



## Universal Declaration of Human Rights and First Nations Rights Infractions

---

### ARTICLE 1

All human beings are born free and equal in **dignity** and **rights**. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

*Through the Indian Act, the Indian Agent's control could even extend into the private life of Indians, as, for example, in inspecting Indian households for signs of untidiness.*

### ARTICLE 2

Everyone is entitled to all the rights and freedoms, set forth in this Declaration, without distinction of any kind, such as race, colour, sex, **language** **religion**, **political** or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or other limitation of sovereignty.

*First Nations children placed in residential schools were not permitted to speak their own language. If they did speak their language, they were punished.*

*Parliament outlawed the potlatch. The potlatch was the major social, economic and political forum used by First Nations people. From 1884 to 1951 it was a criminal offense for Natives to practice their traditional culture in the form of feasts, potlatches and sundances.*

*From 1884 - 1906 Parliament passed the Indian Advancement Act promoting the dismantling of traditional forms of governance.*

### ARTICLE 3

Everyone has the right to life, **liberty** and security of person.

*In 1765 the reserve system in Canada begins.*

### ARTICLE 4

No one shall be held in slavery or **servitude**; slavery and the slave trade shall be prohibited in all their forms.

*From 1910 to 1950's: There is a cut on the academia portion of residential schooling and Native students are used as free labour to maintain schools.*

### ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

*Residential schools were established from 1883 -1980. First Nations children were subject to cruel and degrading treatment in residential schools.*



## ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

*The first Indian Act was established in 1869. Revisions were made and in 1876 the current Indian Act was implemented.*

## ARTICLE 7

**All are equal before the law and entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against incitement to such discrimination.**

*With the implementation of the Indian Act in 1876 all registered status Indians were legally classed as wards of the government.*

## ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by constitution or by law.

*The new Canadian Constitution Act guarantees aboriginal and treaty rights. (Section 35)*

## ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

*In 1998 the lands claims issue in British Columbia remains unsettled.*

## ARTICLE 10

**Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him.**

*Parliament amended the Indian Act in 1927. A law was passed making it an offense punishable by imprisonment, to raise money for land claims in Canada (until 1951).*

## ARTICLE 11

(1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

## ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to





attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

*In 1893 Residential Schools are established. The Superintendent of Indian Affairs states; "In boarding or industrial schools the pupils are removed for a long period from the leading of an uncivilized life and receive constant care and attention. It is therefore in the interests of Indians that these institutions should be kept in an efficient state as it is in their success that the solution of the Indian problem lies." Residential schools were closed in the late 1980's.*

*Parents were sent to jail if they did not send the children to residential school. (Section 1:19 Indian Act).*

#### ARTICLE 13

(1) Everyone has the right to **freedom of movement** and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

*That in 1885 - 1936 A system of passes was instituted by which Indians in Western Canada were forbidden from leaving their reserves for any purpose without a pass issued by the Indian agent.*

*In the 1860's reserves were established in B.C.*

#### ARTICLE 14

(1) Everyone has the right to seek and to enjoy, in other countries, asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### ARTICLE 15

(1) Everyone has the right to a nationality.

(2) **No one shall be arbitrarily** deprived of his nationality nor denied the right to change his nationality.

*From 1920 to 1922 and 1933 to 1951, Bill 13 was enacted and allowed the authorities to enfranchise any native, an enquiry could be held into the fitness of a person for enfranchisement and the agent could compulsorily enfranchise within two years. This occurred with or without the individual's permission.*

*First Nations people serving in World War I and World War II lost their Aboriginal status and were enfranchised.*

*Any First Nation's women who married a non-First Nation's man was automatically enfranchised.*

#### ARTICLE 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.





*That in 1985 Parliament passed Bill C-31, which removed the discriminatory clause against Native women. This allowed for reinstatement of persons who had lost their status through involuntary enfranchisement.*

#### ARTICLE 17

(1) Everyone has the right to **own property** alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

*After 1872 Natives were not allowed to buy or get free land grants like the rest of the population.*

#### ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and **freedom, either alone or in a community with others and in public or private to manifest his religion or belief in teaching, practice, worship and observance.**

*In 1921 a potlatch was hosted by Dan Cranmer (Kwa Kwa Ka'Wakw Nation) a number of people were arrested and imprisoned and over 600 ceremonial pieces were seized by the RCMP and sold to the Royal Ontario Museum and the National Museum of Man in Ottawa. The anti potlatch law remained in effect from 1884 - 1951.*

#### ARTICLE 19

(1) Everyone has the right to **freedom of opinion and expression**; this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers.

#### ARTICLE 20

(1) Everyone has the right to **freedom of peaceful assembly and association.**

(2) No one may be compelled to belong to an association.

*From 1921 until 1951 it was against the law for Indian people to assemble and discuss land claims. The only legal way they could gather was for church services.*

#### ARTICLE 21

(1) Everyone has the right to **take part in the government of his country directly or through freely chosen representatives.**

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent **free voting procedures.**

*The right to vote for Indians was withdrawn in 1872 and Indians were not permitted to vote in provincial elections until 1947, and federal elections until 1960.*





## ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organization and resources of each State, of the **economic**, social and cultural rights indispensable for his dignity and the free development of his personality.

*The decisions for economic development remained under the jurisdiction of the Indian Agent or DIA. Indian people were rarely consulted in these decisions.*

## ARTICLE 23

(1) **Everyone has the right to work**, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for **equal work**.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an **existence worth of human dignity**, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and join trade unions for the protection of his interests.

*In 1910 Aboriginal people are not allowed to use fish weirs or spears for fishing. First Nations people were not allowed to operate or own engine powered boats until 1923 in the north coast commercial fishery.*

*In 1889 The Federal Fisheries Act is passed prohibiting Indians from selling fish or owning fishing licenses.*

## ARTICLE 24

Everyone has the **right to rest and leisure**, including reasonable limitation of working hours and periodic holidays with pay.

*In 1930 if an Indian was judged to be mispending or wasting his time by frequenting a pool room, the pool room owner and/or the Indian person could be fined or sent to jail.*

## ARTICLE 25

(1) Everyone has the **right to a standard of living** adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

*In 1999 many First Nations people exist in Third World conditions.*

## ARTICLE 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made





generally available and **higher education shall be equally accessible to all** on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the **strengthening of respect for human rights and fundamental freedoms**. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the Maintenance of peace.

(3) **Parents have a prior right to choose the kind of education that shall be given to their children.**

*It wasn't until the early 1960's a high school education became available for all Native people on a provincial basis.*

*In 1880 an amendment to the Indian Act stated that any Indian completing a University degree would lose their registered status as an Indian.*

*If parents did not send their children to residential school they were fined or sent to jail.*

#### ARTICLE 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### ARTICLE 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and **respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.**

(3) **These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.**

*In the 1940's and the 1950's, South Africa sent a Commission to study Canada's reservation systems. They studied Canada's treatment of Aboriginal people in order to create their own "reservations" under APARTHEID.*

#### ARTICLE 30

Nothing in this declaration may be interpreted as implying for any State, group of person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.