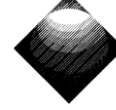




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News release

12 September 2009

UN Declaration on the Rights of Indigenous Peoples: Canadian government isolated as global implementation moves ahead

A new report released today shows governments and institutions around the world are moving ahead with implementation of a human rights instrument that the minority government of Canada has denounced as “unworkable.”

The *United Nations Declaration on the Rights of Indigenous Peoples* was adopted by a vote of the overwhelming majority of UN member states on September 13, 2007. Although Canadian government representatives played a critical role in its drafting, Canada voted against the *Declaration* at the General Assembly.

Of the only three other countries that voted against the *Declaration*, Australia has since reversed its position and publicly endorsed. New Zealand and the USA are reviewing their positions.

The report was prepared by Montreal lawyer Paul Joffe, an expert on international human rights who has regularly attended UN meetings on Indigenous issues. The report is being released on the eve of the second anniversary of the adoption of the *Declaration* by the UN General Assembly.

The report shows that in the two years since the adoption of the *Declaration*, governments, UN agencies, and regional and national courts and human rights bodies have increasingly turned to the *Declaration* for guidance in implementing measures to protect the rights of Indigenous peoples.

“These major advances highlight the unreasonableness of Canada’s position on the *Declaration*,” says Alex Neve, Secretary General Amnesty International Canada. “The Harper government has said that the *Declaration* is unworkable. Clearly, the international community and most countries strongly disagree.”

Examples in the report include:

- Norway states: "The Declaration contextualizes all existing human rights for Indigenous Peoples and provides... the natural frame of reference for... the promotion of indigenous peoples rights."
- Greenland recently negotiated with Denmark significantly enhanced self-government, which its Premier describes “as a de facto implementation of the Declaration and... hopefully an inspiration to others”.
- The Supreme Court of Belize relied in part on the *UN Declaration* in an October 2007 case that affirmed the land and resource rights of the Maya people.
- The Inter-American Court of Human Rights used the *UN Declaration* and other legal standards in its November 2007 ruling on the land rights of the Saramaka people in Suriname.

- The UN High Commissioner for Human Rights is urging “universal acceptance and implementation of the *Declaration*”, which she describes as a “significant human rights instrument”.
- Thirty-one United Nations agencies have pledged “to advance the spirit and letter of the *Declaration* within our agencies’ mandates and to ensure that the *Declaration* becomes a living document throughout our work.”

The government of Stephen Harper has insisted that the *Declaration* does not apply to states that voted against it. However, human rights declarations are understood to be universally applicable upon their adoption by the General Assembly. Governments, public institutions, courts and other bodies in Canada are free to rely on the *Declaration* in interpreting human rights.

The new report shows that despite the opposition of the Harper government, there is growing support for the *Declaration* within Canada.

- In February 2008, the Canadian Human Rights Commission indicated: “The Commission will look to the Declaration for inspiration in our own work.”
- In April 2008, the House of Commons adopted a motion calling for the Parliament and government of Canada to “fully implement” the standards in the *Declaration*.

“The *UN Declaration on the Rights of Indigenous Peoples* is the best available tool to address the longstanding human rights violations facing Indigenous Peoples worldwide,” says Assembly of First Nations National Chief Shawn Atleo. “It’s time for the government of Canada to follow the example of other governments and institutions around the world and support its implementation.”

Assembly of First Nations
Amnesty International Canada
Canadian Friends Service Committee (Quakers)
Chiefs of Ontario
Ermineskin Cree Nation
First Nations Summit
Grand Council of the Crees (Eeyou Istchee)
Louis Bull Cree Nation
International Organization of Indigenous Resource Development (IOIRD)
Inuit Tapiriit Kanatami
Inuit Circumpolar Council (Canada)
Montana Cree Nation
Native Women’s Association of Canada
Quebec Native Women
Samson Cree Nation
World Federalist Movement–Canada

The report is available online at: www.cfsc.quaker.ca/pages/projects_abor.html

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