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Written statement* submitted by International Association of Justice Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2024]

* Issued as received, in the language of submission only.



The Universal Periodic Review Outcome of Canada: Violation of the Rights of Indigenous People in Canada

The International Association of Justice Watch appreciates this opportunity to present its view on the UPR outcome of Canada.

In recent years, repeated and documented evidence of the violation of Indigenous rights by the Canadian government has come to light. From environmental destruction and erasure of indigenous cultures to disregard for the human rights of this community, these behaviors have deeply troubled us.

The basic inequalities that exist between indigenous people and the rest of Canada are a glaring reminder of the Canadian state's failure to overcome systemic racism, the intergenerational trauma of colonialism and the inadequate provision of specialized services and programs for each community (1). The reports talk about the high and disproportionate rates of violence and the appalling numbers of missing and murdered indigenous women and girls in Canada. Aboriginal women have been continuously reported missing across Canada. Approximately 500 Aboriginal women have been murdered or reported missing over the past 15 years (2).

Violence against indigenous women and children is only one part of a larger problem of the perception of indigenous people in general. Indigenous women are discriminated against because of their race and gender and often do not have equal access to services that could protect them. Inadequate access to clean, safe drinking water remains a major public health issue in many indigenous communities and hinders efforts to advance indigenous rights in Canada, one of the most water-rich countries in the world.

However, by all health status indicators, Aboriginal people in Canada suffer from disproportionately poor health compared to the non-Aboriginal population due to a long history of colonialist policies, for instance the residential schools system (3). The negative impacts of the child welfare system, over-representation in the justice system, chronic low income and poverty, substandard housing, lack of self-determination, and unequal standards of education all contribute to ill health. The health status of Aboriginal women in Canada is disparagingly low as compared to the non-Aboriginal population. The implementation of male centered legislation, policies, and institutions that are the hallmark of Canada's colonial history have had a long-lasting impact on the health of Aboriginal women (4). In May 2022, a Statistics Canada report found that 81 percent of indigenous women who had been in the child-welfare system had been physically or sexually assaulted in their lifetime (5).

Indigenous people in Canada continue to face territorial expropriation, resource extraction without consent, widespread inequality, systemic discrimination and repression by the state. There is global concern regarding anti-indigenous racism, reports of forced or coerced sterilization of indigenous women, the persistence of long-term boil water advisories, the legacies of colonialism and the lack of access to education and health care (6).

This follows a similar report by the United Nations Special Rapporteur on the rights of indigenous peoples, who found that indigenous people face "serious obstacles" to the full enjoyment of their human rights in Canada.

Further, we must say that according to the following principles of human rights documents and international law, such behavior by the Canadian government violates the human rights obligations of governments:

1. International obligations: In accordance with documents such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Rights of Indigenous Peoples, the Government of Canada is committed to upholding and guaranteeing the rights of indigenous people.
2. Right to economic and social development: indigenous Canadians have the right to participate equally in the economic and social development of their country, but the actions of the Canadian government continually disregard this right.

3. Right to self-determination: According to the Declaration on the Rights of Indigenous Peoples, indigenous Canadians have the right to self-determination over their lands and the right to make decisions on matters affecting them. However, the Canadian government has ignored this right and subjected certain indigenous territories to the influence of development projects.
4. Protection of the environment: indigenous Canadians have the right to protect their environment and use their natural resources, but the Canadian government is violating this right through certain decisions.
5. Right to culture and language: indigenous Canadians have the right to preserve and develop their culture and language, but the Canadian government is weakening this right through its policies.

Based on the principles of human rights and international legal documents, we strongly condemn the Canadian government's actions towards indigenous Canadians and call for immediate action to correct these violations and ensure the rights of indigenous people.

In this regard, the International Association of Justice Watch recommends the following:

1. The Government of Canada must take immediate and concrete action to correct the violations of indigenous people's rights and fulfill its commitments under human rights and international law documents.
2. We urge the Canadian government to engage in dialogue and initiate a sincere and meaningful dialogue with indigenous People's representatives to address their concerns and grievances and work together to find solutions that respect their rights and autonomy.
2. Implement legislative reforms that recognize and protect the rights of indigenous people, including their rights to land, resources, self-determination and cultural preservation.
3. Enact policies and regulations that prioritize the protection of indigenous lands and natural resources and ensure that indigenous communities have a voice in decisions that affect their environment.
4. Provide adequate compensation and restitution to indigenous communities for past injustices, including land dispossession, environmental degradation and cultural erasure.

We also call on the international community to:

1. Support indigenous People's rights, stand in solidarity with indigenous people and support efforts to protect and promote their rights, both in Canada and around the world.
2. Closely monitor the indigenous rights situation in Canada and advocate for accountability and justice at the international level, including through the Human Rights Council.

Finally, we recommend that the Human Rights Council:

1. Prioritize the issue of violations of indigenous people's rights in Canada and take concrete steps to investigate, document and remedy these violations and hold the Canadian government accountable for its actions.
2. Create robust monitoring mechanisms to ensure continuous monitoring of indigenous People's rights in Canada and ensure regular reporting and dialogue with indigenous communities and civil society organizations.

1.
www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_42_Add_1_EN.docx

2. Violations of Indigenous Human Rights - Native Women's Association of Canada
3. Lisa M Lix et al, Statistics Canada, “Risk Factors and Chronic Conditions Among Aboriginal and Non-Aboriginal Populations” (2009) 20: 4 Health Reports 21.
4. First Nations, Metis, and Inuit Women's Health: A Rights-Based Approach, 2017 CanLIIDocs 55
5. <https://www.hrw.org › world-report> World Report 2023: Canada | Human Rights Watch
6. <https://www.cbc.ca/news/indigenous/amnesty-international-indigenous-canada-report-1.6792508>