

**United Nation Permanent Forum on Indigenous Issues Eighth Session
New York, 18 May to 29 May, 2009
Item 3(b): Follow-up to the recommendations of the Permanent Forum on
Indigenous Women**

Statement presented by Kathleen McHugh, Women's Council Chair, Assembly of First Nations on behalf of The Assembly of First Nations of Canada (representing 633 First Nations), Wilton Littlechild, Regional Chief of the Assembly of First Nations, Treaties 6, 7, and 8 (Alberta), International Organization of Indigenous Resource Development (IOIRD), Maskwacis Cree (4 Nations), Samson Cree Nation, Ermineskin Cree Nation, Louis Bull Tribe, Montana First Nation

(Traditional greeting)

Thank you Madame Chairperson, Honourable Permanent Forum Members, distinguished delegates and Indigenous representatives. I make this intervention as member of the Assembly of First Nations (AFN) Women's Council and as such, I am also representing the Assembly of First Nations and its National Chief, Phil Fontaine. I want to acknowledge and pay my respects to the Onondaga Nation whose territory we are meeting on today.

We take this opportunity to draw attention to the Government of Canada proposed legislation that is currently being considered by Canada's Parliament. First Nations, including First Nations women strongly oppose the proposed Bill C8, legislation which deals with matrimonial real property (MRP) on reserves in Canada. We call on all opposition parties and the Federal Government to support the hoist motion to not send Bill C8 for further consideration in legislative committee. We call on Canada to consult with First Nations in Canada in a manner that fully respects its treaty and constitutional obligations and fully responds to the goals, needs and rights of First Nation women, families and citizens in Canada. Any proposed legislation dealing with First Nations must be done in full consultation with First Nations. Contrary of Canada's assertions today regarding consultations, this Bill does not have our free prior and informed consent and our opinions and perspectives are not reflected in this Bill. We ask that Canada reconsider moving forward with any legislative initiative that has been developed without full respect for its legal obligations to consult and accommodate First Nations rights and interests or without the free, prior and informed consent of First Nations as required by Article 18 and 19 as well as articles 3, 4, 5, 6 and 18 of the *UN Declaration*.

Since the inception of the United Nations, Indigenous women have inspired and nurtured the work of the United Nations Permanent Forum on Indigenous Issues (UNPF). Indigenous women from all corners of the earth have played an exceptional role in shaping its voice and vision. This is evident in the representation of women on the UNPF. Indigenous women have figured prominently in the work of the Indigenous caucus, including drafting of the UN Declaration and Indigenous women will be instrumental in guiding its implementation. We must continue to promote, protect and broaden the role that Indigenous women play and the remarkable opportunity to restore balance once again to our families and nations.

With respect to the Report of the Expert Group meeting on the role the UNPFII in the implementation of Article 42 of the UN Declaration, the AFN Women's Council emphasizes:

- 1) Our support for the recommendations made under paragraph 64 of the report, especially that states should: "in the spirit of harmonious and cooperative relationships with the indigenous peoples establish as soon as possible where it does not already exist a national dialogue with indigenous peoples on human rights based on the Declaration."
- 2) The AFN Women's Council also supports recommendations made under paragraph 65 of the report, especially that: "The Secretary-General should provide an adequate budget for the purpose of meeting requirements of Article 42 of the declaration as it may apply to the Permanent Forum, its Secretariat and relevant actions."

The AFN Women's Council also submits two key recommendations for the Report of the UNPFII expert group and the implementation of Article 42 of the UN Declaration:

- 1) The AFN Women's Council recommends that in the implementation of Article 42 of the *UN Declaration on the Rights of Indigenous Peoples* and regarding our support for paragraph 65 of the report of the expert group, that the UNFPII should adopt and apply *culturally relevant* Gender-Balanced Analyses (GBA) in promoting respect for the full application of the provisions of the Declaration including meaningful and effective follow-up.
- 2) The AFN Women's Council recommends that in the implementation of Article 42 of the *UN Declaration on the Rights of Indigenous Peoples* and regarding our support for paragraph 65 of the report of the expert group that the Secretary-General should support and promote special budgeting considerations to gender, children and youth for the purpose of meeting requirements of Article 42 of the declaration.

The goal of our recommendations is to ensure Indigenous women are true partners in implementing the Declaration and that any barriers preventing their full and equal participation at the international, state or local level are identified and removed. We wish to ensure Indigenous women have equal consideration and are equally protected through inclusion in advocacy efforts.

Culturally relevant gender-balanced analyses and gender budgeting are critical to ensuring the knowledge, traditions and vital expertise of Indigenous women are considered in the full application of the provisions of this Declaration.

Both of our recommendations are critical to achieving the UN Millennium Development Goal of promoting gender equality and the empowerment of women in all our work.