

[Letterhead: Amnesty International]

March 30, 2021

Speech given by France-Isabelle Langlois, Executive Director, to the

Standing Committee on Indigenous and Northern Affairs

Opinion on Bill C-15 respecting the United Nations Declaration on the Rights of Indigenous Peoples

Mr. Chair,

Vice-Chairs,

Members of the Parliament of Canada and members of the Standing Committee on Indigenous and Northern Affairs,

I would like to start by acknowledging that the office of Amnistie internationale Canada francophone is located on unceded Indigenous territory.

Thank you for inviting Amnistie internationale Canada francophone to participate in the hearings on Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, hereafter referred as the Declaration.

The adoption of the Declaration in Canadian legislation is a priority human rights issue for Amnistie internationale Canada francophone and Amnesty International Canada.

Amnesty International actively campaigned for the Declaration to be adopted by the United Nations General Assembly in 2007, and both Canadian branches urged Canada to endorse the Declaration, which it did in 2010.

We have been involved in a number of inquiries that have been held in Canada, and each time, we have reiterated the importance of effectively implementing the Declaration in Canadian legislation.

These inquiries, which include the Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the Viens Commission, to name just a few, all recommended the implementation of the Declaration. It is highlighted as Principle #1 of the Truth and Reconciliation Commission of Canada, which reads: *“The United Nations Declaration on the Rights of Indigenous Peoples is the framework for reconciliation at all levels and across all sectors of Canadian society.”*

We supported the former Bill C-262, which had the same purpose as Bill C-15 and was sponsored by NDP MP Roméo Saganash. Unfortunately, that bill could not be passed before the election was called in 2019.

We welcomed the British Columbia government’s announcement in 2019 that it would be implementing the Declaration in its legislation.

On March 10, 2021, the Hill Times published an open letter signed by more than 200 organizations and individuals, most of them Indigenous, and endorsed by Amnesty International, calling for Bill C-15 to be passed into law before this session of Parliament concludes.

As you will have gathered, Amnesty International is in favour of Bill C-15. This bill is long overdue. It is high time that Canada moved forward with the implementation of the Declaration. The time for inquiries and studies is over. It is time for action. For 13 years now, civil society has been working to finally turn the Declaration into a reality.

The Indigenous peoples of Canada have been and continue to be subjected to the oppression of colonization. The Parliament of Canada has a historic opportunity to advance Indigenous reconciliation.

The United Nations Declaration on the Rights of Indigenous Peoples is a consensus global human rights instrument, elaborating minimum standards for the “survival, dignity and well-being of Indigenous peoples.” Implementation of these standards is vital to improving the lives of Indigenous peoples in Canada and around the world, and to upholding Canada’s solemn and urgent human rights commitments.

This bill is not perfect—far from it. Nonetheless, it is of paramount importance. We cannot allow such a crucial bill to fail again.

Amnesty International believes that Bill C-15 should have placed more emphasis on the position and issues specific to Indigenous women. The bill does mention the National Inquiry, but that is not enough. Canada’s Indigenous women face double discrimination: for being women and for being Indigenous.

As a result, it will be important to ensure that Indigenous women are included at every stage of the implementation of the Act and that the action plan pays special attention to including them. This will ensure that they receive justice and reparations for all the discrimination, harm, injury and life-threatening abuse that they continue to endure, and that they are fully involved in building a Canada that is fair and equitable for all peoples.

Amnesty International also believes that Bill C-15 should make the mechanisms for consultation and collaboration with Indigenous peoples more explicit. We feel that certain questions remain unanswered: who will be consulted, how and when?

Lastly, Amnesty International believes that the Act, its action plan and its harmonization with all other Canadian laws should be adopted in accordance with the core principles of international human rights law. The Declaration contains more than 20 articles affirming the right of Indigenous peoples to participate in decision-making, including:

- the right to self-determination (article 3);
- the right to autonomy or self-government (article 4);
- the right to participate (article 18);
- the right to be actively involved (article 23);
- the obligation of States to “obtain their free, prior and informed consent” (article 19);

- the obligation to “consult and cooperate in good faith” with Indigenous peoples (articles 32.2, 36.2 and 38);
- the obligation to take measures “in conjunction with” Indigenous peoples (articles 22.2, 27 and 31.2); and
- the obligation to give “due respect to the customs” of Indigenous peoples (article 26.3).

Despite the few reservations we have just outlined, Amnesty International urges members of the House of Commons and the Senate to take swift, non-partisan action in accordance with Canada’s commitment to Indigenous peoples. We call on members of the House of Commons and the Senate to be guided by the highest standards of human rights and human dignity, so that Bill C-15 passes before the end of the current session of Parliament.

Thank you.

France-Isabelle Langlois

Executive Director