



National Association
of Friendship Centres
Association nationale
des centres d'amitié

Urban Indigenous perspectives on the Legislative Proposal regarding the United Nations Declaration on the Rights of Indigenous peoples

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In Friendship.



Background

The United Nations Declaration on the Rights of Indigenous peoples (UN DRIP) is the result of roughly twenty-years of advocacy by Indigenous peoples from around the world. UN DRIP is an articulation of pre-existing rights of Indigenous peoples both as individuals and as a collective, which reaffirms minimum standards for the survival, dignity, and wellbeing of Indigenous peoples. Within the forty-six Articles of UN DRIP lies key priorities of Indigenous communities related to governance, health, community, culture, language, lands, territories and resources, and education.

On September 13, 2007, UN DRIP was adopted by a majority of 144 states in favour, while four states voted against, including Canada. In May 2016, the Canadian government officially adopted it, promising to implement it within Canada's laws.

Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (Bill C-15) was introduced in the House of Commons on 3 December 2020 by the Minister of Justice.

Analysis

The National Association of Friendship Centres (NAFC) welcomes the opportunity to provide some perspectives and insights on Bill C-15 and how we foresee the legislation affecting Indigenous peoples – that is First Nations, Inuit, and Métis - who are urban-based, in cities, towns, rural, remote, and northern communities.

A crucial implementation component, should this Bill pass, will be to engage Indigenous peoples, regardless of residency, in the corresponding framework and any corresponding proposed revisions to Canadian laws.

Friendship Centres do not politically represent Indigenous peoples, nor does the NAFC elect representatives on behalf of Indigenous peoples, in the way that First Nations, Inuit and Métis governments do. However, we provide services to hundreds of thousands of Indigenous peoples every day, work with them to navigate services, support communication and relationships with multiple governments, provide important education and information to Indigenous peoples, and we often are a first point of contact or last stop in seeking assistance. In this way, Friendship Centres play a key role in assisting Indigenous peoples in urban settings to uphold and realize their rights as Indigenous peoples, including their intersecting rights based on their diverse and layered identities.

UN DRIP applies to Indigenous peoples as both individuals and as a collective and emphasis of this fact is clearly articulated within the Articles of UN DRIP. In Canada, there have been strides to ensure that there are federal government-to-Indigenous

governments and nation-to-nation relationships. However, there is still a strong role for Indigenous organizations that are made up of collectives of Indigenous individuals to play in advancing the rights of Indigenous peoples.

According to Article 1 of UN DRIP:

*Indigenous peoples have the right to the full enjoyment, as a collective **or as individuals**, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.¹*
[Emphasis added]

Urban Indigenous organizations (non-governmental organizations) are often led by Indigenous peoples that experience compounded discrimination and rights violations due to their layered identification with multiple historically and systemically oppressed groups, such as Indigenous women, children, Two Spirit LGBTQ+, and people with disabilities.

According to Article 2 of UN DRIP:

*Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the **right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.**²* [Emphasis added]

The Indigenous peoples that operate Friendship Centres, and other urban Indigenous organizations, have various impacts, including providing violence prevention initiatives, shelter, Indigenous culturally safer childcare, early learning supports, wrap around holistic service delivery, housing, and food security, among others. These organizations are instrumental in upholding, addressing, and advancing Indigenous and human rights. Further, Indigenous peoples who are not living on their traditional homelands, or where their homelands have been urbanized, should not be at a disadvantage to having their rights upheld and advanced because of their residency.

¹ Art. 1, United Nations Declaration on the Rights of Indigenous Peoples. Online:<<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>>

² Art. 2, United Nations Declaration on the Rights of Indigenous Peoples. Online:<<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>>

Friendship Centres are a social and cultural institution leveraged by urban Indigenous people to exercise their rights to safety, culture, economic prosperity, etc.

According to Article 5 of UN DRIP:

*Indigenous peoples have the right to **maintain and strengthen their distinct political, legal, economic, social and cultural institutions**, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.³ [Emphasis added]*

Understanding urban Indigenous realities will be vital to making good and effective public policy, program and funding decisions and should also inform legislative development and changes in Canada. Today, over half of the Indigenous population in Canada lives in urban and/or rural settings.⁴ Indigenous peoples who live in urban settings, including rural, remote, or northern settings, will have varying engagement with their respective First Nations, Inuit, or Métis governments, and some people may have little to no affiliation or even be excluded from the decision-making process of their governments due to their residency or location. The result is that urban Indigenous organizations, while not governments or formal representative entities, have information that is vital to consider when making decisions about Indigenous matters.

Indigenous peoples' rights are portable. According to Article 9 and 14 of UN DRIP:

Article 9

*Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. **No discrimination of any kind may arise from the exercise of such a right.**⁵ [Emphasis added]*

Article 14(3)

*3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, **including those living outside their communities**, to have access, when*

³ Art. 5, United Nations Declaration on the Rights of Indigenous Peoples. Online:<<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>>

⁴ Statistics Canada, "Aboriginal peoples in Canada: Key results from the 2016 Census" (October 2017), online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm>>.

⁵ Art. 9, United Nations Declaration on the Rights of Indigenous Peoples. Online:<<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>>

possible, to an education in their own culture and provided in their own language. [Emphasis added]

UN DRIP affirms the inherent or pre-existing collective human rights of Indigenous peoples, as well as the human rights of Indigenous individuals. UN DRIP does not create new or special rights for Indigenous peoples. Instead, it elaborates upon existing international human rights instruments and clarifies how those rights apply to Indigenous peoples given their “specific cultural, historical, social and economic circumstances. This is done irrespective of an Indigenous person’s physical residence or affiliation with an Indigenous government.

According to Article 11(1), 12(1) and Article 24 of UN DRIP:

Article 11(1)

1. Indigenous peoples have **the right to practise and revitalize their cultural traditions and customs**. This includes **the right to maintain, protect and develop** the past, present and **future manifestations of their cultures**, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature. [Emphasis added]

Article 12

1. Indigenous peoples have the **right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies**; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. [Emphasis added]

Article 24

1. Indigenous peoples have the **right to their traditional medicines and to maintain their health practices**, including the conservation of their vital medicinal plants, animals and minerals. **Indigenous individuals also have the right to access, without any discrimination, to all social and health services**. [Emphasis added]
2. **Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health**. States shall take the **necessary steps with a view to achieving progressively the full realization of this right**. [Emphasis added]

Urban Indigenous people do not give up who they are by moving to urban centres. Often, we search for cultural connections and seek ways to practice our diverse cultures, eat traditional foods, and still gather in ceremonial customs. Friendship Centres are often vital sites where cultural traditions and customs are maintained, advanced and revitalized. Because Friendship Centres are locally-driven, the customs and cultures reflect the urban Indigenous community members that are located in those specific communities.

Indigenous peoples have, for decades, had common experiences in their urban realities that exist in addition to and cross their Indigenous identities, which draws contrast to the antiquated view that Indigenous identities only exist in strict categories. RCAP reported in 1996 that:

“Crossing the city limits does not transform Aboriginal people into non-Aboriginal people; they go on being the particular kind of person they have always been – Cree, Dene, Mohawk, Haida. The intention of Aboriginal people to go on expressing their Aboriginal identity and to pass it on to their children was a consistent theme in presentations by urban Aboriginal people at the round table and in hearings across the country.”⁶

The NAFC recalls, supports, and provides the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls final report that noted that implementing solutions (in this case the Report’s Calls to Justice) must address *“the needs of distinct Indigenous peoples, and taking into account factors that make them distinct”* including but not limited to:

- *Self-identification*
 - *First Nation*
 - *Inuit*
 - *Métis*
- *Geographical- or regional-specific information*
 - *North, South, East, West*
 - *Proximity to urban centres, oceans, water, and natural resources*
 - *Locations of traditional territories and homelands*
 - *Municipal, provincial, and territorial boundaries*
- *Residency*
 - *On-reserve/off-reserve*
 - *Rural/urban*
 - *Remote and northern*
 - *Communities and settlements*

⁶ Royal Commission on Aboriginal Peoples (1996) retrieved online.

- *A gendered lens and framework that ensures that impacts on women, girls, and 2SLGBTQQIA individuals are considered.*
- *Understanding the differences and diversity among 2SLGBTQQIA people*
- *Understanding that the needs, within communities of individuals, may not necessarily be the same.⁷*

First Nations, Inuit, and Métis people living in urban settings have multiple and intersecting diversities that make up their respective identities. These diversities correspond with rights that are enshrined in both domestic and international law.

As people living with diverse identities, urban Indigenous peoples also experience multiple and intersecting challenges, due in part from (and at the very least, not alleviated by) their Indigeneity. In addition to experiencing racism and discrimination, urban Indigenous peoples generally experience higher rates of poverty, unemployment, precarious housing or no housing, violence, and overrepresentation in the criminal justice system. Upholding rights and addressing the challenges of urban Indigenous peoples requires equally diverse supports and responses from multiple stakeholders.

How UN DRIP Applies to Urban Indigenous peoples

As Indigenous peoples are living in urban and rural communities, we are consistently and actively seeking effective ways to uphold our individual and collective rights and have started our own economic and social systems in urban areas. Friendship Centres were started by Indigenous peoples in the 1950s who were increasingly migrating to urban environments and needed Indigenous owned and operated entities to maintain community, connection and access to culture. Article 20 states:

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.⁸

⁷ National Inquiry on Missing and Murdered Indigenous Women and Girls (2019). *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, p. 172, retrieved online.

⁸ Art. 20, United Nations Declaration on the Rights of Indigenous Peoples. Online:<<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>>

While accessing non-Indigenous political, economic, and social systems within urban settings, Indigenous peoples are subjected to increasingly high rates of rights violations, racism, and discrimination. Therefore, it is essential to recognize where Indigenous peoples have established their own economic and social systems and institutions, such as Friendship Centres, within urban environments.

UN DRIP continues to outline that Indigenous peoples have the right to improve their economic and social conditions. As continued in Article 22:

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Urban Indigenous organizations such as Friendship Centres are often the mechanism that Indigenous peoples are using in urban environments to accomplish this right. As previously stated, many urban Indigenous organizations are led by Indigenous women, youth, persons with disabilities, and Two Spirit LGBTQ+, and are often to serve these diverse populations, as well as serving Indigenous elders, children, and persons with disabilities in the areas listed in Article 22, among others.

UN DRIP also articulates the unequivocal right of Indigenous peoples to be actively involved in programmes that affect them. Article 23 states:

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

For over 50 years, Friendships Centres have been critical Indigenous institutions for just such programmes yet have not consistently been given a seat at the table during discussions and are often required to justify their need for participation and funding – despite the ever-growing urban Indigenous population and demand for services and supports in urban settings. Urban Indigenous organizations should continuously be

engaged on these matters as they are Indigenous peoples serving and benefitting Indigenous peoples in urban settings.

Conclusion

The legislation as drafted provides some hope that UN DRIP will be fully realized within Canada, including for Indigenous peoples living in urban settings. However, legislation alone is not action towards the Declaration's articles.

Implementation of UN DRIP will not be fully realized without the input and consideration of Indigenous peoples who are living and working in urban settings or make the city home. Action to uphold and advance the rights of Indigenous peoples must be done regardless of residency and regardless of their legal status as an Indigenous person.

Should Bill C-15 pass to become law, the NAFC remains a strong national partner that can be relied upon to ensure that the experiences, perspectives, and realities of Indigenous peoples living in urban settings are articulated, heard, and considered appropriately.

We look forward to being engaged in this work.

About NAFC

The National Association of Friendship Centres (NAFC) is a network of over 100-member local Friendship Centres (FCs) and Provincial/Territorial Associations (PTAs) across Canada. For more than fifty years, Friendship Centres have aided First Nations (status and non-status), Inuit, and Métis people living in urban environments, including rural, remote, and northern. Friendship Centres are Canada's most significant urban Indigenous service delivery infrastructure and are providers of culturally relevant programs and services to urban Indigenous community members.

Friendship Centres are grassroots organizations that provide services to all Indigenous members of their respective communities, regardless of their legal status, and have done so since their inception. Last year, ninety-three Friendship Centres served approximately 1.4 million First Nations, Inuit, Métis, and non-Indigenous peoples across over 1200 programs in 238 buildings across Canada and employing over 2,700 staff.

These programs and services span a range of areas, including health, housing, education, recreation, language, justice, employment, economic development, culture, and community wellness. Friendship Centres are a lifeline for many Indigenous peoples living in urban environments. Today, approximately 50%-85% of the Indigenous population in Canada lives in urban communities (with over 1000 population). Friendship Centres are

known within urban Indigenous communities for creating much-needed support structures that are not available anywhere else.