

QUEBEC NATIVE WOMEN (QNW) ADDRESSES

Point 3: Study on “Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition.”

Mr. President, delegates,

Quebec Native Women (QNW) wishes to underline the importance of the major presence of Indigenous women and girls in the study on treaties, agreements and other arrangements between Indigenous peoples and States. QNW stresses that the rights and issues specific to Indigenous women must be taken into account under articles 21 and 22 of the *United Nations Declaration on the Rights of Indigenous Peoples* and the same sections of Bill C-15 *An Act respecting the United Nations Declaration of the Rights of Indigenous Peoples*. QNW requests that **treaties previously signed in Canada, between Canada and Indigenous peoples, be honoured to definitively stop hindering the fundamental human rights of Indigenous peoples, particularly those of Indigenous women and girls**. As for **future treaties**, our organization requests that Indigenous peoples and Indigenous women **be not only consulted, but that they be full stakeholders involved in discussions about the conclusion of treaties, agreements and constructive arrangements**. We also request of key United Nations players to **make sure that this is done**, in compliance with Article 37 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Considering that Article 37 of the *United Nations Declaration on the Rights of Indigenous Peoples* must be **read jointly with other rights** guaranteed by said *Declaration*, **QNA is of the opinion that Indigenous peoples, especially**

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Indigenous women, shall not only give their prior, free and informed consent regarding treaties, agreements and arrangements, but they must also take part in the negotiation and conclusion of such accords. Canadian jurisprudence mentions that States shall act in good faith and respect Indigenous people, but our organization requests that treaties and agreements be made in **co-construction and co-collaboration** with and for Indigenous peoples.

Indeed, Indigenous peoples are guaranteed an **undeniable right to self-determination** in international law, as provided in Articles 3, 5, 9 and 33 of the *United Nations Declaration on the Rights of Indigenous Peoples*. They also have the right to be involved in decision-making in all areas that could affect their rights.

In Canada, Section 35 of *The Constitution Act, 1982* recognizes aboriginal rights and title to First Nations, Inuit and Métis peoples. Yet, **despite this constitutional recognition**, signed treaties and agreements **are not respected** and Indigenous people's rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms* are still hindered. For instance, the Supreme Court of Canada had to pronounce on numerous cases regarding Indigenous peoples' rights, but to no avail. While jurisprudence mentions that constitutional rights of Indigenous peoples are **pre-existing** to the arrival of colonizers, **section 35 of the *Canadian Constitution* is still the object of debate and interpretation in Canadian tribunals. Time has come for States, including Canada, to implement it.**

Thank you for your attention.

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Point 7: International decade of Indigenous languages

Mister President, delegates,

Quebec Native Women (QNW) wishes to underline that the preservation, transmission and use of Indigenous languages **must be promoted to achieve reconciliation** between Indigenous peoples and non-Indigenous society. **As keepers and transmitters of various Indigenous cultures, Indigenous women and girls must be at the centre of Indigenous languages promotion.**

FAQ requests that **urgent actions** be taken by the Expert Mechanism on the Rights of Indigenous Peoples and by all United Nations bodies having an impact to urge States, including Canada, to take action in promoting and revitalising Indigenous languages. **These are joint initiatives that must be taken to oppose laws such as the Quebec government's *Bill 96*.** Even though our organization is aware that the province of **Quebec is not directly accountable** to this assembly, we ask the government of Canada to make the Quebec government, since it is accountable, to listen to reason.

In Quebec, the provincial government has just adopted *Bill 96* on French as the official and common language in Quebec. **This paternalistic bill, suffused with colonialism, hinders the transmission, revitalization and promotion of Indigenous languages.** It hinders Section 133 of the *Constitution Act, 1867* and sections 15, 25 and 35 of the *Canadian Charter of Rights and Freedoms*. For our organization, this is a **lack of good faith** as well as a **great lack of respect** by the provincial government. This is a backward step by **ten (10) years as far as reconciliation is concerned.**

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Since this is the International Decade of Indigenous Language (2022-2032), as declared by the United Nations, our organization is of the opinion that it is **essential to celebrate and use Indigenous languages whenever the opportunity arises**. Indigenous languages are central in the **spectrum of human rights guaranteed by various international instruments**. Among others, articles 26 and 27 of the *International Covenant on Civil and Political Rights* and article 2 of the *Universal Declaration of Human Rights*, article 30 of the *Convention on the Rights of the Child* protect the right to non-discrimination and the use of languages. **The United Nations Declaration on the Rights of Indigenous Peoples also clearly guarantees the use of Indigenous languages, namely in articles 13, 14 and 16**. The right to culture and the right to self-determination are therefore directly involved.

Moreover, Resolution 71/178 of the United Nations' General Assembly stand for the protection and promotion of linguistic rights of Indigenous peoples. Our organization then wonders as to the **actual respect of Indigenous peoples' linguistic rights**, especially those of Indigenous women and girls by the States.

Finally, QNW wishes to stress that **despite communities' important efforts to reappropriate their traditional languages, Indigenous languages have been declining significantly due to the imposition by colonial policies of certain languages at the expense of ancestral languages**. States absolutely must **take ownership** and be **key actors** in the promotion of these languages.

Thank you for your attention,

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Point 8: Panel discussion on the impact of development projects on Indigenous women

Mr. President, dear panelists and delegates,

Quebec Native Women (QNW) wishes to underline **the importance of Indigenous women and girls' participation in all development projects**. For 48 years now, QNW has been actively working to restore balance between Indigenous women and men, Indigenous or not, by giving a strong voice to women's needs and priorities.

QNW seeks respect by Canada for the right to consultation and participation and that the voice of Indigenous peoples be accounted for in all development projects. Our organization also asks the Expert Mechanism on the rights of Indigenous peoples to examine Canada's action accordingly. Finally, this must be done with the **specific rights and needs of Indigenous women and girls** in mind, as prescribed by the *United Nations Declaration on the Rights of Indigenous Peoples*, as well as the *Convention on the elimination of all forms of discrimination against women*.

Indigenous women are recognized as keepers and transmitters of Indigenous knowledge and cultures. Therefore, they must be stakeholders in all development projects, as well as all Indigenous individuals should be. The duty to consult is guaranteed by articles 18, 19 and 32 of the *United Nations Declaration on the Rights of Indigenous Peoples* and by the precept of the honour of the Crown invoked in Section 35 of Canada's *Constitutional Act, 1982* as well as by the *Sparrow* and *Delgamuukw* [Supreme Court of Canada's] judgments; this duty to consult must therefore be respected so that specific Indigenous interests be taken in consideration and that their needs be reflected in practise. **QNW considers that in**

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the absence of honourable consultation and unless Indigenous women's voices are heard, the implementation of all types of projects is greatly deficient.

Needless to say, their non-participation and exclusion from all stages of the processes surrounding development projects **stifle their human rights guaranteed by international law.**

Articles 21 and 22 of the *United Nations Declaration on the Rights of Indigenous Peoples* recognize that, in the implementation of the *Declaration*, particular attention must be given to the specific rights and needs of Indigenous women and that States must make sure to take such necessary measures to protect them against all forms of violence and discrimination. With the adoption of *Bill C-15: An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, Canada must also take measures to protect the rights of Indigenous women and girls and respond to their specific needs. **QNW is of the opinion that this must be done in keeping with gender-based analysis and an intersectional approach.**

Impacts of development projects have **major consequences on Indigenous ancestral territories and resources.** Aboriginal people, more specifically Indigenous women, must be able to **share their knowledge** so that the territories occupied by Indigenous peoples be **preserved for future generations.**

Thank you for your attention.

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Point 9: Thematic discussion on violence against Indigenous women

Mr. President, delegates,

For 48 years now, Quebec Native Women (QNW) has been **working to increase awareness about and fight against violence in all its forms experienced by Indigenous women and girls**, specifically psychological violence, physical violence, sexual violence and post-separation violence, spiritual violence, and more. These various forms of violence have **far-reaching consequences** on Indigenous women and their children. **To this day, our organization still condemns before this assembly the disproportionate violence Indigenous women suffer in silence.**

Our organization requests of the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous peoples that they look into the issue **of holding the government of Canada responsible for its inaction**. QNW demands that **concrete and immediate actions** be taken to stop this violence in all its forms, violence that Indigenous women and girls experience disproportionately.

The final report of the *National Inquiry on Missing and Murdered Indigenous Women and Girls* (NIMMIWG) condemned the **disproportionate rates of violence experienced by Indigenous women and girls**. Moreover, in 2018 the Survey of Safety in Public and Private Spaces denounced the fact that 63 % of First Nations and Inuit women have already been physically or sexually assaulted by the age of 15, as compared to 45 % of non-Indigenous women.

In addition to this disproportionate violence in all its forms experienced by Indigenous women and girls, **domestic violence is an internalized and trivialized issue in Indigenous communities**. There is no need to go into details about the

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intergenerational impacts of colonization, boarding schools, discriminatory and patriarchal laws to demonstrate that such assimilation policies underlie the disproportionate rates of violence which significantly affect the life, the well-being and the safety of Indigenous women and girls. **The COVID-19 pandemic exacerbated the issue of domestic and family violence even more.** In many cases, women and girls had no safe place to go to, which means they were trapped in this problematic situation.

Thank you for your attention