

**United Nation Permanent Forum on Indigenous Issues Seventh Session**

**New York, 21 April to 2 May, 2008**

**Item 5: Human Rights: Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs**

**Joint Statement presented by Wilton Littlechild, Regional Chief of The Assembly of First Nations, Treaties 6, 7 and 8 (Alberta) on behalf of The Assembly of First Nations of Canada (representing 633 First Nations), the International Indian Treaty Council, the Assembly of First Nations Quebec and Labrador, First Nations Summit of British Columbia and the Métis National Council**

*Gratitude. Since its my first intervention, my congratulations to the new members and former colleagues of the UNPF and the Secretariat. Madame Chair, in front of telling stick, it is an honour to present this intervention*

The Assembly of First Nations (AFN), the International Indian Treaty Council (IITC), the Assembly of First Nations of Quebec and Labrador (AFNQL), the First Nations Summit of British Columbia (FNS) and Métis National Council (MNC) expresses sincere gratitude to the former Special Rapporteur, <sup>Dr</sup> Rodolfo Stavenhagen, for his hard work and commitment as Special Rapporteur and looks forward to ~~for~~ forging a strong relationship with the incoming Special Rapporteur <sup>P/21</sup> James Anaya. We believe that a dialogue relating to implementation gaps and challenges should be ongoing and should encourage the Government of Canada to welcome these discussions as the means by which to ensure that Canadian law and policy is consistent with emerging international standards relating to Indigenous and State relations.

*Our delegations*

The AFN, IITC, AFNQL, FNS and MNC welcomes the opportunity to work closely with the Special Rapporteur concerning Canada's implementation of the United Nations Declaration on the Rights of Indigenous Peoples. In light of Canada's behaviour in this regard, the AFN supports the following:

- a. That the Special Rapporteur continue to consider the *UN Declaration* on the Rights of Indigenous Peoples and fully integrate it in carrying out his diverse mandate;
- b. That Canada immediately review its conduct in relation to the adoption and implementation of the *UN Declaration*, so as to fully honour its obligations under Canadian constitutional and international law and its treaty obligations;
- c. That Canada fully take into account the far-reaching adverse impacts of its conduct on the Crown's relationship with Indigenous peoples, on the Human Rights Council, and the international human rights system as a whole;
- d. That Canada's failure to uphold the highest standards in promoting and protecting human rights and overall conduct as an elected member of the Human Rights Council be reviewed by the Council in accordance with its procedures;
- e. That Canada respect the will of Parliament and endorse and implement the standards of the UN Declaration as adopted by Parliament on April 8, 2008;
- f. 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 and Métis interests or without the free, prior and informed consent of First Nations and Métis as required by Article 19 of the *Declaration*;
- g. That Canada immediately consult with Indigenous peoples in Canada, in a manner that fully respects its treaty and constitutional obligations and fully responds to the questions and concerns raised by Indigenous peoples and organizations in Canada;
- h. That Canada ensure that the rights of all First Nations and Métis citizens are respected by appropriately addressing fundamental fiscal inequities in education, housing, health care and other social conditions that are the source of the poverty faced by First Nations and hinder achievement of the Millennium Development Goals as supported by Article 21

of the *Declaration*.

Unfortunately, since the 2005 report of the Special Rapporteur's mission to Canada in 2004 and his subsequent visit to Canada in October 2006 to attend a forum on closing the implementation gaps, many of his recommendations pertaining to the human rights and fundamental freedoms of Indigenous Peoples in Canada have not been implemented. In fact, First Nations are among the poorest people in Canada; our living conditions and social and health demographics are on par with those experienced in developing nations.

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All First Nation citizens must have as a minimum, access to economic, social, cultural, civil and political human rights standards and protections equivalent to those enjoyed by all Canadians. We have repeatedly called on the Government of Canada to intensify its measures to close these pressing gaps. In the past year we have witnessed many missed opportunities by the current Government of Canada to alleviate the crushing poverty that prolongs some of the most pressing human rights issues in our communities, *inter alia*, the chronic housing shortage, insufficient and unsafe schools, lack of access to safe drinking water, child welfare issues, chronic mould in First Nations houses, and inadequate healthcare for First Nations.

The relationship between the Crown and First Nations has been marked by a history of government policies and laws that undermine First Nations collective and individual rights as peoples and persons. This has resulted in devastating and far-reaching social and economic consequences.

Moreover, the Government of Canada has proceeded with numerous legislative initiatives without undertaking appropriate consultation and so, is in violation of the Duty of the Crown to

consult. This also contradicts the *UN Declaration* and is a serious breach of international standards by the Government of Canada.

May 29, 2008 has been designated by First Nations leaders across the country as the second National Day of Action. This will be a day for all First Nations, other Indigenous brothers and sisters, and Canadians to once again stand together in a spirit of unity to support the call to the Government of Canada to address the shameful poverty facing First Nations citizens and First Nations peoples. The Assembly of First Nations is promoting peaceful education and awareness activities that will inform Canadians of the importance of standing together to address First Nations poverty, renew our relationship, and secure a better future for First Nations children.

With your permission I would like to approach the <sup>podium</sup> <sup>quickly</sup> to present,  
in our tradition, a thank you gift to Dr. Stavenhagen and to also formally  
invite Prof. <sup>as per the HRC resolution</sup> Jim Anaya to visit our region in Canada. Thank you