the mid 1800's - 1996. The TRC, which was created as part of a court-ordered settlement process, is also mandated to look forward and make recommendations on how healing and reconciliation can take place for the victims, Indigenous communities and Nations and the country as a whole.

Of 61 Truth Commissions that have been established around the world, of which approximately 22 directly impacted Indigenous Peoples, this is the only one which specifically addresses Indigenous children. It was highlighted as a "good practice" at a recent Expert Group meeting

by the UN permanent Forum on Indigenous Issues on **International Expert Group Meeting (EGM) on Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption** which took place March 3<sup>rd</sup> – 4<sup>th</sup> 2010. This EGM report also highlighted the relevancy of this issue in terms of the EMRIP's current study on participation, and called upon the EMRIP to take action as follows:

*113. Experts call upon the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in their current study on the Rights of Indigenous Peoples to participation in decision making, to include an assessment regarding Indigenous Peoples' decision-making practices, obstacles and challenges regarding Children and Youth in various forms of State or alternative custody. This study should include a review of the issues and concerns raised in this report. Experts also take note of the invitation of the EMRIP members for Indigenous Peoples and organizations to have input into this study, including in the area of right to decision-making regarding Indigenous children and youth. [E/C.19/2010/CRP. 8, para. 113]*

This matter addresses concerns in both the previous and the current EMRIP studies. The TRC is an important model and mechanism for improved relations between states and indigenous peoples which could be replicated in many countries and regions.

We therefore recommend that the EMRIP recommend to the HRC the organization of a International Expert Group Meeting or Seminar on Truth and Reconciliation Processes, including the TRC on Residential Schools in Canada as an important current example directly addressing Indigenous children. This EGM could include consideration and assessment of TRC's in other countries and the lessons they provide in developing solutions for conflict resolution and building improved relations. .

The direct involvement of Indigenous Peoples in bringing about and carrying out the TRC process in Canada is an important model for participation in decision making regarding matters which have had and continue to have a profound impact on the life and survival of the affected Indigenous Peoples. By including a focus on the participation of Indigenous Peoples in development and implementation of relevant reconciliation models, it will make important contributions of direct relevance to the EMRIP's current study. Its results and outcomes will contribute to the EMRIP's analysis of good practices and examples of practical implementation.

We look forward to working with the EMRIP, the HRC and the Office of the High Commissioner on Human Rights to advance planning for this important international initiative.

Thank you.