

24th Session of the Human Rights Council (9-27 September 2013)
Item 6 – Consideration of UPR Report of Canada – 19th September, 2013
Presented by Ermineskin First Nation Counselor Brian Lee, International Indian Treaty Council

Thank you Mr. Chair.

We thank you for this opportunity to address briefly the Universal Periodic Review of Canada. We have two issues to speak to. The first is the crisis of missing and murdered Aboriginal women in Canada.

During the Canadian UPR Interactive Dialogue in April of this year, at least 26 delegations provided recommendations to Canada regarding gender-based violence and the well-known crisis of missing and murdered Aboriginal women in Canada. The Canadian government responded that they had a 7-point strategy launched in 2010 to deal with the issue.

Mr. Chair, it is 2013 and the crisis is ongoing. In July of this year, Premiers (the leaders) of provinces and territories across Canada called for an inquiry into missing and murdered Aboriginal women. In less than 24 hours the federal government of Canada dismissed the Premiers' urgent call to action. Without an inquiry we cannot identify the roots of this crisis, nor can we begin to develop a national strategy for resolving it. Without an inquiry, hundreds of families will have to continue on without any answers. As has been repeated so many times in Canada, this is not simply an "Indigenous" issue. It is a Canadian issue – and when considered alongside the crisis of trafficking in women and children, it is an international issue.

Finally, in support of those recommendations made to Canada regarding access to justice, the implementation of the Rights of Indigenous Peoples and the development of national action plans to that end, **we strongly support such action be taken with a focus on Indigenous legal orders and traditional forms of justice.**

We draw your attention Mr. Chair to the Canadian Standing Senate Committee on Legal and Constitutional Affairs recommendation that the Canadian government take immediate steps, in close collaboration with Indigenous Peoples having expertise in their respective Indigenous legal traditions, to both (a) undertake comprehensive identification of those traditions, including customary and oral laws, and (b) develop policies related to their recognition and their integration into Canadian law alongside the common and civil law.¹

The full implementation of the rights of Indigenous Peoples as described under the UN Declaration on the Rights of Indigenous Peoples cannot proceed effectively without such recognition. Thank you Mr. Chair.

¹ Recommendation 6 in "Taking section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and Treaty Rights: Final Report of the Standing Senate Committee on Legal and Constitutional Affairs" (December 2007)