

Indigenous World Association

Organization in Special Consultative Status with the UN Economic and Social Council since 1985

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Expert Mechanism on the Rights of Indigenous Peoples

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Draft Study and Advice on the Rights of the Indigenous Child under the United Nations Declaration on the Rights of Indigenous Peoples

Speaker: Kenneth Deer

Greetings:

On behalf of the IWA, we would like to thank EMRIP for preparing the Study and Advice on the Rights of the Indigenous Child under the UN Declaration on the Rights of Indigenous Children. Although we were not able to submit comments on the draft during the time it was open for comments, we support Advice No. 14 as presented in the draft. In this statement, we would like to highlight a portion of the report and make recommendations to implement the Advice.

Paragraph 41 of the draft report recognizes that both Canada and the United States historically sent Indigenous children to boarding schools far from their families and communities, where many experienced physical, psychological and sexual abuse. The report highlights the Canadian Truth and Reconciliation Commission the painful truths they uncovered, as well as efforts in the United States. We wish also to mention the important work of the National Native American Boarding School Healing Commission in the United States, who has increased public awareness and cultivates healing for the trauma experienced by individuals, families, communities, American Indian and Alaska Native Nations resulting from historic U.S. adoption and boarding school policies. The Indigenous World Association has members in Canada and the United States, thus we feel it especially important to highlight these efforts.

We appreciate that the draft report recognizes the phenomena of intergenerational trauma and that removal of Indigenous children continues to happen in a variety of ways among Indigenous peoples worldwide.

Advice No. 14 provides that “12. *States should take steps to redress intergenerational trauma and the impact of removing children from their communities, and take immediate measures to reduce and aim to eradicate the continued removal of indigenous children from their families and communities, and to reunite all families separated by migration.*” This recommendation has become especially critical in Canada, given the recent discovery of nearly 1,000 unmarked graves of Indigenous children on the grounds of former residential schools in the Canadian provinces of British Columbia and Saskatchewan, with more to found in the near future. This recent discovery has really brought a re-traumatization to Indigenous peoples in Canada.

In order to move forward, Indigenous people must be involved in designing reparations processes. Indigenous peoples must be in control of their own children, and states must recognize that this is a core part of our self-determination. As Advice 14 provides, states should incorporate the Convention on the Rights of the Child and its optional protocols, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other key human rights treaties, the United Nations Declaration on the Rights of Indigenous Peoples, and the American Declaration on the Rights of Indigenous Peoples into national law including through national implementation plans, with the participation of, and in consultation with, indigenous peoples, including children.