

**Expert Mechanism on the Rights of Indigenous Peoples**  
**Twelfth session**  
**15–19 July 2019**  
**Item 8 of the provisional agenda**  
**United Nations Declaration on the Rights of Indigenous Peoples**

**Joint Statement of Amnesty International, Assembly of First Nations, BC Assembly of First Nations, Canadian Friends Service Committee (Quakers), Grand Council of the Crees (Eeyou Istchee), KAIROS: Canadian Ecumenical Justice Initiatives, Union of British Columbia Indian Chiefs, Grand Chief Wilton Littlechild, Mariam Wallet Aboubakrine, Past Chair, UN Permanent Forum on Indigenous Issues, Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics, University of British Columbia,**

**Speaker: Kenneth Deer, Indigenous World Association**

Thank you for the opportunity to address agenda item 8 on the "United Nations Declaration on the Rights of Indigenous Peoples". We recommend to EMRIP to strongly reiterate their recommendation that States adopt legislative frameworks to ensure the full and effective implementation of the *UN Declaration*.

We wish to bring to EMRIP's attention recent developments relating to the legislative implementation in Canada of the *UN Declaration*. There are now nine federal laws that affirm Canada's commitment to the implementation of the *Declaration*. However, it is greatly troubling that the Bill that would have created a unified legislative framework for implementation unfortunately was not allowed to pass.

Last year we reported on Bill C-262 – a private member's bill tabled by Cree Member of Parliament Romeo Saganash in April 2016. On May 30, 2018, the House of Commons adopted the Bill. The Bill was then sent to the Senate.

In April 2019, the House of Commons adopted a **unanimous Motion** supporting both Bill C-262 and a second private member's bill, Bill C-337 that provides for sexual-assault training for judges. This Motion underlined that "***both critical pieces of legislation ... have been duly passed by the House of Commons***" and "***both bills should be passed into law at the earliest opportunity***".<sup>1</sup>

As critical time continued to pass in June 2019, former Conservative MP Rona Ambrose – who had tabled Bill C-337 – tweeted a public warning:

I've been told my party will block all legislation including [#C337](#) to make sure [#C262](#) [#UNDRIP](#) never passes. Sad day.

As Rona Ambrose had cautioned, both bills have been killed. This occurred on June 21<sup>st</sup>, 2019 – National Indigenous Peoples Day, as the Senate rose for the summer break. They will not sit for

private member's business again before the fall election. The actions of a few Conservative Senators procedurally prevented both Bills from having 3rd reading in the Senate.

To date, the *UN Declaration* has been reaffirmed 10 times by the General Assembly by consensus. No country in the world formally objects to the *Declaration*. In its latest report, the UN Permanent Forum on Indigenous Issues calls on Canada to “operationalize the Declaration by passing Bill C-262 (United Nations Declaration on the Rights of Indigenous Peoples Act) as a significant step towards reconciliation.”<sup>2</sup> We are also heartened by the increased application of the *UN Declaration* by UN treaty bodies, specialized agencies, special rapporteurs and other independent experts.

Canada has made significant political and legal commitments to the *Declaration*. We are deeply concerned that extreme and unfounded fears surrounding the *UN Declaration* continue to block C-262, *The United Nations Declaration on the Rights of Indigenous Peoples Act*.

As signatories to this Joint Statement, we are all the more determined to ensure in the future that nothing less than the full contents of what was in Bill C-262 are adopted in legislation. We are all the more resolute to counter ongoing colonialism, racial discrimination and other extremist and undemocratic actions that undermine the human rights of Indigenous peoples.

We will prevail.

<sup>1</sup> The full text of Motion declares:

*That, in the opinion of the House, bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, as well as bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault), are both critical pieces of legislation that have been duly passed by the House of Commons, and have been in possession of honourable Senators for many months; that both bills should be passed into law at the earliest opportunity; and that a message be sent to the Senate to acquaint that House accordingly.*

<sup>2</sup>

Permanent Forum on Indigenous Issues, *Report on the eighteenth session (22 April – 3 May 2018)*, Economic and Social Council, Official Records, Supplement No. 23, United Nations, New York, E/2019/43-E/C.19/2019/10, para. 122.