



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I refer to your communication received on 3 April 2019 containing information in response to the Committee's letter of 14 December 2018 regarding the "Recognition and Implementation of Indigenous Rights Framework", in Canada, adopted under its early warning and urgent action, in accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure.

In its letter, the Committee specifically raised the concerns about the announcement and development of the "Recognition and Implementation of Indigenous Rights Framework" that would have been carried out without consultation with and free, prior and informed consent from indigenous peoples. The Committee also mentioned its concern about the deterioration of the trust between the federal government and indigenous peoples.

The Committee welcomes the information provided on the State party regarding the measures taken towards reconciliation and the review of its legislation to ensure full adherence with international human rights standards and the United Nations Declaration on the Rights of Indigenous Peoples. The Committee takes note of the holding of meetings and engagement sessions related to the development of the "Recognition and Implementation of Indigenous Rights Framework".

The Committee also takes note of the information provided regarding the objective of the restructuring of the Department of Indian Affairs and Northern Development and the Bill C-262 passed in the House of Commons on 20 May 30 2018, pending passing in the Senate. This bill aims at ensuring that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, notably through the adoption of a national action plan to achieve the objective of the Declaration (Bill C-262, article 5).

Her Excellency Ms. Rosemary McCarney
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The Committee remains concerned about the limited information regarding the measures taken to ensure an adequate discharge of the duty to consult with the view of obtaining free, prior and informed consent on the Indigenous Rights Framework as well as on the new rights-based policy announced to be launched in June 2019, in replacement of the Comprehensive Land Claims Policy and the Inherent Right Policy.

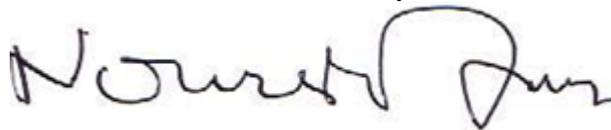
Likewise, the Committee is concerned about allegations that the development and adoption of new legislation would have a far-reaching and adverse impact on the rights of indigenous peoples. Furthermore, this new legislation appears to be developed without consultation and free, prior and informed consent, in particular Bill C-91 on indigenous languages, Bill C-92 on indigenous children, youth and families as well as Bill C-86 and Bill C-97 on the implementation of the budget and other measures, including indigenous matters.

Therefore, the Committee urges the State party to ensure that no decisions about the Indigenous Rights Framework and other legislations regarding indigenous peoples are taken without consultation with and their free, prior and informed consent of indigenous peoples. Moreover, the Committee urges the State party to establish preconditions for achieving effective free, prior and informed consent, including building trust, good faith and culturally appropriate methods of negotiation and recognition and respect for indigenous peoples' inherent rights.

Finally, the Committee reiterates its request of information about the construction of the Site C dam, as stated in its letter addressed to the State party that were adopted at the Committee's 97th session under its early warning and urgent action procedures.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Canada, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination