

The right to self-determination is a central right for indigenous peoples from which all other rights flow. In relation to access to justice, self-determination affirms their right to maintain and strengthen indigenous legal institutions, and to apply their own customs and laws.

The cultural rights of indigenous peoples include recognition and practice of their justice systems ... as well as recognition of their traditional customs, values and languages by courts and legal procedures.

Consistent with indigenous peoples' right to self-determination and self-government, States should recognize and provide support for indigenous peoples' own justice systems and should consult with indigenous peoples on the best means for dialogue and cooperation between indigenous and State systems.

States should recognize indigenous peoples' rights to their lands, territories and resources in laws and should harmonize laws in accordance with indigenous peoples' customs on possession and use of lands. Where indigenous peoples have won land rights and other cases in courts, States must implement these decisions. The private sector and government must not collude to deprive indigenous peoples of access to justice.

Indigenous peoples should strengthen advocacy for the recognition of their justice systems.

Indigenous peoples' justice systems should ensure that indigenous women and children are free from all forms of discrimination and should ensure accessibility to indigenous persons with disabilities.

Indigenous peoples should explore the organization and running of their own truth-seeking processes.⁴⁶

These conclusions are consistent with this Commission's own views. We also concur with the 2014 report issued by S. James Anaya, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, about the state of Canada's relationship with Indigenous peoples. He concluded that the

Government of Canada has a stated goal of reconciliation, which the Special Rapporteur heard repeated by numerous government representatives with whom he met. Yet even in this context, in recent years, indigenous leaders have expressed concern that progress towards this goal has been undermined by actions of the Government that limit or ignore the input of indigenous governments and representatives in various decisions that concern them.... [D]espite positive steps, daunting challenges remain. Canada faces a continuing crisis when it comes to the situation of indigenous peoples of the country. The well-being gap between aboriginal and non-aboriginal people in Canada has not narrowed over the last several years, treaty and aboriginal claims remain persistently unresolved, indigenous women and girls remain vulnerable to abuse, and overall there appear to