



## **National Secretariat on Hate and Racism in Canada** **(NSHRC)**

### ***POSITION ON ABORIGINAL APPOINTMENTS TO THE SUPREME COURT OF CANADA AND PROVINCIAL COURTS, INCLUDING COURTS OF APPEAL***

The NSHRC is a unique organization in Canada. Involving Aboriginal peoples and diverse ethno-racial and faith-based communities, the NSHRC is committed to developing a national common effort between Aboriginal and non-Aboriginal groups under the leadership of the Aboriginal community to combat hate and racism in Canada.

As a follow-up to the successful conference coordinated by the Indigenous Bar Association (IBA) and Quebec Native Women's Association (QNWA) in March 2004, the NSHRC comprises representatives from organizations across Canada which have taken strong actions to combat hate and racism locally and nationally. The NSHRC coordinates activities involving its members toward the identification and elimination of hate and racism in Canada.

In this context, the NSHRC is concerned about the lack of Aboriginal judges on the Supreme Court of Canada as well as on federal, provincial and appellate courts. The NSHRC is also concerned that the criteria used to assess appointments to these extremely important positions does not consider the significance of Aboriginal customary law in First Nations and in Canada, particularly in terms of the relationship between Canadian governments and First Nations.

On both counts, these are glaring omissions which must be remedied. Through the historical relationships of Aboriginal peoples and Canadian governments, it is clear that there is another order of law equivalent to the common law and civil code. This fact must be recognized in appointments to the judiciary, especially the Supreme Court which has addressed, and will likely continue to address, matters concerning the Federal and provincial governments and Aboriginal peoples.

Given this, the NSHRC calls on all levels of government to take quick action to address this matter. The NSHRC also calls upon Aboriginal and non-Aboriginal organizations concerned about the rights of Aboriginal peoples as well as equality, social justice, anti-racism and human rights to :

- 1) Write to the Prime Minister and the Minister of Justice expressing your support for the NSHRC's position;
- 2) Write to Federal Members of Parliament in your community expressing the same;
- 3) Write to your provincial or territorial premier, attorney-general and chief justice of the court of appeal expressing your support for the NSHRC's position; and
- 4) Write to the President of the Canadian Bar Association on the same, encouraging them to adopt a resolution supporting the NSHRC's position and conveying such resolution to those noted above.

Thank you for your time and consideration of this matter. You may also wish to review a position paper prepared for the Indigenous Bar Association ([www.indigenousbar.ca](http://www.indigenousbar.ca))

If you wish further information, please contact the NSHRC at [charlescsmith@sympatico.ca](mailto:charlescsmith@sympatico.ca).