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UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION QUESTIONS CANADA ABOUT VIOLATIONS OF INDIGENOUS PEOPLES' RIGHTS

For Immediate release

February 24th, 2012, Geneva, Switzerland : Yesterday , February 23rd 2012, the UN Committee on the Elimination of Racial Discrimination (CERD), a high level UN Treaty Monitoring Body, completed its two-day questioning of Canada about its record pertaining to racial discrimination. As a State party to the International Convention on the Elimination of Racial Discrimination (ICERD), Canada is required to report every four years on its legally binding compliance with the provisions of the Convention.

The CERD's review was based on Canada's 19th and 20th written periodic reports and an oral summary presented by the Canadian government on Tuesday afternoon. Canada's report focused on what they considered to be positive benchmarks and achievements towards the elimination of racial discrimination in Canada. However, the CERD's review also took into account the alternative or "Shadow" reports submitted by Indigenous Peoples as well as "civil society" organizations. The alternative reports challenged Canada's record and presented a far different picture from the Canadian government's rosy assessment of its own compliance with the Convention.

Over 30 Indigenous Nations and organizations submitted alternative reports prior to the session, challenging Canada's record in a number of areas. The CERD session was attended by more than 20 Indigenous representatives including Chiefs representing Nations and Treaty territories from Alberta, Saskatchewan and British Columbia, as well as representatives from African Canadian groups and Human Rights organizations.

During the week, Indigenous delegates met with CERD members individually and in small groups to provide additional information and answer questions about issues presented in the alternative reports. They also made statements during the CERD session on Monday, February 20th, and participated in two briefing sessions organized with CERD members to address issues of core concern. These included: Canada's policy of extinguishment of aboriginal rights and title; appropriation of lands and resources; ongoing Treaty violations; failure to implement the UN Declaration on the Rights of Indigenous Peoples; imposition of mining, Tar Sands and other development projects both in and outside Canada without the free prior and informed consent of Indigenous Peoples; and imposed "settlement" processes that fail to respect aboriginal title. They also addressed Canada's failure to effectively address the ongoing inter-generational impacts of Canada's residential school policies; the continued removal of large numbers of Indigenous children from their homes and communities; extreme poverty and growing economic disparities between Indigenous Peoples and non-Indigenous Canadian society; disproportionate rates of incarceration of Indigenous youth, men and women; failure to address the epidemic of missing and murdered Indigenous women in Canada; and continued discrimination in education, housing and access to justice.

During the review, CERD members expressed deep concern and pressed the Canadian government delegation to answer questions about the information presented by Indigenous Peoples and “civil society” organizations. Unfortunately, Canada appeared to be either unwilling or unable to respond to a number of important questions from CERD members about their policies and practices regarding Indigenous Peoples.

The Indigenous delegates in Geneva expressed appreciation for the understanding demonstrated by the CERD members’ questions to the Canadian government. They were disappointed, though not surprised, by Canada’s responses to many of these questions which, in their view, glossed over, misrepresented or outright denied a number of serious and well-documented violations presented by Indigenous Peoples. They also noted that the Canadian government delegation failed to respond at all to a number of the CERD members’ questions.

For example, Chief Marilyn Baptiste of the Tsilhqot’in Nation from British Columbia commented, “I was happy to hear the questions from the Committee to Canada. It tells us that the Committee members heard us and listened to the Indigenous Peoples who are affected on the ground. But Canada’s lack of response to the CERD’s questions was disappointing. It seemed to be just business as usual for them.”

Ron Lameman, Board member of the International Indian Treaty Council from Beaver Lake Cree Nation and one of several delegates from Treaty 6 Territory in Canada, moderated a briefing session with the CERD members on February 22nd. He felt that the amount of interaction Indigenous Peoples were able to have with the CERD members in that meeting “was very helpful to facilitate dialogue and understanding between the CERD and Indigenous delegates as well as representatives of the African Canadian organizations.” However, he also added, “I was disappointed that Canada did not respond at all to some of the questions presented by CERD members, including one specific question from a CERD member about the Tar Sands and how they can justify continuing it without the free, prior and informed consent of the Indigenous Peoples.”

The insufficiencies of Canada’s report, which was completed without consultation with Indigenous Peoples, as well as the Canadian government’s failure to answer many of the CERD members’ questions specifically addressing Indigenous Peoples, were reiterated by a number of Indigenous delegates. Chief Wayne Semaganis, Little Pine Cree Nation from Saskatchewan commented, “I feel that the Canadian government acted quite arrogant. They did not tell the truth to the CERD about the reality that First Nations are facing in Canada.” He added that he was hopeful that the CERD report would have an impact. “With the rest of the world asking so many questions, it should make Canada really question themselves. This is at least a step forward.”

Indigenous Peoples participating in the process anticipate strong recommendations based on the CERD members’ questions and comments during the review. Ermineskin Cree Nation Councilor Brian Lee stated, “Canada has always taken the path of extinguishing Indigenous Peoples’ land and Treaty rights. It seems they will now be held accountable for their actions by the CERD”.

The CERD’s final report and recommendations will be posted on the UN CERD website, <http://www2.ohchr.org/english/bodies/cerd/> by March 9th, 2012. Archived webcasts of Canada’s review sessions are on the UN website, <http://www.un.org/webcast/unhrc/index.asp>. For additional information, contact Danika Littlechild, IITC Legal Counsel, danika@treatycouncil.org or Ron Lameman, rlameman@yahoo.ca. Contact IITC Executive Director Andrea Carmen, andrea@treatycouncil.org, for information about preparations and trainings planned by IITC for CERD’s review of the United States, which will take place in early 2013. IITC’s CERD training manual for Indigenous Peoples can be viewed and downloaded from IITC’s web page, www.treatycouncil.org.