



*Meeting of European Support Groups for Indigenous Peoples in North America*

EMRIP

Sixth Session, 8 – 12 July 2013

Item 6 “United Nations Declaration on the Rights of Indigenous Peoples”

Geneva, 11.07.2013

Speaker: Monika Seiller

Mr. Chairman,

The Meeting of European Support Groups for Indigenous Peoples in North America welcomed General Assembly Resolution 61/295 and the adoption of the UN Declaration on the Rights of Indigenous Peoples. In the report of the Expert Mechanism on its first session (A/HRC/10/56) it was stressed that the Declaration was a key human rights instrument on the rights of Indigenous Peoples and constituted a part of the framework of the Expert Mechanism.

Canada, as we all know, was one of only four countries that voted against the Declaration in 2007. Only after a significant delay the government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples at the end of 2010. The government's official statement falls far short of actual endorsement, however, emphasizing that the declaration “does not reflect customary international law nor change Canadian laws” and further emphasizes Canada’s objection to most of the major rights spelled out in the Declaration. In June 2013, the Aboriginal Affairs Minister Valcourt denied that the Declaration has any effect on the government’s obligations. To claim that the UNDRIP is merely an “aspirational instrument” is in contradiction to international law.

Article 22, Paragraph 2 calls upon States to “take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

In 2004 the Native Women’s Association of Canada unveiled the high number of Indigenous Women missing or being murdered in the last decades. In 2010 the NWAC published their report “What their stories tell us: Research Findings from Sisters in Spirit Initiative” documenting 582 cases of missing and murdered women. These are only the documented cases, and the true number can be estimated to be much higher.

Aboriginal women face discrimination in multiple ways: as women within their own communities due to the influence of colonialism and patriarchal structures, as women due to sexism in mainstream society, and as Indigenous due to discrimination and marginalization.

The discrimination and indifference towards Indigenous women by authorities results in impunity for the perpetrators of so many violent crimes committed against them. This culture of impunity contributes to the ongoing violence against Indigenous women and girls in Canada, a fact that almost two thirds of comments about Canada during its most recent UPR remarked on.

In 2004 Amnesty International confirmed the findings by the NWAC in its report “Stolen Sisters”, stressing that denial of dignity and respect, failing government policy and inadequate policing measures add to the patterns of violence against Aboriginal women and girls

Indigenous Women are five times more likely than other women of the same age to die as a result of violence. Nonetheless, Indigenous women don’t have adequate access to justice, as the case of the serial killer Robert Pickton in British Columbia demonstrated. The BC Missing Women Commission of Inquiry, which was created to investigate the failures by the police in this case, denied full participation to affected families, Indigenous and human rights organizations. We also recall the case of Judge David Ramsey who was sentenced to jail in 2004 for sexual assault causing bodily harm, breach of trust and three counts of buying sex from a person under 18. His victims, mostly aboriginal girls living in poverty and in trouble with the law, were subjected to acts of escalating sexual violence. Some were as young as 12 years old.

In February, Human Rights Watch published its Report “Those who take us away” which documents severe cases of police harassment and violence against Indigenous women. Police authorities supposed to protect Indigenous women are part of the systemic roots of the grave situation, when they doubt the number of missing and murdered women, while their cases are well documented.

For years we have been urging the government of Canada to implement the Principles of the United Nations Declaration on the Rights of Indigenous Peoples and with respect to Article 22 take measures to end the violence against Indigenous women and girls. Not only Indigenous organizations, but also the civil society has expressed the deep concern on that situation and showed their solidarity with the indigenous women by vigils, campaigns and protest marches throughout Canada, as well as in Europe.

Yet, Canada has failed to honour and implement article 22 of the UNDRIP. Whereas there is the urgent need for concrete actions and activities to end the cycle of violence against Indigenous women and girls, Canada has no coordinated National Action Plan to address the root causes of this situation. Some small steps have been taken, but they are uncoordinated and inadequate as long as they don't grant full and equal participation by the Indigenous peoples themselves.

Even before the adoption of the declaration in 2007, the United Nations Permanent Forum on Indigenous Issues had at its Fifth Session in 2006 recommended United Nations organizations and States provide comprehensive reports on violence against indigenous women and girls. In their report "Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women" presented in May 2013 the United Nations stresses the importance of collecting comprehensive data by stating, "the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples cannot be meaningfully implemented unless efforts are strengthened to guarantee that indigenous girls, adolescents and young women enjoy the full realization of their rights and are free from violence and the culture of impunity around which it revolves. As a first step, limitations and challenges posed by the lack of comprehensive data disaggregated by age, sex, location and ethnic status must be urgently addressed as a means to tackling the invisibility of the hardships endured by these groups."

Only on the pressure of human rights defenders Canada has finally accepted to invite the Special Rapporteur on the Rights of Indigenous Peoples to visit the country.

We, therefore, make the following recommendations:

We respectfully ask the Special Rapporteur having finally been invited to Canada to meet with the families of missing and murdered women and Indigenous organisations to study the situation.

We urge the government of Canada to start a public National Inquiry on the situation of the missing and murdered Indigenous women, to create a national register to document the cases and to take effective measures with full indigenous participation to end the violence against Indigenous women.

We urge the three Indigenous Peoples' bodies within the UN, and present here today, the Permanent Forum, the Expert Mechanism and the Special Rapporteur, to consider including Canada in next country-based studies on violence against indigenous women and girls.

We respectfully ask the Special Rapporteur to meet with the families of missing and murdered women and Indigenous organisations to study the situation.

We further urge the government of Canada to start a public National Inquiry on the situation of the missing and murdered Indigenous women, to create a national register to document the cases and to take effective measures with full indigenous participation to end the violence against Indigenous women.

We urge the three Indigenous Peoples' bodies within the UN, and present here today, the Permanent Forum, the Expert Mechanism and the Special Rapporteur, to consider including Canada in next country-based studies on violence against indigenous women and girls.

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