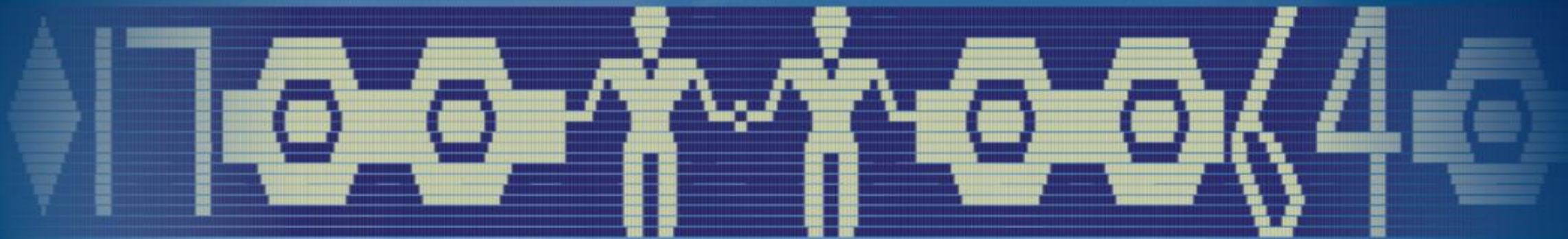


United Nations on the Rights of Indigenous Peoples Act

Engagement Sessions



IMPACT OF UNDRIP

Ajijaak (Crane) Clam Dodem

By Crystal Stevens, Legal Counsel Anishinabek Nation

UNDRIP – Ajijaak – Crane Clan



- We have organized our UNDRIP sessions to be based on the Anishinaabe dodem system. According to Gordon Waindebence baa the Anishinaabe Dodem or clan system is a complete form of governance. When the seven primary dodems take care of their responsibilities there would be no other issues for Anishinaabe to be concerned about. The Anishinaabe Dodem system is comprehensive.
- Edward Benton baa in his book *Mishomis: The Voice of the Ojibway*, said the people of the Crane clan have the power of chieftanship. They had the natural qualities and abilities for leadership. The Ajijaak (crane) clan worked with the Loon Clan to give the people a balanced government with each serving as a check on the other.
- If we apply a Crane Clan dodem perspective on the updating of federal legislation and implementation of UNDRIP. There are many current categories of federal legislative responsibility that would be included. The following are some of those dodem responsibilities, issues and relevant UNDRIP articles.



UNDRIP – Family Relations



- Family relations have been an important part of functioning in an Indigenous community and our culture. Strong family relationships are essential for the individual, family and the community wellbeing.
- Families are important for identity and sense of connectedness to our community, our culture, language and spirituality. For Indigenous people their family is their emotional and psychological support. To be strong nations, we must nurture and support our families and communities.
- It all starts in the family and the relationship within the family. It is where individuals come to know our place in the world and to know ourselves as a part of the larger collective. Traditionally, Indigenous families included everyone, Gokmis, Mishomis, parents, children, aunties, uncles, however individuals outside the household are called extended family. The effects of colonization on the roles and responsibilities of each person in the family has changed over time from what the traditional roles and responsibilities were of each person.





UNDRIP – Family Relations Issues

- Some issues in regards to family relations within Federal authority include: family law? Divorce Act, culture and language, better supports for First Nation Child and Family Services, reduce the number of Indigenous children in care and keep our children with their families and communities. The clan systems were removed and caused a change in our family structures and roles of the family. Domestic Violence is dealt with differently.





UNDRIP – Youth

- Youth is another important issue under the Crane Clan dodem. Indigenous youth have knowledge and experience to contribute as empowered individuals with an understanding of our indigenous identity, cultural and language, sustainable living and connection to our lands and territories.
- The youth are our future leaders and it is important for them to receive the foundational teachings for healthy living and leading our communities into healthy places.



UNDRIP – Youth Continue



- At the same time, many indigenous youth face challenges as a result of the intergenerational effects of colonization and assimilation policies, as well as the continued struggles to ensure their rights and identity as indigenous peoples.
- Often, indigenous youth are confronted with the hard choice between maintaining their roots in the indigenous community and pursuing education, employment, or housing in cities away from home. Traditionally our children and youth always had a voice in the family and in the community.
- Each member of the Nation had to be a part of decisions and their voices were heard. Child and youth inclusion was lost with the advancement of colonization. We have to give our children and youth back their power to speak and return to an important part of decision making and planning for the Nation.





UNDRIP – Youth Issues

- Some issues for youth are: Lack of culturally appropriate education in their own languages, Illiteracy and drop-out rates, discrimination, forced relocation and loss of land, environmental pollution, Unemployment, Incarceration and lack of legal protection, Traffic and sexual exploitation, Lack of healthcare services, Malnutrition, HIV/AIDS and/or Suicide and self-harm



UNDRIP – Matrimony Real Property



- Matrimony Real Property includes real property that is shared between 2 individuals during a marriage or common-law relationship. When the marriage or common-law relationship ends, such as through relationship breakdown or death, then there has to be a division of the real property.
- The *Family Homes on Reserve and Matrimonial Interests or Rights Act (FHRMIRA)* was developed in consultation between the Government of Canada, the provinces, territories, and National Indigenous Organizations. *FHRMIRA* provides the options for First Nations to create their own laws around matrimonial real property and until the First Nation develops their own laws there is a set of provisional federal rules to be used until a First Nation establishes its own law.



UNDRIP – Matrimony Real Property



Matrimony Real Property - Issues

- Some issues includes the “gap” in laws such as; no protection for people that are not members of the First Nation, selling property without permission, the person that has to leave the home often has to leave the community because of lack of housing on the reserve. Limited access to legal information, courts, lawyers and police officers to assist with enforcing the First Nation law, access to financing or lack of financial support, others.





Relevant UNDRIP Articles

Article 1

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.

Article 2

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.





Relevant UNDRIP Articles

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.





Relevant UNDRIP Articles

Article 14

2. Indigenous individuals, particularly children have the right to all levels and forms of education of the State without discrimination.

Article 17

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.





Relevant UNDRIP Articles

Article 21

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.





Relevant UNDRIP Articles

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.





Relevant UNDRIP Articles

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.





Relevant UNDRIP Articles

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.





Relevant UNDRIP Articles

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.





Questions for Discussion

1. Which of these issues are priority: Youth, Family Relations, and/or Matrimony Property Law
2. What are some other issues for Family Relations, do you see as priority?
3. What kind of issues for youth, do you see as priority?
4. What Matrimony Real Property issues are priority? Financing, reserve land issues, etc.
5. What discrimination should be addressed in regards to youth, Family Relations, and MRP?





Questions for Discussion

6. What kind of legal recognition or protection is needed for matters around youth, family relations and Matrimony Real Property?
7. How can the federal government improve issue around youth? family relations? Matrimony Real Property?
8. What kind of processes would you like to see over the next 10 years to make federal legislative change reflective of UNDRIP?

