An Aboriginal Perspective on Canada's Human Rights "Culture"

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Abstract

It was a profound achievement for Indigenous peoples to be recognized as peoples with associated rights under international law. As active contributors in international human rights arenas, Indigenous people have weighed into debates on how to substantiate collective rights while complementing individual rights. They assert a collective political identity that strives for rights to protect cultures, livelihoods, and governance systems. However, these achievements at the international level may fall short in impacting lives at the domestic level. This inquiry is based on a model of human rights socialization to consider whether Canadian attitudes and behaviours, as well as institutions and systems, promote human rights values and norms. Despite seemingly progressive human rights legislation in Canada, the perceptions and experiences of select Aboriginal people suggest significant barriers to substantiating rights through current institutions and problematizes Canada's rights "culture."

An Aboriginal Perspective on Canada's Human Rights "Culture"

Citing grave impacts of racism and other forms of discrimination against Aboriginal people in Alberta, this study evaluates the potential for human rights concepts and substantiation processes to leverage Aboriginal rights and reconstruct social justice in Aboriginal communities. A framework for this inquiry uses a model of human rights socialization that identifies criteria to evaluate compliance with human rights principles. In this case, the model helps evaluate if human rights are collectively normalized to ensure that Canada can be regarded as adhering to and promoting a human rights culture. Insights from First Nations, Inuit, and Métis people from across Alberta regarding their awareness of human rights, types and frequency of human rights violations, and negotiations of rights claims in Canadian institutions are used to consider if and how Canada and Canadians may adopt and internalize international human rights norms. It will suggest that despite frequent references to Canadian human rights culture, there are significant gaps in how rights norms are embedded in institutions as well as everyday attitudes and

behaviours. Canada may actually be described as having a culture that normalizes human rights violations against Aboriginal people.

Indigenous Peoples and Human Rights

The 1948 Universal Declaration on Human Rights is presented as one of the great triumphs of the 20th century, credited for transforming humanistic philosophies of respect, dignity, and equality into legal instruments that hold individuals and nations accountable for their actions. It is often recognized as inspiring a global human rights culture that provides systemic security of rights but also a public consciousness and collective value of rights principles so that every person in the world can assert his or her rights.

However, the 1948 Declaration did not include many people of the world that it was intended to represent (Burke, 2010, Clément, 2008; Littlechild, 2008). Indigenous peoples were among those voices not included in the drafting nor as peoples in its contents (Littlechild, 2008). Consequently, Indigenous peoples did not benefit from the rights and freedoms set forth in the human rights machinery; this was evidenced in colonial Canada through gross human rights violations against Aboriginal peoples.¹

It was only after decolonization spread throughout the world in the 1950s and newly independent nations entered the United Nations that human rights were expanded to include ideas, methods, and priorities of universalism and collective self-determinism (Burke, 2010). Third world participants from India, Egypt, and Iraq were initially active, enthusiastic participants, and at times even dominated human rights programs -- much to the chagrin of American or Soviet members who, despite being in the midst of the Cold War, found solace in each other's company to lament their marginalization at human rights tables (Burke, 2010; Moyn, 2010). The United States and Soviet Union argued that rights applications were only relevant for select nations citing the perceived problems of cultural differences within rights regimes. To critical observers, these arguments seemed to be driven by the desire to retain control over colonies (Burke, 2010); however, these arguments were shadowed by some international actors who, for a time, became the most powerful and articulate champions of universality which held hope for inclusion for peoples still unrepresented in the human rights family.

¹ The terms "Indigenous" or "Aboriginal" are used intentionally in attempts to be respectful of self-representation within the context of the discussion. "Indigenous" is used when referring to an international context such as the definition of Indigenous peoples as articulated in the International Labor Organization that states "Indigenous status is regulated wholly or partially by their own customs of traditions," and "irrespective of their legal status" (Article 1.1 in May, 2008, p. 275). In a Canadian context, the term "Aboriginal" refers to diverse individuals and groups who make up Aboriginal peoples of Canada, referred to by Sec. 35(2) of the Constitution Act (1982).

The new inclusions within the United Nations sparked debates around representation that inspired a shift to also include Indigenous peoples. After 30 years of diligent work, it represented a profound achievement to be included in the United Nations and then recognized as "Peoples" with associated rights under international law (Littlechild, 2008; May, 2008).² This paved the road for Indigenous peoples to articulate rights and freedoms such as the 2007 ratification of the Declaration on the Rights of Indigenous Peoples, which Canada signed three years later. This clarified how the Universal Declaration on Human Rights applies to the specific issues of Indigenous survival, dignity, and well-being (Littlechild, 2008; May, 2008).

As active contributors in international human rights arenas, Indigenous people have weighed into debates on how to substantiate collective rights while also complementing individual rights (Jones, 1999; Kymlicka, 1996; May, 2008; Skutnabb-Kangass, Kontra & Phillipson, 2006). Many Indigenous groups assert a collective political identity that strives for rights that protect cultures, livelihoods, and governance systems. After a long struggle for inclusion and achievements such as recognition as Peoples and a declaration of their rights, Indigenous people are now considered part of the rights-bearing family represented in international human rights circles. The question that requires scrutiny however, is whether these achievements at the international level impact lives on the domestic level.

Human Rights Socialization: From International Norms to Domestic Practice

International human rights can be substantiated in the domestic sphere through a process of socialization that can be demonstrated by a theoretical model that has been applied to many nations including Chile, Guatemala, South Africa (Risse, Ropp & Sikkink, 1999). This suggests that international human rights norms become legitimized by the state and that they are entrenched in domestic society through a process of socialization that is necessary for enduring change that occurs through dialogue, strategic bargaining, shaming, moral-consciousness raising, and habitualization (Risse, Ropp & Sikkink, 1999). These mechanisms are present in various phases of a "spiral model" that illustrates how national governments respond to international pressures to improve human rights conditions. This model includes five phases, which are distinguished by how the state responds to domestic and international activities.

²The recognition of Indigenous as "peoples" became institutionalized in 1989 with amendments to the International Labor Organization. This was the first institution to legitimize Indigenous and was an important milestone for Indigenous peoples because it moved the discourse from one that questions the legitimacy of Indigenous collective identity to one that places collective identity of Indigenous peoples within their own hands, irrespective of the state recognition, and whose associated rights are protected in international law.

Phase one: Repression and activation of the network. State-sponsored repression persists as long as it takes for the domestic mobilization to engage international human rights networks and provide sufficient evidence of their oppression for the international organizations to place it on their agendas. International actors pressure the offending state from above and ally with domestic groups within the state to mount challenges from below.

Phase two: Denial. As a reaction to this activity, the target state often responds with denial and refuses to accept the validity of the accusations that they offend human rights. This demonstrates the beginnings of socialization because states become aware that their international reputation may be tarnished. In other words, state representatives engage in a process of socialization through their contestation of human rights violations.

Phase three: Tactical concessions. In this phase, states no longer deny the validity of human rights violations and become "entrapped" by their own rhetoric about how to remedy human rights problems to avoid public shaming, to maintain good standing, or to continue to receive military or economic aid. They may respond with tactical or cosmetic concessions to pacify international criticism and, while this does not always ameliorate human rights violations, it does empower domestic groups.

Phase four: Prescriptive status. At this phase, states institutionalize human rights norms by ratifying human rights conventions, creating constitutional or other domestic laws, and designing mechanisms for citizens to address human rights violations. Their incorporation into domestic laws facilitates the socialization of human rights as habitual practice that moves the model to the final phase.

Phase five: Rule-consistent behaviour. The final stage in the socialization process is only reached when norm compliance is internalized and becomes a habitual practice of actors and is enforced by the rule of law. This stage requires on-going communications and monitoring of the target government to ensure norm compliance.

Canada's Human Rights Socialization

This model can be applied in Canada to evaluate the questions of where human rights violations occur, whether there is domestic mobilization to address violations, whether Canada has adopted rights institutions, and whether human rights norms and values have become a normalized aspect of Canadian culture.

We can use testaments of Aboriginal people in Alberta to examine if or how international human rights have been socialized at the domestic level. Aboriginal people face human rights violations disproportionately but, with a few important exceptions, have had limited success in mounting collective resistance to draw international attention. Despite seemingly progressive human rights legislation in Canada, the perceptions and experiences of Aboriginal people suggest that there are significant barriers in substantiating rights through current institutions. Finally, the pervasiveness of human rights violations against Aboriginal people may suggest that Albertans and perhaps other Canadians have not internalized the principles of a human rights culture.

The nature, depth, and pervasiveness of human rights violations against Aboriginal people in Alberta is reflected by the voices of these people and supported by research conducted through the Aboriginal Commission on Human Rights and Justice (ACHRJ) in 2009. Aboriginal people interviewed for the project reported significant resistance, even hostility, in various spheres – public and private, interpersonal and personal. They observed, among other things:

- I experience discrimination in public at least once every single day or week.
- Discrimination has become normalized in society; it begins with the media.
- Education is the worst! I experienced bullying, teasing, and name-calling when I was in school. Teachers ignored it.
- As soon as hospital [staff] noticed my last name, I felt categorized. Their tone changed and I didn't get assistance.
- From my childhood, I experienced discrimination in foster homes I was placed in. Now I experience it in general community almost daily.
- Discrimination can be very subtle, difficult to name or prove.
- There is another form of discrimination perceptions from non-Natives that you're not the right "type" of Aboriginal, they think you're not Native enough.

In addition to these stories, the Aboriginal Commission on Human Rights and Justice (2009) found that out of 330 research participants 100% experienced discrimination in the last ten years, 63% had experienced it in the last year, and 33% had experienced it in the last month. The top three reasons for human rights violations were race, ancestry, and colour, while other reasons included gender, as women were cited as particularly vulnerable, as well as political or religious affiliations, or personal history. While systemic discrimination through education, employment, or by police was considered the most commonly cited reason for human rights violations, most

respondents also experienced discrimination from mainstream people such as racist jokes, offhand comments, or differential treatment in informal settings such as shopping centers or social settings. In addition, discrimination within and among Aboriginal community members and leaders was also cited.

We might postulate that these examples are relatively consistent across Canada. Therefore, it may be appropriate to suggest that oppression against Aboriginal people is ongoing, that Canadian institutions discriminate, that mainstream Canadians are socialized to perpetrate human rights violations on a daily basis, and that Aboriginal people experience human rights violations in all aspects of their lives on an ongoing basis.

Aboriginal Rights Movements Have Ceded to Conservatism

According to the spiral model, the first phase of the network activation is initiated when a domestic group can gather enough momentum to activate an international human rights network to challenge the ongoing repression. We can examine the reasons why, in Canada, Aboriginal people have limited precedent in collective mobilization to address human rights concerns.

Generally, social mobilization refers to the ability to engage multiple communities simultaneously to articulate and negotiate the problematic events and to secure collective action frames (Ramos, 2008). Its success requires shared collective sentiment enhanced by political opportunities that determine access to wealth, information, and multiple networks. The resulting power relations can sway competing claims for legitimacy or urgency (Pal, 2010; Ramos, 2008).

Aboriginal communities have had limited success in mobilizing the domestic sphere to address human rights violations in Canada because the aforementioned requirements are difficult to achieve for Aboriginal communities. The diversity of Aboriginal people and communities across Canada makes it difficult to articulate collective sentiments about social problems and required solutions. Reserve or settlement communities are often small and sometimes isolated, or because urban communities are interspersed within multicultural communities, the stimulation of public sentiment around Aboriginal issues is hampered. In addition, chronic underfunding for reserve/settlement or urban Aboriginal people makes resource allocation for social movements challenging, if not impossible. Basic services are prioritized in the budgets, leaving few remaining resources for "non-essential" social issues. Generally, the emphasis around human rights violations tends to circulate among Aboriginal people and allied sympathizers, but rarely ignites strong public debate. This may be, in part, because tactics used to propel the discourse tend to focus around dialogue, consultation, and persuasion, which tend not to be picked up by the media nor addressed as policy or legislative issues. With dispersed pockets of solidarity and limited resources, it is difficult for isolated Aboriginal communities to exploit political opportunities alone.³

In Canada, Aboriginal social activism peaked in the 1960s. Between 1960 and 1970, four national Aboriginal associations were created, including the National Indian Brotherhood (1968), which later evolved into the Assembly of First Nations, as well as thirty-three provincial organizations, many of which were "pioneers" in organizing Aboriginal people beyond the local level (Clément, 2008). Events such as the rejection of the 1969 White Paper, Patriation of the Constitution, and the Oka Crisis were hidden until these organizations brought them to the public domain and inspired an urgency to resolve them (Fleras, 2005; Pal, 2010; Ramos, 2008). These events ignited further investigation into the severity, incidences, and novelty of social problems for Aboriginal people in multiple contexts and ignited debate over the importance of the solution process. However, by the mid 1970s, the radical tactics used by domestic organizations had declined and, as Clément (2008) suggests, these tactics were replaced by an "increasingly bureaucratic movement dominated by hierarchical organizations employing interest group tactics" (p. 32). In other words, radicalism of the 1970s was ceding to the conservatism of the 1980s and beyond.

Aboriginal Rights Exclusions on the International Level

The exclusion of Aboriginal concerns in domestic arenas may also be consistent in international human rights arenas as well. Pressing issues such as regime revolutions, terrorist threats, or nuclear proliferation dominate the headlines and the public imagination and overshadow Canada's human rights problems. Canada is often perceived in globalized human rights discourses as one of the world's best places to live and is characterized as having a strong human rights culture and indeed, Canada often serves as a model for cooperative coexistence that balances universal humanity with a commitment to cultural autonomy (Fleras, 2005). In comparison to countries with crisis-scale human rights violations, Canada is seen as having minimal human rights problems. Canada is often praised for its strong rights "architecture" through the four key mechanisms -- the Canadian Charter of Rights and Freedoms (1982), the

³ Discussion on how the source of funding can affect the nature and content of social mobilization in Canada see Clément (2008) or Ramos (2008) who suggest that reliance on state funding binds the organization to state terms and potentially limits their ability to achieve their own radical goals. However, though state funding may come at a price of liberty, it may be the only option to sustain the organization.

Canadian Human Rights Act (1985), The Canadian Human Rights Commission, as well as provincial human rights legislation and commissions which, in Alberta, includes The Alberta Human Rights and Citizenship Commission that administers the Human Rights, Citizenship and Multiculturalism Act (2000). In this light, the existence or severity of Canada's human rights issues often does not register in globalized discourses as much as petitions of crises elsewhere. Without consistent international attention, Aboriginal people have had a difficult time inspiring pressure from above to dialogue with the Canadian government about their human rights violations.

Limitations of Canadian Human Rights Institutions

Despite the frequency of human rights violations, few Aboriginal people report them through government services become of numerous barriers (Aboriginal Commission on Human Rights and Justice, 2009; Alberta Human Rights, Citizenship and Multiculturalism Education Fund, 2006; McChesney, 1992). Barriers include mistrust of a foreign, bureaucratic process, lack of trust of a government institution to address structural discrimination, fear of further discrimination such as having government funding eliminated because of the rights claim, lack of culturally appropriate or culturally sensitive services, and, finally, the normalization of human rights violations such that they are seen as "part of life." Aboriginal people in Alberta provide insight on the gap between the frequency of incidences of human rights violations and reporting (ACHRJ, 2009).

- Why would I [report human rights violations]? Would my spiritual, societal, cultural values and lifestyle be better accepted? Would situations change? I think not.
- [Reporting is a] cumbersome process that is not designed to find discrimination nor compensate the victim.
- I don't usually pursue these incidences because they never do anything. In this case, I went to the Edmonton Public School Board and they did nothing.
- I chose not to pursue the matter because there is not much help available from the Human Rights Commission. The chances of getting a hearing are slim. I negotiated a settlement to leave my job so I could avoid further harassment.
- Human rights offices are not available to people within our own communities.
- The process is cumbersome and fearful.
- I often feel like I will not be taken seriously, it is very emotionally upsetting.

• No, I wouldn't want to lose my job.

When asked if research participants sought help after experiencing discrimination, 73% of respondents did not, citing fear that reporting would not result in help or action, fear that the claim would not be taken seriously, or fear that the process would be too stressful. Of the survey participants who did seek help after experiencing a human rights violation, an overwhelming majority sought help from informal networks of family or friends. Only 11 of 330 (3%) research participants sought help from human rights institutions such as the Alberta Human Rights and Citizenship Commission or the Canadian Human Rights Commission.

Canada does have human rights instruments, but because of their inability to substantially change the frequency or types of oppression for Aboriginal people and because processes are cumbersome and stressful, they may be seen as empty tools for rights substantiation. In this light, it may be argued that Canada has only adopted concessional or instrumental human rights machinery to assist Aboriginal people.

Problems in Substantiating Human Rights Through the Courts

International human rights have created legal protections enforceable through international criminal law such the International Criminal Court (2002), which created a new culture of accountability. The state can also create human rights laws that make them enforceable through civil or federal law. While Canada's human rights legislation suggests that rights can be substantiated through Canadian courts, the incongruence between Euro-Canadian and Aboriginal values, languages, and cultures and the racial and power dynamics underscoring these institutions present challenges and involve risks for Aboriginal people and make the courts an unlikely source for rights substantiation. As one Aboriginal person observed, "Our rights do not fit any mould set out by Euro Canadians since all laws governing this country have infringed upon our rights" (ACHRJ, 2009).

Canada has a history of court negotiations that have established and preserved statesponsored racism that has harmed Aboriginal people. Using the examples of several Canadian court cases involving Aboriginal people, Backhouse (1999) draws the following conclusion:

[T]he legal system has been profoundly implicated in Canada's racist history. Legislative and judicial sources provide substantial evidence to document and central role of the Canadian legal system in the establishment and enforcement of racial inequality. Legislators and judges working in combination nipped, kneaded, and squeezed artificial classifications into rigid, congealed definitions of race under Canadian law. They jointly erected hierarchies of racial grouping and delineated segregated boundaries based on race. In their hands, the law functioned as a systemic instrument of oppression against racialized communities. When the individuals and groups who bore the brunt of racism sought to turn the tables and call upon the legal system for redress, the resisters typically failed in their quest.

(p. 15)

Backhouse's analysis of several historical cases suggests Canadian courts played an instrumental role in systematically racializing and stratifying Aboriginal people.

Analysis of contemporary cases suggests that Canadian legal structures continue, in many cases, to function as an oppressive structure for Aboriginal people. They often do not have mechanisms to accommodate Aboriginal concepts of evidence, core Indigenous values remain untranslatable, and court negotiates often result in cultural loss (May, 2008; Monture-Angus, 1999; Niezen, 2003; Samson, 2001; Zion, 1992). For example, rights, as defined in international law, and implemented in domestic law, do not have mechanisms to accommodate Aboriginal concepts of evidence, such as, for example, the ontological understandings related to individual and community relations. Canadian human rights institutions are dominated by liberal humanism that promotes individualist and minimalist guarantees of personal freedom exemplified through civil and political rights (Clément, 2008; Zion, 1992). For many Aboriginal people, this may present as "a strange humanism because it elevates the individual to the point that the group is forgotten" (Zion, 1992, p. 211). Because Aboriginal societies are regulated through familial, spiritual, or social relationships, Aboriginal people might be better able to articulate rights that speak to relationships, balance, and spiritual connections. International or domestic human rights laws can be interpreted to promote individual rights that are incongruent with Aboriginal "laws" reflected by traditional values.

Aboriginal people are forced to learn and negotiate Canadian courts that require cultural change and, though many Aboriginal people are resigned to this in order for their claims to be heard, it reveals the bitter paradox of using Euro-based legal systems that can penetrate and erode the distinct cultures that Aboriginal groups are trying to protect (Niezen, 2003).⁴ What may be

⁴ See Samson (2001) for a discussion of how Western legal "experts" never recorded nor accounted for the thoughtful but untranslatable concepts of Innu evidence, an unfortunate but common occurrence in Canada's legal landscape. See also Monture-Angus (1999) who demonstrates how

most revealing about the inadequacy of relying on courts to substantiate rights is that institutionally-entrenched rights do not seem to stop structural or informal discrimination which leaves human rights advocates cautious about the arduous and risky process of substantiating human rights through the courts. States succinctly by a participant of the Aboriginal rights research, "You can't legislate attitudes" (ACHRJ, 2009).

It appears that there are many contradictions for Aboriginal people in their rights negotiations through current legal institutions. The few precedent-setting claims demonstrate significant risk of limiting rather than enhancing those rights. In these systems, Aboriginal people face the burden of trying to translate systems of knowledge where neither traditional approaches nor Aboriginal concepts of evidence nor rights are considered resulting in risks of cultural erosion rather than rights protections.

European-based human rights institutions are therefore not "logical weapons" for Aboriginal people to address human rights violations. Because the Canadian government created institutions that are supposed to substantiate rights but has not yet dismantled oppressive structures within them, it may be argued that the Canada has presented tactical or concessional adherence to rights claims but any further movement toward prescriptive status or rule-consistent behaviour as illustrated by the spiral model would require significant change to current institutions or the support for new ones that are relevant and effective for Aboriginal people.

It seems the movement on the spiral model from state-based tactical concessions to institutional and public norm internalization, if possible at all, requires more than institutional concessions. According to the spiral model, developing a Canadian human rights culture will require domestic mobilization that utilizes relevant tools to raise consciousness, harness collective sentiment against injustice, and to promote rights so that Aboriginal communities can live in dignity and coexist peacefully with all Canadians.

Next Steps for Canada's Human Rights Socialization

The voices of Aboriginal Albertans suggest there are multiple ways that human rights become relevant for Aboriginal people through education and through self-determination (AHCRJ, 2009). Suggestions included:

• People's attitudes need to change - they do not believe they are racist or

the Canadian Crown interprets and minimizes Aboriginal rights as "activities" rather than interpreting their significant social, cultural, and spiritual dimensions.

discriminating with the ideas or stereotypes that they hold.

- A big part of the social problems begin with education...when people learn in school that Native are "cruel savages that kill people for no reason" and the Whites are all "heroes," we cannot expect the average person to know or understand that their racism toward Natives is wrong.
- Schools need to undo decades of anti-native propaganda supported by the government and churches but this will not happen overnight. There has to be constant efforts to re-educate the population.
- Aboriginal people have a right to self-determination and self-government. This includes the right to develop our own protocols for addressing human rights from an Aboriginal perspective.
- Human rights for Aboriginal people has to be governed, administered, and resolved by Aboriginal people. In order to address discrimination, the process has to be removed from colonial structures such as the provincial and federal governments.

Public education on issues of human rights violations is viewed as a primary tool to change institutional and policy-related discrimination as well as more intangible forms such as social attitudes and behaviours. Increased knowledge about barriers in public institutions and legislation is the most effective means of removing these barriers and increasing their relevance and effect. Strategies to change personal attitudes and behaviours include public awareness on hate crime legislation, human rights laws and other prevention practices, as well as motivational strategies such as education on potential community benefits so that Canadians form a personal connection to human rights. Human rights can be deeply personal, and strategies can enhance the process of rights internalization as a system of values rather than as a list of rules with disciplinary enforcement. Education programs must ensure safety to facilitate dialogue among and between Aboriginal and non-Aboriginal communities and ensure cultural appropriateness to build unity, understand issues, and create solutions specifically targeted to the problems (ACHRJ, 2009).

Public education can engage Canadians in dialogue to encourage a "friendlier" Canada that fosters the inclusion of Aboriginal people in Canadian institutions. This would appear a profound improvement in the lives of many Aboriginal people. However, human rights also addresses deeply-embedded structural inequalities that exist in Canadian society that keeps the Canada in the oppressive phase of human rights socialization.

Human rights for Indigenous peoples, such as those articulated by research participants (ACHRJ, 2009), speak to the rights of self-determination that is also articulated in the UN Declaration on the Rights of Indigenous Peoples, which states that Indigenous rights include the "right to be free and equal and to maintain and strengthen 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" (Article 5). Self-determination acknowledges the unique status of Aboriginal peoples as original inhabitants and secures rights that flow from this status. How self-determination is articulated varies and proposals span from radical demands for a new constitution to moderate integration within the current federal framework, though most Aboriginal leaders propose a distinct order of governance that may overlap with federal, provincial or municipal jurisdictions according to localized needs (Fleras, 2005).

Aboriginal people will have to look beyond the struggle for self-determination to articulate a vision of decolonized communities. This may require education on just practices and relational principles that may have been forgotten due to the colonial history and residential school experiences that have caused such trauma for some Aboriginal people. It may involve recalling cultural or traditional practices "fit" Aboriginal identity that include responsibilities to treat each other with respect and ensure community relations, which in is line with spiritual and relational values held in some communities and reinforced by many Elders. With education, selfdetermination may usher a new era of Aboriginal-state relations with reduced conflict, enhanced social justice, and a human rights culture that all people deserve.

Conclusion

The exploration of the theoretical spiral model of rights norms socialization from international to domestic practices in Canada suggests that Aboriginal people face challenges in mobilizing domestic action to appeal to international human rights audiences to address human rights violations. Domestic mobilization has been hampered by numerous factors including diversity of experiences and opinions that can make it difficult to articulate collective problems, funding structures that tie organizations to state program objectives, and an international discourse that overlooks Aboriginal oppression in an assumed human rights culture in Canada. These barriers prevent counter-narratives that challenge perceptions that Canada is fully socialized into a rights culture either on the state or domestic level. It is well documented that Aboriginal people disproportionately experience discrimination and other human rights violations but are least likely to access human rights services. Aboriginal people have commented on access barriers and process insufficiencies within these institutions that suggest that alternative supports are required. The inconsistencies with state–based human rights institutions indicate that the Canadian state has made concessional rather than meaningful gestures to develop a Canadian human rights culture. It is also suggested that public education is required to address discrimination and other human rights violations including informal and structural racism and that education within Aboriginal communities can also substantiate the rights that are integral to the survival and dignity of Indigenous peoples.

Though Indigenous peoples were not part of the human rights family included in the Declaration of Human Rights upon its creation, Indigenous leaders and representatives have successfully advocated for Indigenous peoples to be part of humankind with equal rights and freedoms (Littlechild, 2008). This significant achievement may reveal that explorations of human rights of the past can educate on how to substantiate human rights today so that it may be used as a tool to develop a Canadian human rights culture in the future.

References

- Aboriginal Commission on Human Rights and Justice. (2009). *Aboriginal perspectives on human rights and justice*. Edmonton: K. McFadyen.
- Backhouse, C. (1999). *Colour-coded: A legal history of racism in Canada, 1900-1950.* Toronto: University of Toronto Press.
- Burke, R. (2010). *Decolonization and the evolution of international human rights*. Philadelphia: University of Pennsylvania Press.
- Clément, D. (2008). Canada's rights revolution: Social movements and social change, 1937 82. Vancouver: UBC Press.
- Fleras, A. (2005). *Social problems in Canada: Conditions, constructions, and challenges.* Toronto: Pearson Prentice Hall.
- Human Rights, Citizenship and Multiculturalism Education Fund. (2006). Creating inclusive communities – Stakeholder consultation: What we heard. Edmonton: M. Cooper and D. Bartlett.
- Jones, P. (1999). Human rights, group rights, and peoples' rights. *Human Rights Quarterly*, 21, pp. 80-107.
- Kymlicka, W. (1996). The good, the bad, and the intolerable. Dissent, 43, 22-30.
- Littlechild, W. (2008). Commemorative Address. United Nations 60th Anniversary of the Declaration of Human Rights. Retrieved from
 - http://www.youtube.com/watch?v=x9xHbFYOfI8
- May, S. (2008). Language and minority rights: Ethnicity, nationalism and the politics of language. New York: Routledge.
- McChesney, A. (1992). Aboriginal communities, Aboriginal rights, and the human rights system in Canada. In Abdullahi Ahmed An-na'im (Ed.), *Human Rights in Cross-cultural* perspectives: A quest for consensus (pp. 221-252). Philadelphia: University of Pennsylvania Press.
- Means, A. (2002). Narrative argumentation: Arguing with Natives. *Constellations*, 9(2), 221-245.
- Monture-Angus, P. (1999). *Journeying forward: Dreaming First Nations' independence*. Halifax: Fernwood Publishing.
- Moyn, S. (2010). *The last utopia: Human rights in history*. Massachusetts: Belknap Press of Harvard.
- Niezen, R. (2003). *The origins of Indigenism: Human rights and the politics of identity*. Los Angeles: University of California Press.
- Pal, L. (2010). *Beyond policy analysis: Public issue management in turbulent times.* Toronto: Thompson/Nelson.
- Ramos, H. (2008). Aboriginal protest. In S. Staggenborg (Ed.), *Social movements* (pp. 55-70). Don Mills, Ontario: Oxford University Press.
- Risse, T., Ropp, S., & Sikkink, K. (1999). *The power of human rights: International norms and domestic change*, (Eds.). Cambridge, UK: Cambridge University Press.
- Samson, C. (2001). Rights as the reward for simulated cultural sameness: The Innu in the Canadian colonial context. In J. K., Cowan, M. Dembour & R. Wilson (Eds.), *Culture and rights: Anthropological perspectives* (pp. 226-245). Cambridge: Cambridge University Press.

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- Skutnabb-Kangass, T., Kontra, M., & Phillipson, R. (2006). Getting linguistic human rights right: A trio respond to Wee. *Applied Linguistics* 27(2), 319-324. doi: 10.1093/applin/am1006
- Samson, C. (2001). Rights as the reward for simulated cultural sameness: The Innu in the Canadian colonial context. In J. K., Cowan, M. Dembour & R. Wilson (Eds.), *Culture and rights: Anthropological perspectives* (pp. 226-245). Cambridge: Cambridge University Press.
- Zion, J. W. (1992). North American Indian perspectives on human rights. In A. Ahmed Anna'im, (Ed.), *Human rights in cross-cultural perspectives: A quest for consensus* (pp. 191-220). Philadelphia: University of Pennsylvania Press.