



Department of Justice  
Canada

Ministère de la Justice  
Canada



**What we learned  
to date report on the  
implementation of the  
*United Nations Declaration  
on the Rights of Indigenous  
Peoples Act***

**March 20, 2023**



*United Nations Declaration on the Rights of Indigenous Peoples Act* Implementation Secretariat  
Department of Justice Canada  
2023

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# Table of Contents

Introduction.....	5
Background.....	7
UNDA Consultation and cooperation process .....	10
Indigenous-led Consultations .....	11
Online submission tool.....	13
Priorities by theme.....	13
General principles (Articles 1, 2, 43, 44, 45).....	15
Implementation and redress (Articles 38, 39, 40, 41, 42, 46).....	15
Self-determination, self-government and recognition of treaties (Articles 3, 4, 37) .....	22
Civil and political rights (Articles 6, 7, 9, 17, 33, 35, 36) .....	25
Participation in decision-making and Indigenous institutions (Articles 5, 18, 19, 34).....	31
Lands, territories and resources (Articles 10, 26, 27, 28, 30, 32) .....	34
Environment (Article 29) .....	40
Economic and social rights (Articles 20, 21, 22, 23, 24).....	43
Cultural, religious, and linguistic rights (Articles 8, 11, 12, 13, 25, 31).....	53
Education, information and media (Articles 14, 15, 16).....	56
Recurring themes and lessons learned to date .....	61
Next steps .....	62
Appendix A: List of partners who received funding through the 2021-2022 call for proposals National .	64
Networks .....	65
Regional.....	65
Alberta.....	65
British Columbia .....	66
Manitoba.....	66
New Brunswick.....	67
Newfoundland and Labrador .....	67
Northwest Territories.....	67
Nova Scotia.....	68



Ontario .....	68
Prince Edward Island .....	69
Quebec .....	69
Saskatchewan .....	69
Yukon .....	70
Appendix B: List of partners who provided written recommendations for the draft Action Plan.....	70
Appendix C: Existing federal legislation and regulations identified for possible reform .....	73
Appendix D: Additional funding information .....	78



## Introduction

This document provides an overview of the significant number of priorities and proposed measures shared by Indigenous peoples, to date and summarized by Justice Canada, in the context of developing a federal Action Plan to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration). It is intended to provide an accurate reflection of what we heard, rather than present an analysis or assessment of the concerns and priorities raised.

These priorities and proposed measures have been shared by:

- First Nations, Inuit and Métis rights holders, including modern treaty signatories, self-governing nations and historic treaty partners
- national and regional Indigenous organizations representing Indigenous women, youth, persons with disabilities, 2SLGBTQI+ persons, off-reserve and/or urban Indigenous people from across the country

Indigenous partners shared their priorities and proposed measures through various means from December 2021 to January 2023. Items included in this document will not all find a place in the Action Plan, and the inclusion of an item in this document should not be taken to mean that Canada has assessed or agreed to that item.

Since the information incorporated in this report is a synthesis of the priorities that have been expressed by Indigenous partners over the past year, this report presents a wide range of priorities and proposed measures that are sometimes contradictory to each other. Some may be mutually exclusive or may be in conflict with one another; no consensus should be assumed at this stage. Additionally, the report describes priorities in language taken from partners' submissions, and as a result, there may be cases where similar ideas are described in various terms, or where specific terminology has been used in different and potentially inconsistent ways.

While some priorities are being addressed by measures already underway, others are more complex, requiring funding, additional authorities, or in-depth policy discussions to address. The work towards the development of the Action Plan is ongoing. Note that it is important to distinguish between the priorities articulated broadly by some Indigenous partners during the first phase of the Declaration's implementation process, from the specific articulated measures that will be contained in the upcoming Action Plan.



The ideal for collaborative work is to meet face to face, to share in the same physical space to allow for the best listening and exchange of ideas. Due to the COVID-19 pandemic, the work has mainly been virtual to respect health and safety concerns still affecting nations, communities and all citizens across Canada. To overcome the challenges of virtual collaboration, increased efforts toward clarifying and validating the priorities and potential measures put forward for consideration for the Action Plan were built into the process.

The task and responsibility of honouring the words and ideas of so many Indigenous partners and reflecting them back is considerable. Much work has been done and is still underway in various Indigenous nations, governments, communities and organizations across the country. We continue to work together, in consultation and cooperation with Indigenous peoples, to understand priorities that will feed into the Action Plan to achieve the objectives of the Declaration. Various federal departments are involved in this work to ensure that measures will be concrete and actionable.

Reflecting that we are in the International Decade of Indigenous Languages (2022-2032), we have incorporated key articles of the Declaration in [different Indigenous languages](#) throughout this report to make space for Indigenous languages and spark curiosity about the articles of the Declaration. We look forward to continuing to increase our use of Indigenous languages as part of our work going forward.

Measures proposed by partners that will likely be reflected in the Action Plan are those that demonstrate transformative action toward realizing the objectives of the Declaration. Measures reflected will also likely be in areas where there is emerging consensus among partners, and those that are foundational to unlocking other potential actions. This important work will continue in consultation and cooperation with Indigenous peoples across Canada.



## Background

In 2007, after almost 25 years of deliberation and Indigenous leadership, the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration). The Declaration is a comprehensive international human rights instrument on the rights of Indigenous peoples around the world. It sets out the minimum standards for the survival, dignity and well-being of Indigenous peoples, including rights related to governance, health, community, culture, language, lands, territories and resources, and education.

In 2014, at the World Conference on Indigenous Peoples, all 193 member states of the UN renewed their commitment to the Declaration. The outcome document from the conference commits states “to taking, in consultation and cooperation with indigenous peoples, appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the Declaration and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service.”

How a country chooses to implement the Declaration, and the rights set out in it, depends on each country’s unique circumstances. The Government of Canada decided to advance implementation of the Declaration at the federal level through legislation. On December 3, 2020, the Minister of Justice and Attorney General of Canada, with support from the Minister of Crown-Indigenous Relations, introduced [Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples](#), following a series of virtual engagement sessions with First Nations, Inuit and Métis Nation leaders, modern treaty signatories, regional Indigenous organizations, Indigenous women’s organizations and Indigenous youth.

The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA or the Act) came into force on June 21, 2021. Developed in partnership with Indigenous peoples, the Act provides a framework for the generational and transformational work required to implement the rights in the Declaration at the federal level.

Although the Minister of Justice is the lead minister responsible for implementation of the Act (pursuant to an Order in Council), the Ministers of Crown-Indigenous Relations and of Natural Resources also support this work. In addition, the Act expressly directs the Government of Canada as a whole, and other federal ministers with roles in the



implementation of the Act. The implementation of the Act is a priority for the federal government, as reflected in the mandate letters issued in 2021. Thus, implementing the Act and advancing Indigenous rights is a whole-of-government responsibility in partnership with Indigenous peoples.

The Act requires the Government of Canada to fulfil three interrelated obligations in consultation and cooperation with Indigenous peoples:

1. **Section 5:** Take **all measures necessary to ensure the laws of Canada are consistent** with the Declaration.

This includes measures to ensure that both existing laws and future laws are aligned with the rights and principles in the Declaration and help contribute to achieving its objectives.

While section 5 is particularly directed at federal legislation and regulations, the preamble of the Act also emphasizes that the Government of Canada is committed to taking effective legislative, policy and administrative measures, in consultation and cooperation with Indigenous peoples, to achieve the objectives of the Declaration, which can go well beyond the specific requirements of section 5.

In contrast to section 6, section 5 does not set out a timeframe for implementation. Implementation of section 5 came into force immediately upon royal assent and is ongoing, in consultation and cooperation with Indigenous peoples.

2. **Section 6:** Develop an **action plan** by June 2023 to achieve the objectives of the Declaration.

The action plan must include, but is not limited to, measures that:

- Address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination, including systemic racism and discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons
- Promote mutual respect and understanding as well as good relations, including through human rights education





- Relate to monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration
- Relate to monitoring the implementation of the plan and reviewing and amending the plan

### **3. Section 7: Prepare annual reports on progress.**

These annual reports provide transparency and accountability for the work to implement the Act as it progresses.

In September 2021, the United Nations Declaration Act Implementation Secretariat (the Secretariat) was formed within Justice Canada's Indigenous Rights and Relations Portfolio to lead on the development of the federal UNDA Action Plan and Annual Reports in consultation and cooperation with Indigenous peoples and in coordination with all implicated federal departments.

The Secretariat is composed of program and policy officers, analysts and researchers, and administrative support staff who have conducted background research as well as planned, organized, facilitated and followed up on numerous sessions with Indigenous peoples across the country.

Background research consisted of reviewing various publicly available documents produced by Indigenous partners in recent years to gain a preliminary understanding of their positions and priorities. The research complemented the engagement sessions, which allowed the Secretariat to validate and deepen its knowledge of Indigenous priorities and proposed measures for consideration into the Action Plan.



## **UNDA Consultation and cooperation process**

In December 2021, Justice Canada launched a two-phased broad, inclusive and distinctions-based consultation and cooperation process with Indigenous peoples to advance the implementation of the Act. The first phase involved identifying priorities and potential measures for a draft Action Plan, while the second phase will consist of validating proposed measures and identifying any gaps and additional measures. This process includes the following partners:

- First Nations, Inuit and Métis rights holders, including modern treaty signatories, self-governing nations and historic treaty partners, as well as national and regional Indigenous representative organizations
- Indigenous women, Elders, youth, persons with disabilities, 2SLGBTQI+ people, off-reserve and/or urban Indigenous people, and other Indigenous organizations and groups

From December 2021 to December 2022, Justice Canada conducted more than 200 virtual bilateral information sharing and engagement meetings. In November 2022, Justice Canada also hosted 20 regionally-based virtual multilateral information sessions to provide an update on the Act's implementation and to ensure Indigenous partners have the necessary information to articulate and convey priorities for possible inclusion in the draft Action Plan. In addition to the bilateral meetings and discussions, the multilateral sessions gathered more than 100 participants, from more than 60 Indigenous rights holders, nations and communities, representing tens of thousands of Indigenous people in Canada.

In addition, the Métis National Council (MNC) and Inuit Tapiriit Kanatami (ITK) agreed to convene a Shared Priorities Table with Justice Canada to address cross-cutting Indigenous priorities and to facilitate coordination in relation to the Act's implementation. The Assembly of First Nations (AFN) has observer status at these meetings.



Although most sessions took place virtually due to ongoing Coronavirus disease (COVID-19) health concerns, some in-person gatherings were also held, such as partners' Annual General Meetings, and others organized by the Secretariat, including a series of meetings in Manitoba with the Indigenous Rights and Relations Portfolio Assistant Deputy Minister and various Indigenous partners. This allowed Justice Canada to connect with some groups with whom we had not yet otherwise had the chance to engage and discuss.

The consultation and cooperation work to date has been premised on respect and support for the interrelated and interdependent rights of Indigenous peoples to self-determination and participation in decision-making in matters affecting their rights. The joint work to advance implementation of the Act will continue to be undertaken in a manner that has co-development with Indigenous peoples as a core principle, while recognizing that we are continuing to develop a shared understanding of what meaningful co-development as part of broader processes on consultation and cooperation looks like across a range of contexts.

## **Indigenous-led Consultations**

To support Indigenous participation in the process, a call for proposals was launched to provide funding for Indigenous-led consultations with their citizens, members and communities to identify priorities and potential measures to be included in the Action Plan. The call for proposals opened, on December 10, 2021, and closed on April 15, 2022.

The decision to conduct an open call for proposals reflected the need for broad and inclusive engagement with Indigenous rights holders and their representative organizations across the country and was responsive to feedback from Indigenous partners seeking a more in-depth and wide-ranging process than that which was undertaken for the development of Bill C-15.

To support Indigenous-led consultations, Justice Canada created an [engagement kit](#) and other supporting materials comprised of background information on the Act, the Declaration and other resources to help guide discussions and input related to sections 5, 6, and 7 of the Act.



When the call for proposals was launched, Justice Canada did not yet have the administrative authority to manage the funding. For that reason, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC) worked with Justice to ensure a broad range of proposals were supported and that funds were disbursed to successful applicants. Two hundred and ten (210) Indigenous nations, organizations, governments and groups across the country submitted proposals totaling close to \$100 million. In total, 149 Indigenous partners across Canada were funded (Annex A) with over \$26.33 million made available through the contribution program.<sup>1</sup> Although the call for proposals deadline was extended, and despite the Secretariat's best efforts to ensure broad outreach, we recognize that some Indigenous nations and communities were unable to apply due to lack of capacity.

Justice Canada regrets that funding delays occurred for many partners due to various factors, including its decision to extend the timeline for proposals. CIRNAC and ISC assisted by working to ensure that contribution agreements were signed as quickly as possible within the revised timelines. Justice Canada acknowledges that the funding delays impacted timelines for Indigenous-led consultations and the ability to fully participate in the UNDA consultation and cooperation process, especially for those partners for whom cash managing was not possible.

That said, with this support, numerous Indigenous-led consultations in various formats have taken place across the country, which provided Justice Canada the opportunity to hear from diverse partners about priorities and potential measures for potential inclusion in the Action Plan.

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<sup>1</sup> The proposals were assessed by a review committee composed of Justice and CIRNAC officials. Submissions were assessed in terms of their representation of section 35 rights holders as well as their governance capacity, population scope and geographic engagement reach. The cultural and linguistic profile of the organization and representation of diversity groups' needs and priorities were also a key consideration. The committee also examined how the proposals reflected unique contributions and insights provided by different levels and sizes of Indigenous governance bodies and institutions, and how the proposal would contribute to concrete measures for inclusion in the Action Plan. Based on these criteria, 58 proposals were rejected, of which 5 Métis, 35 First Nations, 1 Urban, 1 Diversity, 3 Other Indigenous, and 13 Other. The last category comprises non-Indigenous organizations, individuals and private consulting firms that submitted proposals on their own behalf. No Inuit proposals were rejected. See Annex D for additional funding information.



## Online submission tool

In March 2022, Justice Canada launched an online submission tool available to self-identified Indigenous individuals, communities and organizations to provide them with an additional opportunity to communicate views and perspectives on the priorities to include in the Action Plan. The online submission tool was open until December 31, 2022, on the [Canada.ca/Declaration](https://Canada.ca/Declaration) website.

Respondents were invited to respond to a [series of questions](#) pertaining to sections 5, 6, and 7 of the Act, such as “Are there federal laws that you, or the organization you represent, would prioritize to ensure consistency with the Declaration? If yes, which one(s)?” and “What suggestions do you have regarding the monitoring of the action plan as well as the review and updating of the plan over the years?” Individuals could choose to respond to all the questions, or only a few.

At the time of writing, approximately 30 self-identified individuals and groups had provided comments through this channel. By making this tool available, Justice Canada sought to ensure that all Indigenous individuals could contribute to the development of the Action Plan, including those not affiliated to any organization, or otherwise not feeling represented by any group.

Following the publication of the draft Action Plan, the online submission tool will be updated to help facilitate broader access and Indigenous involvement in the second phase and to allow Indigenous individuals and groups to provide feedback on the draft Action Plan.

## Priorities by theme

Priorities and proposed action plan measures to date are based on engagement undertaken through various fora: virtual bilateral and multilateral sessions, the online submission tool, correspondence, in-person meetings and, primarily, written submissions (Annex B) from Indigenous partners.



Indigenous partners' priorities and proposed measures outlined in this report are organized according to "rights-based clusters" or "Declaration themes", which broadly align with how various rights are grouped in other international human rights instruments, such as civil and political rights under the International Covenant on Civil and Political Rights, and assists with making linkages between the Declaration and other human rights instruments and guidance developed by human rights bodies. The 46 articles of the Declaration are organized into ten categories:

- General Principles (applicable to all of the Declaration)
- Implementation and redress
- Self-determination, self-government and recognition of treaties
- Civil and political rights
- Participation in decision-making and Indigenous institutions
- Lands, territories and resources
- Environment
- Economic and social rights
- Cultural, religious and language rights
- Education, information and media

Just as Indigenous partners have indicated that they understand the Declaration and its 46 articles in ways that do not always fit neatly within each of these categories, Justice Canada too understands that the rights contained within the Declaration are universal, indivisible, interdependent, and interrelated. Therefore, these categories are merely one way in which these priorities and proposed measures can be conveyed as part of the Declaration's implementation and were placed under a given theme after considering a combination of factors, including Declaration articles related to the priority or proposed measure.



While the content of this report will necessarily help inform the Action Plan, the priorities and proposed measures outlined here are intended to reflect a high-level summary of Indigenous partners' views. These views include priorities for draft Action Plan consideration conveyed through “formal” written submissions; priorities previously conveyed about the Declaration (i.e., through publicly available policy reports, annual reports, and committee testimony); and those shared through hundreds of sessions held by Justice Canada since December 2021. This summary is intended to offer an understanding of First Nations, Inuit, Métis and cross-Indigenous priorities for Declaration implementation, even as work continues with partners to reach specific text for the Action Plan.

### **General principles (Articles 1, 2, 43, 44, 45)**

The articles under this theme are applicable to the entirety of the Declaration and serve as the basis for implementing all of the rights contained in the Declaration. They include the guarantee of full enjoyment of individual and collective rights as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and in international human rights law; minimum standards for the survival, dignity and well-being of Indigenous peoples; and a guarantee that nothing in the Declaration may be construed as diminishing or extinguishing existing or future rights of Indigenous peoples. This cluster of articles also includes the right to equality and non-discrimination and the right to gender equality. These general principles are integral to the other nine thematic rights-based clusters below.

### **Implementation and redress (Articles 38, 39, 40, 41, 42, 46)**

Indigenous partners conveyed the greatest number of priorities under the Implementation & Redress theme, which include overarching measures to “achieve the ends of the Declaration” and technical and financial assistance to do so, as well as conflict resolution measures to address disputes.



Partners cited several existing federal statutes that in their view would require amendment in order to ensure overall effective implementation of the Declaration. These included, but were not limited to, the *Interpretation Act*, the *Department of Justice Act*; the *Statutory Instruments Act*; and the *UN Declaration on the Rights of Indigenous Peoples Act* (Annex C). Some partners who called for amending the *Department of Justice Act* and *Statutory Instruments Act* specified the need to require the review of proposed legislation and regulations for consistency with the Declaration, similar to the existing *Charter* review process. Included in these specifications are public reporting and a standardized process developed in consultation and cooperation with Indigenous peoples. Partners who recommended amendments to the *UN Declaration on the Rights of Indigenous Peoples Act* were seeking to ensure it is interpreted and administered as upholding the rights in the Declaration, to ensure comprehensive Indigenous inclusion in consistency of laws, Action Plan development and implementation, and annual reporting processes; to make the Act self-executing, binding on the Crown in right of Canada, the provinces and territories, and judicially enforceable when rights are infringed; and to fully adopt the Declaration into Canadian law, giving it force of law, stating that it prevails in the event of conflict or inconsistency with other statutes of Canada.

Several partners expressed that the *Constitution Act, 1982*, and section 35 specifically, could be amended to better align with the Declaration. In particular, partners advocated for Declaration compliance, affirmation, non-derogation and non-abrogation measures that would uphold constitutionally protected Aboriginal and treaty rights recognized and affirmed under section 35, in addition to the Indigenous collective and individual rights outlined in the Declaration. Specific legislative measures included adding a non-derogation clause to the *Interpretation Act* that provides for upholding treaty rights and inherent Aboriginal rights, in addition to non-abrogation and non-derogation language. A related priority included ensuring that the entirety of the *Interpretation Act* and the non-derogation clause are consistent with the Declaration. Other related priorities include amending the *Interpretation Act* to establish an enforceable Declaration affirmation clause consistent with both sections 25 and 35 of the *Constitution Act, 1982*, in order to uphold Aboriginal and treaty rights, in addition to the rights in the Declaration.





Partners representing off-reserve and/or urban Indigenous people highlighted the importance of using terminology that is clear, inclusive, reflective of all rights holders and consistent with section 35 of the *Constitution Act, 1982*. Some advocated for the inclusion of a glossary or lexicon in the Action Plan to clarify and ensure a common understanding of the different terms used by and in reference to Indigenous peoples, including in section 35, in the Declaration, and in other acts and legislation.

Partners also noted the importance of fulfilling consultation and cooperation requirements in consistency of laws processes and included several recommendations to ensure Indigenous inclusion and accountability mechanisms. Partners specifically recommended including Indigenous representative institutions and governing bodies, First Nations, Inuit and Métis women, 2SLGBTQ+ persons, urban Indigenous people, and youth in consistency of laws processes, which could include thematic and geographic joint policy tables, a permanent standing committee, an Indigenous youth advisory committee, or citizens' assembly. They identified a concomitant need for financial and technical assistance and accountability mechanisms to ensure consistency of the laws of Canada with the Declaration. They also noted the importance of upholding free, prior and informed consent (FPIC) in all consistency of laws processes. A specific measure to amend the *Guide to Making Federal Acts and Regulations* to recognize the Declaration and three systems of law, including customary law of Indigenous peoples, was also proposed.

With respect to measures related to the UN system, international human rights treaties and processes, and treaty body recommendations, partners put forward a variety of measures, including:

- Formalizing rules for full and effective participation of Indigenous peoples in UN processes; ensuring full representation of Indigenous peoples in international affairs and human rights bodies, including Indigenous women in UN international fora to uphold their Declaration rights; and funding Indigenous women's organizations to participate in the Universal Periodic Review and other international fora
- Respecting and implementing all international human rights treaties to which Canada is party



- Implementing special measures as per the *Convention on the Elimination of All Forms of Racial Discrimination*, and the *Convention on the Elimination of All Forms of Discrimination Against Women* to advance the equality of Indigenous women, girls and 2SLGBTQI+ persons
- Implementing domestic reporting mechanisms on how Canada is meeting its obligations as set out in international human rights treaties
- Requiring an outside agency to monitor Canada on Declaration implementation in order to ensure equal and proper representation of Indigenous peoples ensuring that inherent rights, treaty rights and Aboriginal rights are properly recognized and administered as part of external monitoring

With respect to Action Plan preparation and implementation, partners also highlighted the need for committing financial and technical assistance to fulfill the statutory requirement for consultation and cooperation with Indigenous peoples, with accountability mechanisms such as consultation protocols, including further recognizing existing Indigenous protocols on consultation and cooperation. First Nations, Inuit and Métis women partners noted their special need for financial and technical assistance to support their equal participation and access to consultation, cooperation, co-development and FPIC in Action Plan and Declaration implementation. Convening discussion tables – which would reflect the diversity of circumstances of Indigenous peoples across the country – for the implementation of specific Declaration articles, in consultation and cooperation with Indigenous people, was also proposed.

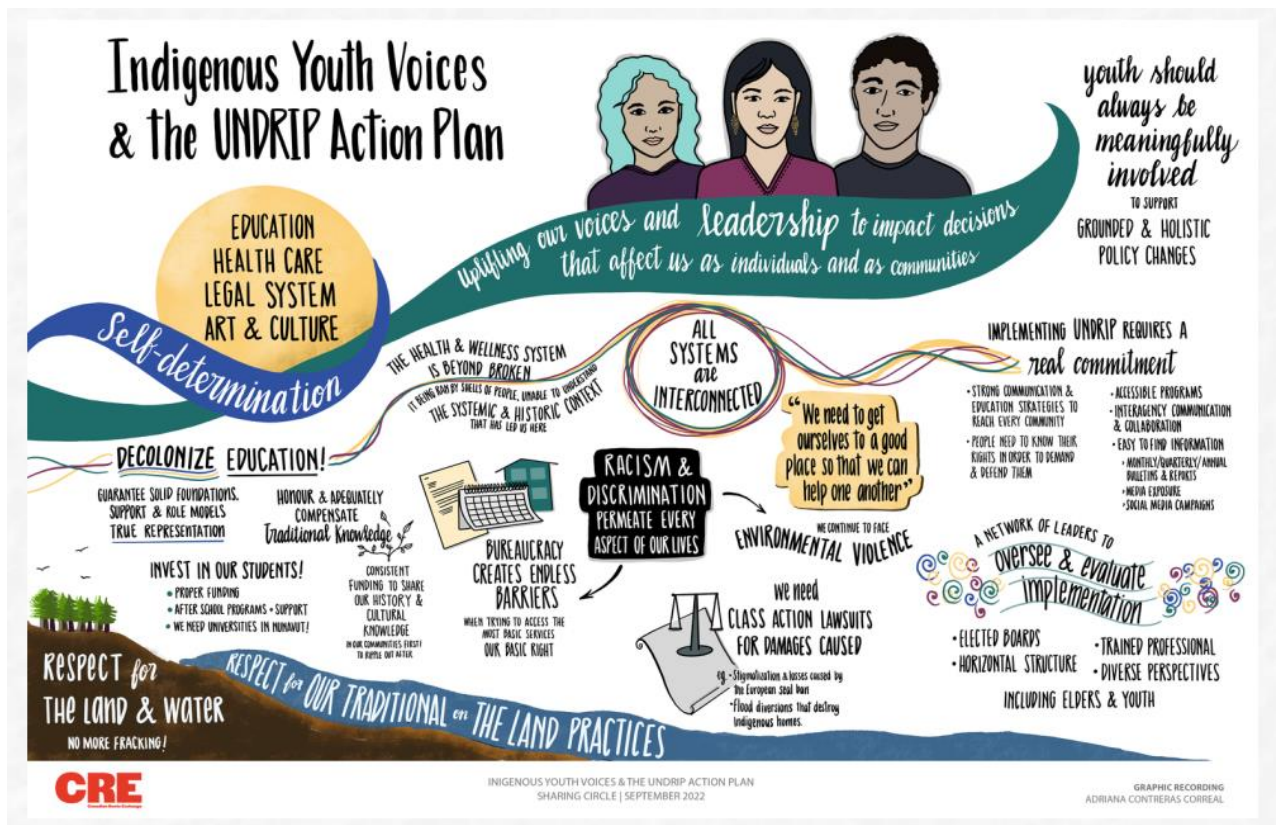


Figure 1 Sharing Circle Graphic Recording, Canadian Roots Exchange, *Indigenous Youth Voices & the UNDRIP Action Plan: What We Heard*, Used with Permission

Other partners recommended ensuring actionable and sustained Declaration implementation through reviewing and amending the Action Plan as a living document, using a whole-of-government approach, and an Indigenous-led implementation strategy with specific departmental accountabilities, key deliverables and timelines. An overarching recommendation shared by many Indigenous partners was the need to uphold the duty to consult and to respect FPIC in the Action Plan and all aspects of Declaration implementation. National Indigenous Women’s Organizations also noted the need to ensure a distinctions-based and cross-Indigenous, intersectional and GBA plus approach to the co-development of the Action Plan and overall Declaration implementation, in order to respect the spirit and intent of all articles of the Declaration.



A key Action Plan recommendation from partners related to monitoring, oversight, recourse, remedy or other accountability measures included the establishment of an Indigenous and Human Rights Ombudsperson, Commission, and/or Tribunal. Several partners, including National Indigenous Organizations (e.g., ITK) and National Indigenous Women’s Organizations, proposed establishing an Indigenous Advisory Council, an independent oversight body, and/or an arms-length Indigenous rights implementation monitoring mechanism that would be empowered to monitor and enforce Canada’s compliance and progress in implementing the Declaration and the Act. Regardless of the specific proposed form, scope and purpose, the need for an independent mechanism to ensure effective implementation, including mandated seats for urban Indigenous communities, 2SLGBTQI+ communities, Indigenous women’s organizations, youth, and others to ensure adequate representation and input, was one conveyed by many Indigenous partners.

National Indigenous Women’s Organizations in particular noted their need for representation on the Oversight body, to ensure accountability in upholding the gender- and equality-based rights of First Nations, Inuit and Métis women, girls and 2SLGBTQI+ persons. They advocated for the Oversight body to be grounded in Indigenous-led processes, using dispute resolution and complaint processes built on distinctions-based and cross-Indigenous, intersectional and gender-based frameworks. One National Indigenous Women’s Organization recommended that the Independent Tribunal would best operate alongside newly developed anti-Indigenous racism legislation, using the British Columbia model as a best practice.

Many partners advocated for a distinctions-based (i.e., First Nations, Inuit, and Métis) approach to implementation, with some favouring a distinctions-based “plus” approach that includes a broad and diverse range of perspectives. Other partners, however, recommended abandoning a distinctions-based approach altogether, as they deemed it was contrary to Article 2 of the Declaration and section 15 of the *Canadian Charter of Rights and Freedoms*. Furthermore, partners representing off-reserve and/or urban Indigenous people called for the development of a Federal Urban Indigenous Strategy, which would address the need for policy and strategic direction on urban Indigenous issues and promote relationship building with these partners. More specifically, these partners recommended that the strategy include the re-instatement of a national Indigenous Friendship Centre Program that is designed, delivered, and managed by the Friendship Centre Movement.



Proposed measures to address injustices and tackle violence and discrimination included ensuring Indigenous women, Elders, 2SLGBTQI+ persons, youth, and urban Indigenous people were involved in the Declaration's implementation, using a distinctions-based and cross-Indigenous, intersectional, and gender-based analysis plus (GBA plus) approach. National Indigenous Women's Organizations specifically sought their inclusion in decision-making and participation in all aspects of the Declaration, UNDA, and Action Plan implementation, in order to ensure respect and protection of the gender- and equality-based rights of First Nations, Inuit, and Métis women, girls and 2SLGBTQI+ persons.

Many Indigenous partners emphasized the need to engage provinces and territories on the Declaration and Action Plan implementation. While some identified this proposed engagement as a way to address jurisdictional issues, others prioritized the federal government's responsibilities under the Constitution.

Lastly, proposed measures related to annual reporting included ensuring that First Nations, Inuit and Métis women, 2SLGBTQI+ persons, youth, and urban Indigenous people were included in annual reporting processes, using a distinctions-based and cross-Indigenous, intersectional and GBA plus approach, with accountability mechanisms. Some partners noted the importance of including modern treaty and self-governing nations in annual reporting, while others wanted to see the written perspectives of Indigenous peoples highlighted in the Annual Report to Parliament, and the report to be proactively distributed. Still others sought a commitment for Canada to report on progress more regularly, with detailed tracking of smaller milestones, using plain language, accessible formats published in mainstream and social media, and translated into Indigenous languages. Many partners recommended using Indigenous-led evaluation and assessment tools to assess and report on progress in implementing the Declaration, included adding an evaluation framework to the reporting framework, in order to measure success through statistical improvements in Indigenous economic, social, health, food security, housing, education, linguistic, and employment indicators.



## Self-determination, self-government and recognition of treaties (Articles 3, 4, 37)

The inherent rights to self-determination and self-government are relevant across themes. Indigenous partners focused their priorities on ensuring that Indigenous sovereignty, self-determination, and self-governance are respected and upheld in all aspects of implementing the Declaration, including respecting the terms of historic and modern treaties.

Proposed legislative amendments focused on ensuring that the *Indian Act* is consistent with the Declaration and upholds self-determination, self-government, and treaty rights, including guarantees that Indigenous registration and membership is determined by Indigenous peoples. Specific recommendations included:

- Amending the *Indian Act* to end residual gender discrimination and uphold Indigenous women’s rights, including as they relate to representation, membership, and self-determination
- Developing transition plans on a nation-to-nation basis to replace the *Indian Act* and provide First Nations control of their own membership, citizenship, and election codes
- Dismantling the *Indian Act* through replacement of the Indian Register with a Declaration-compliant framework
- Amending the *Indian Act* to fully recognize and implement enforcement and adjudication of First Nations’ laws
- Amending the *Indian Act* to ensure alignment with First Nations’ interests in the implementation of the Reserve Land and Environmental Management Program and the *First Nations Land Management Act*
- Reviewing infrastructure formulas, including for roads, maintenance and operations in order to provide sufficient funding

**Aen narchik 3 / Article 3 (Michif)**

Lii pramyii nawsyoon moond ayowak ooma lii drwayishi wiya-ikoo ahkamayihtumowin. L’oneur ouschi aykwawnima lii drway wiyawow voulay chi kii kishkayhtakwunwiyaw ow lee poulichik pozisyon akwa voulay nawashwaywin wiyawow manawchischikayhk, aen social akwa ka ishi pimaatishiyaahk oushtawhk.



Other partners recommended co-development of federal legislation recognizing Indigenous self-determination and self-governance, including mechanisms for self-government agreements, which would promote a more meaningful long-term focus and allow Indigenous peoples to move to self-government on an “opt-in” basis when communities are ready. In terms of proposed policy amendments, partners pointed to the Inherent Right Policy as requiring updates to align with the Declaration; the need to ensure that section 35 rights recognition frameworks are fully aligned with the Declaration; and support in rebuilding and reconstituting Indigenous nations.

**piskihtasinahikêwin  
4 / Article 4  
(Plains Cree)**

iyiniwak, ka-isi-  
âpacihtâhk omiyikosiwin  
ta-âsawi-tipêyimisocik,  
ayâwak ôma miyikosiwin  
ta-tipêyimisocik ahpô  
âsawi-tipêyimisowin  
pîhci pisiskêyih tamowina  
kihcinâkwan ohci pîhci  
mîna tipiyaw  
nâkatohkêwina, êkwa  
mîna sâpo-isi kiki-  
sôniyâwi-wîchisowin-isi  
otâsawi-tipêyimisowin.

Partners also noted that the right to self-determination includes upholding and implementing all historic and modern treaty rights, including through review of existing funding arrangements to ensure meaningful treaty implementation. Some partners advocated for transition plans, on a nation-to-nation basis, to support Indigenous self-determination, self-government and sovereignty, and to ensure better legal protection for treaty rights. Related recommendations included honouring the spirit and intent of rights contained in treaties, including through treaty implementation framework agreements. Overall, treaty partners consistently called for Canada to respect Indigenous understandings of treaty terms and to adopt a treaty-based approach to Declaration implementation.

Some First Nations partners advocated for the recognition of the inherent right to self-determination in Declaration implementation through federal consistency of laws processes. Others sought to uphold self-determination and self-government by ensuring respect and enforcement of laws passed by Indigenous governing bodies, including through community tripartite agreements with law enforcement or through Indigenous prosecution services. Indigenous governing bodies also proposed measures to exercise self-governance in areas ranging from implementation of modern land claim agreements to policing and other areas. Some partners noted that Indigenous-led institutions can assist in overseeing lands management, economic development, financial literacy, and wealth management.



*“With very few exceptions, the federal government’s legal framework currently denies the existence of Aboriginal title, treaty rights, and Aboriginal rights, including the inherent right of self-government. It does this by asserting full jurisdiction and leaving almost no space for Indigenous governance and decision-making.”*

- Lake Babine First Nation, Action Plan Submission, December 6, 2022

Métis Governments sought continued commitment to advance Métis self-government agreements, including negotiating core governance treaties; federal recognition legislation to implement their self-government agreements; measures to establish a Métis section 35 rights recognition framework to determine, recognize and protect the exercise of Métis section 35 rights; and a mandate for all federal departments to negotiate reconciliation agreements with Indigenous governing bodies in order to create space for recognition of Indigenous jurisdictions and expedite Aboriginal rights recognition. Some self-identified Métis communities claiming not to be represented by existing Métis governments are also seeking federal recognition.

Inuit put forward a number of measures to ensure they are able to exercise and enforce their rights. Prioritizing a co-development approach to both legislative and policy changes, proposed measures include:

- An Indigenous human rights commission and tribunal
- Adequate resources and a new legislative and/or policy framework that affirms the right of self-government and provides for fiscal arrangements to support efficient negotiation of Inuit self-government agreements with Makivik Corporation, Inuvialuit Regional Corporation, and Nunavut Tunngavik Inc. (this could include partnering with Inuit to update the Government of Canada’s Inherent Right and the Negotiation of Aboriginal Self-Government policy)
- Full and effective implementation of the Inuit Nunangat Policy
- Ongoing use of the Inuit-Crown Partnership Committee as an integral mechanism for both implementing the Inuit Nunangat Policy and supporting Inuit self-determination





Inuit women advocated for self-determination through representative institutions of their own choosing, and the need to uphold their right to education and participation in decision-making, through investments in education and economic development targeted to Inuit women.

Indigenous women partners also advocated for the need to uphold inherent rights, including those related to matriarchal modes of governance, with financial and technical assistance and accountability mechanisms, to ensure self-determination and to address historic grievances and modern treaty implementation issues. Additionally, urban Indigenous partners called for the need to recognize urban Indigenous modes of organizations, such as Friendship Centres.

## **Civil and political rights (Articles 6, 7, 9, 17, 33, 35, 36)**

Indigenous partners conveyed several priorities under the Civil and Political Rights theme, which includes security of the person, the prohibition of genocide, the prohibition against the forcible removal of children, and labour rights.

Partners proposed amendments to existing legislation, as well as new legislative and policy initiatives in order to uphold civil and political rights relating to the security of the person and communities across borders, including:

- Amending the *Immigration and Refugee Protection Act*, to address issues affecting cross-border Indigenous communities, including the re-establishment of communities divided by international borders as well as right of entry provisions and work, residency, and employment permitting processes
- Recognizing Aboriginal rights across interprovincial borders, both at the federal and provincial levels
- Ensuring political and legal recognition with tribes and members in the United States
- Establishing a protocol to ensure appropriate handling of cultural and ceremonial items, including medicinal plants, at the Canada-United States border



Other partners recommended that the *Royal Canadian Mounted Police (RCMP) Act* be reviewed to increase accountability of officers in their dealings with Indigenous peoples and that cross-cultural training be provided for Canada Border Services Agency staff to ensure sensitivity for Indigenous cultures, ceremonial people, and Elders. Other partners recommended new legislation to incorporate the 231 Calls for Justice of the National Inquiry’s Final Report into Missing and Murdered Indigenous Women and Girls (MMWG), the Truth and Reconciliation Commission’s 94 Calls to Action, and the recommendations of the Quebec Coroner related to implementing Joyce’s Principle.



Figure 2 Sharing Circle Graphic Recording, Canadian Roots Exchange, *Indigenous Youth Voices & the UNDRIP Action Plan: What We Heard*, Used with Permission



Several partners recommended that federal legislation be developed to establish a National Oversight body and a violence prevention action plan in order to end violence against Indigenous women, girls and 2SLGBTQI+ persons. Partners also noted the need to improve these vulnerable populations' safety and security through federally-resourced, community-coordinated responses, including supports for victims of human trafficking and domestic abuse, as part of federal legislation. National Indigenous Women's Organizations sought their inclusion and guaranteed representation in the composition of the National Oversight body to end violence against First Nations, Inuit and Métis women, girls and 2SLGBTQI+ persons, to ensure a distinctions-based and cross-Indigenous, intersectional and gender-based approach.

Other partners focused on policy measures to address gender-based violence against Indigenous women, girls and 2SLGBTQI+ persons, including:

- Combatting the culture of silence around violence through accountability and transparency in how Indigenous homicide, missing persons, and sexual violence investigations are handled and reported on, including through release of autopsy and coroners' reports
- Ensuring police investigations into gender-based violence are done without discrimination and bias
- Creating a system for reporting and investigating sexual and physical assaults, run by Indigenous women
- Financial and technical assistance to address the violence, racism and discrimination that impact Inuit women and their families
- Recognizing, preventing, investigating and punishing violence against Indigenous women, including psychological, physical, sexual, economic, political, spiritual or environmental violence, through respect for the principle of due diligence
- Preventing and combatting all forms of gender-based violence in schools and the workplace by taking the necessary measures to punish those responsible and ensuring reparations to victims



A key recommendation of partners with respect to addressing gender-based violence included using the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) to guide the implementation of the Declaration, with financial and technical assistance to support sustained implementation of, and progress reporting on, the 231 Calls for Justice. Some partners specifically called for greater resource dedication, strategic oversight, and monitoring of the federal action plans that already guide the implementation of the federal MMIWG inquiry including the urban Indigenous Action Plan on MMIWG2SLGBTQIA+. Many partners saw the MMIWG Calls for Justice as the primary lever to systematically address the ongoing violence against Indigenous women, girls, and 2SLGBTQI+ persons. Other partners focused on addressing environmental violence, racism and discrimination, and ensuring the physical safety and socio-economic well-being of Indigenous women in the resource extraction industry. One specific measure called for federal regulatory and impact assessment bodies to assess and mitigate the impacts of resource development on marginalized Indigenous groups, including the impacts of sexual violence against Indigenous women and youth.

With respect to Indigenous children's and youths' civil and political rights, some partners recommended developing federal legislation to establish a national Indigenous youth agency and an Indigenous-led Commissioner for Indigenous children and youth in care, with financial and technical assistance and accountability mechanisms. Several partners pointed to *An Act respecting First Nations, Inuit and Métis children, youth and families* as requiring consistency with the Declaration, in order to end discrimination in child and family services and address jurisdictional barriers. Others called for federal action and financial and technical assistance to fully implement *An Act respecting First Nations, Inuit and Métis children, youth and families*, in order to ensure Indigenous governing bodies can exercise their jurisdiction over child and family services. Specific recommendations calling for measures to ensure Indigenous control of child welfare, with accountability mechanisms to ensure Indigenous authority and jurisdiction, included:

- Collaboration between federal and provincial governments to support the transition from provincial child welfare to Indigenous-led child welfare, using evidence and data from those with lived experiences in the child welfare system



- Financial assistance to support Indigenous communities in developing their own child welfare laws in keeping with community values, in order to prevent and mitigate related generational harms caused by the forcible removal of Indigenous children
- Involving Indigenous women’s organizations in Indigenous child welfare policies by:
  - prioritizing prevention over apprehension through the delivery of prevention-focused services
  - focusing on a duty to refer over a duty to report
  - investing in traditional, cultural, and land-based parenting teachings and education
- Appointing a special investigator to address the continued escalating rates of apprehension of Indigenous children, relying on statistics and the actions of all governments
- Developing an independent, Indigenous-led oversight body to monitor and ensure that child welfare agencies across Canada uphold Indigenous children’s rights; recognize and honour the rights of the mother; ensure priority placement for Indigenous children with parents, family and community; and improve the collection of identity-based data in collaboration with provinces and territories
- Supports for Indigenous youth aging out of care, and compensation for trauma and abuse suffered under the child welfare system
- Free access by survivors to their child welfare records
- Greater preventative, culture-based investments as a protective measure against child welfare involvement and the importance of moving investments away from enforcement and apprehension

Other partners recommended sustained implementation, with financial and technical assistance, of the Truth and Reconciliation Commission’s 94 Calls to Action and included proposals for a National Inquiry into the Sixties Scoop and removal of Indigenous children under Canada’s child welfare system.



Access to justice was another key priority of Indigenous partners, who advocated for concrete measures to end discrimination in the justice system and ensure Indigenous access to fair and just procedures, including Indigenous women’s and youths’ access to justice. Specific recommendations included financial and technical assistance for:

- Indigenous-led policing, justice services, and criminal justice programming, including community justice initiatives, preventative programming, criminal justice diversion programs, and restorative justice programs
- Transition plans for Indigenous nations to assume control of their own criminal justice systems
- Legal aid services for First Nations, Inuit and Métis women and youth that would facilitate access to criminal justice system navigators
- Preventative programming for vulnerable Métis people, ensuring Métis access to fair and just procedures, and ensuring Métis women’s access to justice
- Accessible processes for expunging youth criminal records to reduce barriers to education and employment.

Several accountability mechanisms were also proposed to ensure Indigenous access to justice and equity and the upholding of civil and political rights, including:

- Establishing Indigenous civilian police oversight bodies for local law enforcement, including the RCMP, in order to take concrete steps to end police brutality against Indigenous people
- Providing cultural sensitivity training to first responders, police, corrections, and conservation officers, prosecutors, Crown lawyers, and judges on Indigenous human rights, the Declaration, the Act, the Action Plan and on Indigenous legal realities and cultures, Indigenous law and on the rights of Indigenous women and girls
- Training police officers in trauma-informed approaches to increase the likelihood of better outcomes of Indigenous-police interactions
- Establishing an Indigenous entity to investigate police complaints



- Reviewing and implementing recommendations and findings of inquiries related to police treatment of Indigenous peoples, including the 2004 Final Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild
- Supporting and launching a National Strategy to address the over-incarceration of Indigenous women
- Improving implementation of Gladue and other judicial decisions addressing Indigenous peoples’ overrepresentation in the criminal justice system and incarceration rates; and funding and standardizing Gladue reports for Indigenous offenders
- Amending the Canada Evidence Act and other acts in order to accommodate Indigenous oral history evidence in federal and provincial courts and place it on an equal footing with written historical evidence and testimony

Indigenous partners also made a number of recommendations related to upholding labour rights, including identifying and addressing Indigenous inequalities, racism and discrimination pertaining to human rights, employment and labour, and access to spiritual leave within the *Canada Labour Code*. In addition, partners are also looking to implementing federal policy requirements for Indigenous hiring and representation in the public and private sectors.

**Participation in decision-making and Indigenous institutions (Articles 5, 18, 19, 34)**

This theme garnered significant attention from Indigenous partners because of its importance in revitalizing Indigenous institutions and structures and ensuring their participation in decision-making in matters concerning Indigenous rights and interests.

**ᐃᓕᓐᓄᓐ 18 / Article 18 (South Baffin)**

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Partners conveyed several priorities relating to this theme, including the idea of developing federal framework legislation to systematically implement FPIC as part of the Declaration’s implementation. It was also proposed that the *Electoral Boundaries Readjustment Act* be amended to improve Indigenous representation in Parliament. Other partners are seeking reform of parliamentary procedures and processes to ensure that Indigenous nations and governing bodies are meaningfully consulted on federal legislation to ensure compliance with FPIC.

*“Consent isn’t one phone call. There is no consent really, they just tell us they are coming to set up shop and we just have to take it. Most of the people don’t even know, we should be able to see these big companies coming years before they set up shop. We don’t even know what we’re dealing with.”*

-Sagkeeng First Nation, Action Plan Written Submission, November 25, 2022

Partners also advocated for decision-making within Canadian institutions and structures to specifically include legislative and policy co-development with Indigenous peoples, including co-development of rights-based programs and policies with Indigenous governing bodies, including distinctions-based programs. Some First Nations partners focused on upholding the duty to consult and accommodate, and the need to consult with First Nations governing bodies on the Declaration’s implementation on a nation-to-nation basis that recognizes the inherent right of each First Nation to self-determination. Some First Nations partners expressed the importance of avoiding an approach that conflates all First Nations, but rather recognizes distinct First Nations and includes their specific priorities. Some partners also called for increasing Indigenous representation on federal boards and panels.

Several partners advocated for financial and technical supports to ensure that the specific needs of Indigenous women and 2SLGBTQ+ persons were addressed, including the need to have their rights to consultation, representation, decision-making, and institutions of their own choosing upheld as part of the Declaration’s implementation. Some partners also advocated for the establishment of a consultative Indigenous Women’s Council to ensure equitable implementation of the Declaration.





Urban Indigenous partners, including urban Indigenous youth, emphasized the importance of upholding the rights of off-reserve and urban Indigenous people to choose their own representatives in accordance with their own procedures, to maintain and develop their own decision-making institutions, and to be consulted with and express their FPIC through their own representative institutions, including with adequate financial and technical support. These partners expressed that existing processes such as, the Permanent Bilateral Mechanisms and existing definitions of Indigenous Governing Bodies, are perceived to exclude off-reserve, non-status, and urban Indigenous people, and should instead be treated flexibly, recognizing that current structures bear the heavy imprint of the legacy of colonialism.

Other proposed measures relating to Indigenous judicial and legal systems, institutions and structures included:

- Incorporating Indigenous traditional and customary laws and processes, and re-establishing and upholding Indigenous inherent rights, laws and legal orders in all aspects of the Declaration's implementation
- Committing financial and technical resources for evaluating, revitalizing, considering and providing greater space for Indigenous laws and orders as a critical part of the Declaration implementation process
- Seeking specific legislative amendments, or omnibus legislation, to allow for Indigenous consent-based decision-making processes
- Re-establishing Indigenous laws through the inclusion and participation of Indigenous economic, political, and social institutions and governing bodies, and through processes for coordinating Indigenous and federal laws

## Lands, territories and resources (Articles 10, 26, 27, 28, 30, 32)

This theme is closely related to the Environment theme that follows. Priorities and proposed measures focused on the inherent right to self-determination and self-governance of Indigenous traditional territories. This theme also includes priorities about FPIC over the use, management and development of Indigenous lands and territories, along with enforcement measures and legal protections.

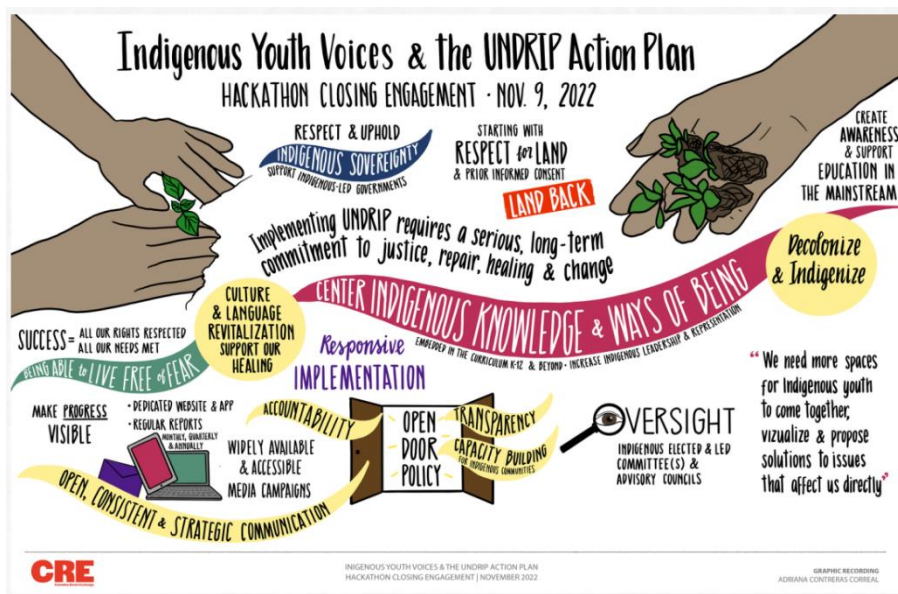


Figure 3 Closing Engagement Graphic Recording, Canadian Roots Exchange, *Indigenous Youth Voices & the UNDRIP Action Plan: What We Heard*, Used with Permission

Indigenous partners pointed to several pieces of federal legislation related to lands, territories and resources that would in their view require review or amendment in order to ensure consistency with the Declaration, including but not limited to the *Impact Assessment Act*, *First Nations Land Management Act*, *Canada Energy Regulator Act*, *Indian Oil and Gas Act* and

*Regulations*, including to enhance First Nations control over oil and gas development and conservation on reserve lands; and *Yukon Environmental and Socio-economic Assessment Act*. A significant amount of attention was paid to amending the *Fisheries Act* to ensure that it upholds the right to a moderate livelihood as framed in the *R v Marshall* decision of the Supreme Court of Canada. Several Indigenous partners pointed to the *Fisheries Act* and the upholding of First Nations' inherent right to self-determination and self-government as it relates to fish, fish habitat, and fisheries, including the right of FPIC; and ensuring inclusion of Indigenous knowledge and science in joint governance and management structures, including coordination agreements under the *Fisheries Act*. Some partners are seeking further amendments to the



*Fisheries Act* that would ensure the right to first priority basis to Indigenous peoples and governing bodies for food, social and ceremonial purposes, and for support and subsistence.

Partners also called for the repudiation of the doctrines of discovery and *terra nullius*, and measures to address the dispossession of Indigenous peoples from their lands, including through restitution. Some First Nations partners called on the government to commit to negotiating redress for historical infringements to First Nations Aboriginal title and rights, including:

- Depriving First Nations of the means of subsistence and development
- Destroying cultural and spiritual sites
- Desecrating ancestral grave sites and remains
- Causing extreme environmental damage, including altering or destroying ecosystems and harvesting areas

These partners also called for a commitment to provide redress for the impacts of construction of hydroelectric dams, mining, forestry, the storage of nuclear waste, and other development, without FPIC, and with limited to no economic benefit to First Nations and members.

Other partners focused on the need to provide compensation for exploited land, resources and harvesting rights, including the denial of Aboriginal title. Priorities included co-developing a legislative and policy framework for full recognition and implementation of Aboriginal title, including return of lands, collaborative and/or joint decision-making, and revenue sharing. Other partners requested express commitments around the implementation of Aboriginal title, and recognition of Indigenous self-governance and jurisdiction over title lands, including in the context of resource development.



With respect to restitution in the form of land back and redress of other outstanding claims, Métis Governments specifically called for a federal policy or process for Métis claims to enable Métis to seek redress for dispossessions of their lands. Métis rights holders are currently excluded from federal claims processes such as the comprehensive claims process or specific claims tribunal by virtue of these forums being limited to First Nations and Inuit. As such, Métis Governments are seeking to resolve their claims, including those relating to the *Manitoba Act*, scrip, and the Treaty 3 Halfbreed Adhesion, among others.

Other land claims-based recommendations included:

- Developing an independent review mechanism to ensure Inuit land claims agreements implementation
- Reviewing and amending the Specific Claims Policy and process to ensure consistency with the Declaration, or alternatively, developing a new claims negotiations policy outside of the Specific Claims process that supports Indigenous peoples in negotiating agreements with the Crown to recognize and resolve rights issues pertaining to Indigenous lands, territories and resources
- Consulting with Indigenous peoples to develop a reconciliation policy based on the Attorney General of Canada's *Directive on Civil Litigation Involving Indigenous People*, in order to guide and encourage negotiated settlements for Indigenous rights, advance rights recognition and implementation, support Indigenous self-determination, and uphold the honour of the Crown
- Using the Declaration as a friendlier, less combative negotiation tool for land rights assertions and recognition, to facilitate greater partnership and equity among Indigenous nations, government and industry, and strengthened relationships with elected officials and public servants, in order to uphold consultation and accommodation and support revenue sharing and co-ownership models
- Amending the *Federal Courts Act* to exclude limitation periods and to remove maximum compensation amounts for Indigenous land, territories and resource claims from the *Specific Claims Tribunal Act*



Other land and resource development priorities focused on the importance of upholding self-determination, self-governance, the duty to consult and accommodate, and FPIC with respect to all resource development on Indigenous lands. Several partners pointed to the need for meaningful consultation, participation and involvement in resource development decisions, with financial and technical assistance, in order to respect the Declaration and the Act. Some partners requested federal support and participation in good faith, multilateral, nation-to-nation, consensus-based decision-making processes, that could include collaborative project-specific roundtables or regional land-use planning councils.

Partners were consistent in prioritizing the need for clarity on FPIC, with some partners recommending the co-development of framework legislation outlining the meaning application of FPIC, and mechanisms for monitoring and enforcing FPIC, for impact assessments and resource development decisions. Other partners sought to amend the *Impact Assessment Act* to:

- Require that FPIC be obtained for projects on Indigenous territories
- Prevent environmental racism by ensuring Elder and traditional Knowledge Keeper representation in order to meaningfully assess projects for social, health or economic impacts on Indigenous peoples
- Co-develop a regulation enabling the Impact Assessment Agency to enter into collaborative assessments with Indigenous communities that are not parties to modern treaties or do not have treaty settlement lands or reserve lands, but whose territories are nonetheless impacted by proposed projects
- Develop a policy to ensure sustainable funding, including potential proponent funding, for Indigenous governing bodies to meaningfully engage in technically complex impact assessments, with simplified and respectful application and reporting requirements
- Develop a policy confirming that Indigenous Knowledge in impact assessments will be properly valued, sufficiently resourced, subject to principles of ownership, control, access and possession (OCAP), and reconciled with western knowledge in case of discrepancies or inconsistencies



Still other partners recommended developing specific strategies for addressing FPIC in environmental assessments, regulatory decisions, project and land use planning, and in the storage and disposal of hazardous materials affecting Indigenous communities. Indigenous partners are also seeking to develop a mechanism to resolve Indigenous claims with respect to the Natural Resource Transfer Agreement (NRTA) to fulfill treaty obligations with First Nations. Additionally, some partners called for the review and redress of the NRTA to advance project planning, regulation and revenue sharing with Indigenous nations. In relation to the *Guidelines for Federal Officials to Fulfill the Duty to Consult*, some partners recommended that they be reviewed to ensure consistency with the Declaration, while others requested that they be replaced with a new co-created national framework for consultation on natural resource projects.

Many partners proposed measures to ensure that Indigenous communities could benefit from resource development on Indigenous lands, including through revenue-sharing agreements. Some partners called on the government to co-develop and implement new revenue-sharing and fiscal relationship policy frameworks for federally regulated infrastructure and resource extraction projects on Indigenous lands.

Other partners sought accountability mechanisms to:

- Uphold traditional territorial and treaty rights in resource development
- Respect Indigenous governance over traditional lands and resource management
- Uphold Indigenous knowledge, laws and standards related to lands and resource management
- Ensure the inclusion of First Nations, Inuit and Métis women in decision-making about their lands, territories and resources, including meaningful participation in the management and regulation of their lands and resources
- Include Indigenous data sovereignty over research and data gathered on Indigenous lands

These priorities included ensuring federal regulators and impact assessment bodies undertake cumulative impact assessments that address and mitigate project-specific impacts on the health, social and economic well-being of affected First Nations, Inuit and Métis communities, using distinctions-based, intersectional, and GBA- plus approaches.



Other partners advocated for treaty impact assessments that address inherent and treaty rights impacted by resource development projects, and the development of co-management agreements in areas of federal jurisdiction impacting traditional territories.

Indigenous women and 2SLGBTQI+ priorities included protections from environmental and sexual violence caused by resource development projects and ensuring their participation in environmental impact assessments and in land use and economic opportunities on traditional territories. Several partners noted the need to uphold equality rights of First Nations, Inuit and Métis women in lands and resource development decisions and conservation, and to respect their traditional and ongoing roles as Waterkeepers and protectors of Mother Earth in conversation planning and water conservation efforts.

Other partners called for equitable inclusion in land planning strategies on traditional territories, including allowing Elders to be part of resolution boards to discuss the planning and development of resource extraction projects.

Partners also called for measures to maintain and strengthen spiritual relationships to lands, resources and waters by supporting Indigenous-led initiatives to rehabilitate Indigenous territories impacted and damaged by resource development projects. Related proposed measures called for investments in Indigenous monitoring and mitigation of environmental, mental, and physical impacts caused by past resource development projects, including increased financial and technical assistance to expand the Indigenous Guardians Program.

Other partners noted the importance of upholding Aboriginal harvesting rights, including forestry, trapping, fishing, hunting, and gathering, as well as agricultural activities. Specific recommendations included the need to strengthen Indigenous food security and ensure cultural knowledge transfer derived from land-based teachings. Partners further advocated for measures to support Indigenous control over conservation, management and protection of natural resources, lands, waters, and wildlife.



Related priorities and proposed measures included protection of lands, territories and resources through implementing sustainable emergency management systems, and upholding Indigenous land rights in the exercise of emergency powers. Indigenous partners also emphasized the right to clean water through sustainable protection and management of source water, groundwater, wastewater and sanitation services, and traditional watersheds. A recurring recommendation was to eliminate all long-term drinking water advisories and provide financial and technical assistance to Indigenous communities for water infrastructure and distribution systems. Some partners called upon the federal government to support the development of a First Nations operated water utility as an initial step to advance First Nations water governance.

## Environment (Article 29)

While Indigenous partners provided a fewer number of priorities and proposed measures specifically under the environment theme, several other proposed measures contain environmental considerations, particularly those measures related to lands, territories and resources.

### Nakataani 29 / Article 29 (Inuinnaqtun)

1. Nunaqaqaqtut inungnut pihimani pilarutit nunguttailini hapumminilu avatigiyaayut havarittiaqnilu pilaqnit nunaktik uvaluniit nunatagaayut piqaqnitlu. Nunaqyuat piyalgit pinguqtitni atuqpalianilu ikayurutit havagutai tapkununga nunaqaqaqtut inungnut tahapkununga nunguttailini hapumminilu, ihuinaqtauhimaittumik.
2. Nunaqyuat piyalgit atuttiaqtunik piyauni atuqpiariangi pingitni tutqumavit uvaluniit iqaqnit hivuranaqtut hunat piyauni nunaitni uvaluniit nunatagaayut tapkununga nunaqaqaqtut inungnut pihimaittumik ihumamiqni, hivuani tuhaumattiaqtumiklu angiqnit.
3. Nunaqyuat piyaqaqmiyuttauq atuttiaqtunik piyaunit atuqpiariangi, piyaqarangata, tapkuat munarini, ihuaqhihimani ihuaqhatqikhaqnilu aaniaqtailini nunaqaqaqtut inungnut aktuanit taimaittunit hunat, ilaa atuqpalianit.





Proposed constitutional and legislative measures under the environment theme included:

- Amending the *Canadian Charter of Rights and Freedoms* to enshrine a right to a healthy natural environment as a universal human right, and to uphold the Indigenous right to maintain and strengthen distinctive spiritual relationship with the land
- Developing national climate legislation to reduce impacts of climate change
- Aligning laws, regulations and policies regulating marine shipping with the Declaration, including ensuring Indigenous nations are involved in decision-making regarding marine shipping
- Amending the *Canadian Navigable Waters Act*, including to provide means to affirmatively protect waters of integral significance to the cultural identity of Indigenous peoples
- Amending relevant federal laws and policies to prevent pollution and toxic substances from affecting Indigenous communities' access to safe and clean water

Some partners, including Yukon First Nations, also pointed to territorial legislation that posed potential barriers to addressing environmental impacts from resource development, including the *Yukon Act*, *Territorial Lands Act*, *Placer Mining Act*, *Quartz Mining Act*, and *Clean Energy Act*.

Partners also proposed numerous measures regarding Indigenous inclusion, respect and incorporation of Indigenous environmental laws and approaches, and accountability measures to protect the environment, including:

- Incorporating Indigenous concerns and knowledge in federal initiatives to address climate change, and ensuring Indigenous inclusion in the transition to a green economy



- Improving federal emergency management and disaster policies, in order to address Indigenous climate displacement and the inequitable environmental, health, and cultural impacts of climate change experienced by Indigenous peoples
- Supporting capacity for Indigenous nations to transition to retrofit governance buildings to make them more energy efficient and to reduce green house gas emissions
- Supporting Indigenous approaches to climate justice and climate action planning, which could include:
  - Establishing Indigenous environmental sustainability frameworks to address climate change and its impacts on Indigenous peoples
  - Establishing a Métis Environmental Sustainability Framework to address Climate Change
  - Including Indigenous concerns, knowledge, governance, laws and priorities in climate planning, and supporting Indigenous climate justice and climate action planning
  - Incorporating Indigenous-led approaches to environmental protection and stewardship, sustainable harvesting, including species listed on the *Species at Risk Act*, and natural resource conservation, through measures that prioritize Indigenous self-determination and respect for Indigenous laws requiring that lands and resources be protected for future generations
  - Involving urban Indigenous youth in environmental processes through strength-based programs and services that reflect their unique circumstances
  - Ensuring the documentation and preservation of environmental knowledge held by Elders and traditional knowledge holders
  - Empowering Indigenous women to assert rights to have environmental laws and policies that reflect Indigenous ways of knowing and being, are centred on protecting and caring for Mother Earth, and shift colonial paradigms to Indigenous matriarchal paradigms
  - Addressing environmental racism by affirming Indigenous sovereignty over Indigenous lands and the relationships that Indigenous peoples have to their lands, territories, and resources



*“Due to historic injustices, Indigenous communities have disproportionately borne the brunt of Canada’s past weather-related disasters and displacement despite having contributed the least to and often defended their land and water against environmentally harmful practices. Repeated forced movement due to overlapping crises has worsened Indigenous health outcomes, led to premature death of Elders and language keepers, increased poverty, and threatened permanent cultural loss through loss of connection to ancestral knowledge, the land, and community.”*

-Kanaka Bar Indian Band,  
Call for Proposals Funding Submission, February 18, 2022

Additional proposed measures included tackling violence and discrimination by ensuring an intersectional and GBA plus approach to climate change and environmental conservation; and ensuring the inclusion of Indigenous women, girls and 2SLGBTQI+ persons in decision-making related to their natural environment.

## **Economic and social rights (Articles 20, 21, 22, 23, 24)**

The theme of Economic and Social Rights includes economic rights, social rights, and the right to health, as well as protection of marginalized and vulnerable Indigenous populations, including Indigenous women, youth, children, Elders, 2SLGBTQI+ persons, and persons with disabilities.

### **Article 23 (Blackfoot)**

Okiowaitstapi iitotohkoikiya maahk awataotamipotsissa miisti ot sokitsipowaistsi kii otaak ototamipotsipowaistsi maahkoht ototamipotsissa otsitotohkoikihpowaistsi kii otaak akiipohtopowaistsi. niitsitspiyaonip, okiowaitstapi iitohkoikiya maahk iit tsitsinapaissa awakipohtoohki kii aiyao kakyoopaatoki soksistomssinni, koiskaani kii sstiki niitaokoinaanihkoohsaopi kii nitap aitapiiyaopi ihtsissinnaahpi niittsitapi kii, niitaakohkotsipowaatoohpi, aahkoht apotsissa miisti ootowa omaht apaotakihpowaiyi.



With respect to economic rights, Indigenous partners made a number of recommendations focused on improving economic and resource development opportunities, including utilizing the federal spending power and legislative authority to broaden the opportunities available to pursue Indigenous economic priorities. Some partners looked to international agreements, including the Indigenous Peoples Economic and Trade Cooperation Agreement, as a priority area to increase Indigenous peoples' participation in trade and promote economic development, and to eliminate barriers that impede Indigenous participation in resource development. Still other partners recommended implementing incentive-based programs to support economic development opportunities for companies that partner with Indigenous businesses and corporations.

Some partners noted that systemic change is needed that will provide paths for wealth transfer to Indigenous peoples through Indigenous-led processes such as the National Indigenous Economic Strategy, the Financial Management Board's Roadmap Project, and the Assembly of First Nations' Prosperity Table. Some partners indicated that optional paths to economic development programs are key as not all Indigenous peoples have the same priorities or utilize the same institutions for economic reconciliation, which will require the development and support of optional Indigenous-led institutions, such as the *First Nations Fiscal Management Act*.

As well, partners identified the importance of access to market capital that will allow for participation in equity frameworks in capital projects such as a loan guarantee program or a development bank. Partners also identified other opportunities for economic development that included Canada's Indigenous procurement mandate which can be enhanced by alignment with Indigenous businesses' needs. Additionally, partners identified that economic reconciliation is tied to land management as Indigenous peoples have a central role in natural resource extraction and development projects.

Further, some partners recommended amending the *Financial Administration Act* to co-develop targets and monitoring mechanisms to track Indigenous procurement and set asides in development projects. Additional amendments included the verification of First Nations, Métis, and Inuit people to prevent those who self-identify without credible claims to Indigeneity benefitting from Indigenous set asides in contracting and procurement processes.



Many partners noted the importance of their communities' involvement in profit-sharing and impact benefits agreements, with the shared revenues from industry supporting economic development, employment, Indigenous environmental monitoring, and cultural programming. Indigenous women partners sought to be included in economic opportunities on traditional territories and prioritized financial and technical assistance for vocational and employment training. Additionally, some partners proposed amendments to the Indigenous Skills and Employment Training Program, such as consistent funding increases to agreements and including cultural support costs as billable program costs. Numerous partners pointed to the long-term employment and career opportunities afforded through the Indigenous Guardians Program, and recommended developing and implementing fully funded, multi-year, widely accessible Indigenous Guardianship Programs. These programs would provide culturally appropriate training, mentorship and long-term employment in monitoring, compliance, enforcement, research and stewardship, with opportunities for Guardians to become fully trained Natural Resource Conservation officers, thereby supporting Indigenous economic security, cultural values and stewardship obligations.

Other partners focused on economic measures related to gaming, with priorities focused on mechanisms to support self-determination in relation to gaming and economic development, and the need to recognize and respect inherent and treaty rights in relation to gaming initiatives. Specific recommendations included working with First Nations leadership to restore the terms of the original video lottery terminal Site-holder Agreements; allow First Nations' governments to make administrative decisions relating to matters of gaming within nations; and prevent provinces from making unilateral decisions affecting First Nations' economic prosperity. Some partners also pointed to section 207 of the *Criminal Code*, related to gaming and betting licenses, as requiring review and consistency with the Declaration.

Proposed legislative measures related to social and health rights included a review of the *Canada Health Act* and the Canada health transfer payments system to ensure consistency with the Declaration, as well as a review of Canada's employment insurance program, *Federal-Provincial Fiscal Arrangements Act*, *Accessible Canada Act*, and *Medical Assistance in Dying*. Partners also pointed to the need for Canada to develop economic well-being indices that are consistent with the Declaration and go beyond gross domestic product measurements.



Other partners recommended federal legislation that would allow Indigenous persons with disabilities to exercise their rights under the *Convention on the Rights of Persons with Disabilities*. Métis Governments called for co-developed, distinctions-based Indigenous health legislation that provides access to non-insured health benefits (NIHB) for Métis individuals, while other partners recommended improving and expanding the NIHB Program to include all Indigenous peoples, as well as dental and pharmaceutical care. Some partners also requested an assessment of the NIHB Program, including participation from Indigenous partners to determine alignment with the Declaration.

Food security was of primary concern, with some partners proposing to introduce legislation and amend federal regulations, policies and procedures for the processing and sale, and expansion of trade of country and traditional foods. Other partners called for specific financial and technical assistance to Inuit communities to ensure access to affordable healthy food, including traditional foods, through bolstering food subsidy programs for large Inuit families; providing financial assistance to Inuit hunters to support access to traditional foods; and developing a national strategy to lower food costs in order to reduce the disproportionate impact on Inuit. Other Indigenous partners, including Métis Governments, called for supports for improving food security and revitalizing traditional Indigenous economies in fishing, trapping, and forestry, among others.

Partners also advocated for measures relating to culturally competent, non-discriminatory services and programming in areas impinging on provincial jurisdiction, including health, housing, social services, policing, corrections, education, employment, harvesting and resource development. Issues of jurisdiction were a recurring concern, and partners recommended undertaking federal-provincial-territorial collaboration to close jurisdictional overlaps, gaps and conflicts in the provision of health and social services to Indigenous peoples, including those who move across territories or provinces.



Figure 4 Sharing Circle Graphic Recording, Canadian Roots Exchange, *Indigenous Youth Voices & the UNDRIP Action Plan: What We Heard*, Used with Permission

Several partners called for the mitigation of systemic discrimination in essential services through a review of federal funding arrangements to address issues of chronic underfunding. Many partners specifically called for financial and technical assistance to sustainably support the economic, social and health rights of Indigenous women, girls, children, youth, Elders and 2SLGBTQI+ persons in all settings (on and off reserve, urban and non-urban settings), through accountability mechanisms to end violence and systemic discrimination in health services, education, employment, housing, and social services. Urban Indigenous partners stressed that off-reserve and urban Indigenous people, who constitute the large majority of Canada’s Indigenous population, also have pressing social and economic needs in urban and rural settings.



Other gender-specific measures to end violence and systemic discrimination in the provision of health services identified by partners included ending forced and coerced sterilization of Indigenous women, girls, and 2SLGBTQI+ persons through its criminalization, with accountability measures for health professionals. Specific measures called for the appointment of an independent and impartial body mandated to investigate all allegations of forced sterilization and to make recommendations based on Indigenous community input, with a reparation fund to compensate victims and their families, as well as a mechanism to consult with Indigenous women to enable their unrestricted and easy access to ultrasound services to determine whether they have been forcibly sterilized without their knowledge or consent.

A related recommendation included ensuring that Indigenous women, girls, and 2SLGBTQI+ persons could exercise autonomy over their own health and health care, through financial and technical assistance to support community-based, culturally appropriate midwifery and health training and services, as well as sexual and reproductive health training, on a distinctions and cross-Indigenous basis. Many partners also called for investments in training Indigenous health professionals, particularly Indigenous women and 2SLGBTQI+ doctors, nurses, and midwives. A smaller number of partners also sought to integrate Indigenous approaches to western health, wellness, healing and medicine, through the protection and harvesting of Indigenous traditional medicines.

Some Indigenous partners acknowledged the stigmas and other challenges, including homophobia, facing 2SLGBTQI+ persons within Indigenous communities and are seeking supports for creating and improving community support groups and safe spaces to improve quality of life for all community members.

***“The racism Inuit women and children experience in Canada’s healthcare system is well documented. Recommendations to address systemic racism are well-known. Despite this, systemic racism plays a large role in the health outcomes gap for Inuit women and girls, starting long before an Inuk woman seeks pre-natal care, help for her sick child, or goes to an emergency room after suffering a brain trauma from gendered violence”***

- Pauktuutit Inuit Women of Canada, Action Plan Written Submission, November 29, 2022





Proposed accountability mechanisms related to the provision of and access to health and social services included:

- Establishing and appointing an Indigenous healthcare ombudsperson, or launching a National Strategy to oversee and report on anti-Indigenous racism in the healthcare system
- Implementing a Patient Advocate System to ensure Indigenous patients can provide free, full and informed consent over their health care, and are able to navigate and fully access the medical system
- Developing accurate and relevant health data and ensuring Indigenous data sovereignty and data governance capacity, in order to make evidence-based policy, program and service decisions and address systemic racism and discrimination, specifically working to bridge the data gap between Indigenous populations on and off reserve
- Measuring and tracking Indigenous health disparities in Canada and developing an approach to close gaps in Indigenous health outcomes, including through investments in Indigenous health services and training of Indigenous health professionals
- Establishing regional funding formulas for Indigenous-led initiatives that address food insecurity, housing precariousness, and inadequate access to health care
- Adopting legislative, policy and accountability measures to recognize, end, prevent, criminalize and redress all forms of obstetrical, sexual and gynecological violence, including forced abortions and forced or coerced sterilization of First Nations, Inuit and Métis women, girls, and 2SLGBTQI+ persons in Canada, by clearly defining requirements for informed consent with regard to sterilization, raising awareness among Indigenous women and medical personnel of that requirement, and by ensuring that all data collected regarding coerced and forced sterilization is distinctions-based and gender-disaggregated
- Challenging health professional associations and sanctioning health personnel for misconduct against Indigenous women and girls, and ensuring effective access to remedies and protection in cases of health rights violations or abuse



- Adopting and implementing Joyce's Principle both within the federal and provincial healthcare systems, and guaranteeing the right to dignity, respect, life and security for all, without discrimination
- Implementing federally mandated, Indigenous cultural competency and humility training for doctors, nurses, social workers, healthcare providers, and all hospital staff on the realities of Indigenous women, systemic racism, the legacy of colonization, and cultural security, and adopting an intersectional, distinctions-based, cross-Indigenous and feminist approach, with training developed and delivered by Indigenous organizations
- Calling a National Inquiry to address the disproportionate number of Indigenous people acquiring and living with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)
- Ensuring, through financial and technical support, that first responder and emergency response services and infrastructure, such as paramedics and firefighting equipment and personnel, are available 24/7 in every Indigenous community

Partners also made several recommendations pertaining to the right to housing, including:

- Supporting self-governance in administering housing through Indigenous institutions, including transferring federal control of housing to Indigenous nations, and ensuring housing provisions under the *Indian Act* lead to substantive changes that address on-reserve housing challenges, including overcrowding, homes in need of repair, mould and other hazards, and lack of insured homes
- Supporting Indigenous initiatives related to rezoning, housing and shelters, including supporting the ongoing development of safe, affordable and accessible housing and critical infrastructure, using community and culturally sensitive design
- Reviewing the *National Housing Act* to ensure it meets the needs of Indigenous peoples living off reserve, in urban centres, and in remote, rural communities, with particular attention to meeting the current realities of Indigenous women and youth



- Developing a national Urban Indigenous Housing Strategy, including co-developing sufficiently funded housing plans and strategies
- Addressing housing discrimination, committing financial and technical assistance for home ownership programs, and prioritizing a “housing first” social policy approach so that access to safe and affordable housing contributes to improved outcomes in health, mental health, cultural wellness and economic prosperity
- Investing in safe, stable and affordable housing initiatives for Indigenous women fleeing abusive situations and domestic violence, Indigenous single mothers, and Indigenous youth, and ensuring Canada Mortgage and Housing Corporation includes Indigenous women’s organizations as partners in reforming and developing on-reserve, off-reserve and northern housing supports
- Addressing the particular hardships experienced by Inuit women facing gender-based violence across Inuit Nunangat and in urban areas, by committing financial support for shelters and transitional housing, with specific allocation for Inuit women and their families
- Supporting the rights of First Nations, Inuit and Métis women to economic and housing security through vocational and employment training

Respecting Indigenous self-determination and self-governance over children’s health was also identified as a key priority. Several partners recommended establishing accountability mechanisms to uphold Indigenous children’s health rights and to ensure the provision of physically and culturally safe health services for children on and off reserve, in urban and non-urban settings. Recommendations included:

- Implementing and expanding Jordan’s Principle to include non-status Indigenous peoples, and increasing eligibility for and access to services such as mental health, special education, dental, physical therapy, speech therapy, medical equipment, and physiotherapy, without jurisdictional restrictions
- Financial and technical assistance and ongoing engagement mechanisms to ensure culturally competent early learning and childcare programming and services, including in urban Indigenous communities, with Indigenous representation and remuneration to support Indigenous children and youth through to adulthood



- Investing in Indigenous youth health through Elder and intergenerational knowledge transfer connected to land and culture
- Establishing firmer expectations of provinces and territories when it comes to supporting culturally responsive, Indigenous-led childcare and early learning centres at the community level

Indigenous partners also recommended committing financial and technical assistance to support the Indigenous right to mental health, including sustainable funding for Indigenous-led, culturally relevant mental health and wellness services, suicide prevention and addictions programming, and healing programs for intergenerational trauma survivors, in all settings (on and off reserve).

Related recommendations included strengthening support and funding for Indigenous women rehabilitation centres and establishing on-reserve treatment facilities and recovery beds, employing evidence-based, culturally relevant and safe services to meet the needs of Indigenous peoples, particularly youth. Other recommendations called for financial and technical assistance to support the health needs of Indigenous persons living with HIV/AIDS, and measures to address the health, social, economic and accessibility needs of Indigenous persons with disabilities.

Additionally, some partners recommended amending the *Department of Public Safety and Emergency Preparedness Act*, the *Department of Health Act*, and the *Department of Indigenous Services Act* to designate the addictions crisis in Indigenous communities and the intergenerational trauma arising from addictions as an “emergency” pursuant to these laws.

Related measures to uphold Indigenous economic, social and health rights included recommendations pertaining to rights-based digital technologies. Partners called for equitable access to telehealth and online education services by addressing digital technology barriers, telecommunications infrastructure, and connectivity gaps.

## Cultural, religious, and linguistic rights (Articles 8, 11, 12, 13, 25, 31)

Indigenous partners conveyed a number of cultural and linguistic priorities and proposed measures under this theme, emphasizing the importance of self-determination and self-governance over Indigenous ways of knowing, doing and being.

Partners proposed a variety of measures to protect Indigenous cultural heritage resources and traditional knowledge related to cultural sites and ceremonial and spiritual practices, as well as measures to ensure FPIC over Indigenous cultural programming and revitalization efforts. Some partners recommended developing and/or reintroducing federal legislation to enable the protection and repatriation of Indigenous burials, human remains, funerary objects, sacred objects, Indigenous cultural artifacts, and objects of cultural patrimony. Distinctions-based Indigenous women’s organizations called for national legislation akin to Bill C-391 (“An Act respecting a national strategy for the repatriation of Indigenous human remains and cultural property”), and measures to ensure the “rematriation” of cultural artifacts and human remains, including those of Métis Nation leader Madeleine Dumont.

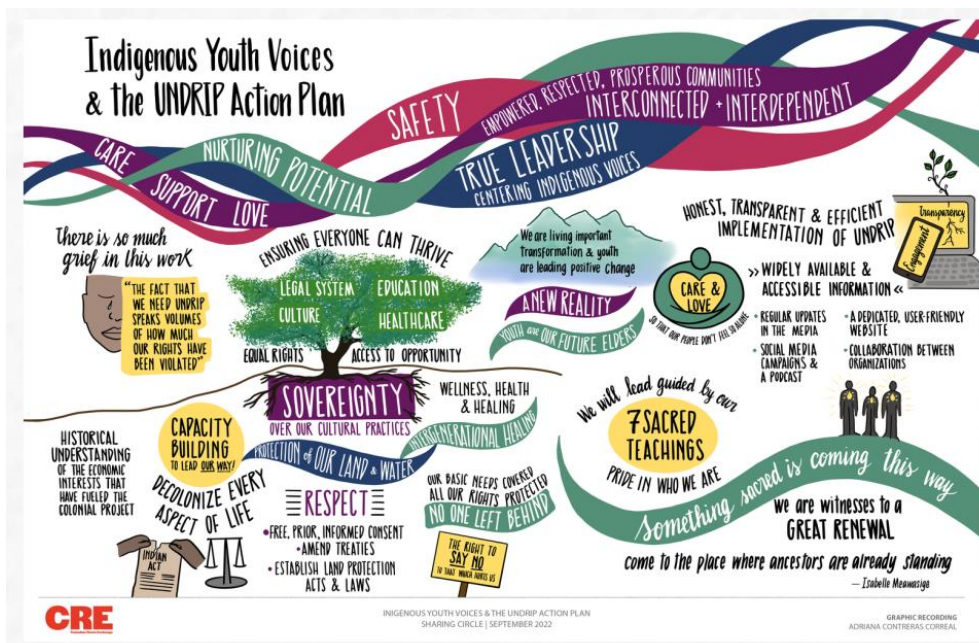


Figure 5 Sharing Circle Graphic Recording, Canadian Roots Exchange, *Indigenous Youth Voices & the UNDRIP Action Plan: What We Heard*, Used with Permission



Others called for amendments to the *Canada National Parks Act*, including to enable self-determination in managing Indigenous archeological and historical sites; to ensure it aligns with Declaration principles, including FPIC of affected Indigenous nations; and to enhance opportunities for Indigenous co-governance and co-management of parks.

Other legislative measures to protect Indigenous cultures included developing legislation that would protect Indigenous peoples' right to engage in cultural and religious practices and prohibit discrimination based on the exercise of these practices. Legislative measures to preserve and revitalize Indigenous languages included amending the *Indigenous Languages Act* to ensure consistency with the Declaration and legislating Indigenous language revitalization programs with financial assistance to ensure survival of Indigenous languages, including through digitization, and ensuring that the *Official Languages Act* and the *Indigenous Languages Act* are complementary.

Partners also advocated for the protection, maintenance and revitalization of Indigenous cultures, languages, and knowledge transfer through:

- Supporting Indigenous communities in planning, designing, constructing and operating Indigenous cultural spaces, heritage centres, cultural pavilions, and museums that:
  - provide a place to practice tradition, medicine, language and culture
  - return and preserve cultural artifacts and make them more accessible
  - revitalize cultural ceremonies
  - offer role modeling for cultural teachings, language, and ceremonial teachings
- Undertaking Indigenous language-based community needs assessments to ensure the restoration of Indigenous languages, connection to land practices, and transmission of identity and cultural knowledge, including through supports for early-age Indigenous language development
- Increased support for Inuktitut-specific language policies and programs across Inuit Nunangat
- Increased support for Michif-specific language policies and programs and to negotiate a funding agreement with Métis Governments to plan, develop, and implement a Michif language revitalization strategy



- Access to land-based cultural practices and learning initiatives to advance community empowerment and healing
- Elder-Youth educational opportunities
- Support for Elders and traditional Knowledge Keepers to discuss their oral traditions and practices in their original language and transmit teachings to support ongoing implementation of the Declaration
- Cultural transmission through Elder readings and understandings of the Declaration in Indigenous languages
- Creation of mechanisms to assist Indigenous peoples in the repatriation of their sacred ceremonial belongings being held within and outside of Canada

Urban Indigenous partners emphasized the need to uphold cultural and linguistic rights in urban contexts, where access to land and expanding physical community spaces is challenging. These partners specifically recommended the recognition of Friendship Centres as spaces which make real the possibility of practicing one's culture and realizing one's Indigenous rights in an urban setting.

Some partners sought to protect Indigenous traditional knowledge, cultural heritage, intellectual property, and artists' cultural content by advocating for amendments to federal intellectual property legislation, including the *Copyright Act* and *Trademarks Act*. Related recommendations included calling for a review of all federal legislation pertaining to digital technologies, digital infrastructure, and intellectual property rights to ensure consistency with the Declaration. Other partners called for measures to support Indigenous-generated data and Indigenous digital content creators in advancing self-determination, cultural connectivity and economic participation through Indigenous data sovereignty and OCAP over digital infrastructure. Indigenous rights holders and nations as well as urban Indigenous partners specifically noted the importance of ensuring data sovereignty and data governance capacity. Distinctions-based recommendations included legal protections for Métis women concerning intellectual property related to cultural knowledge and traditional medicines; and co-developing with First Nations reforms to Canada's intellectual property laws to consider and protect First Nations' intellectual property.



## Education, information and media (Articles 14, 15, 16)

This theme includes measures for public, professional and Indigenous education about the Declaration, as well as Indigenous control of educational systems and institutions. Although there were numerous and varied recommendations under this theme, many Indigenous partners recommended that Canada undertake a mass education campaign about the Declaration and the Act. Partners conveyed that a broad-based, Canada-wide education strategy about the Declaration and the Act was required in order to ensure that:

- All Canadians are sensitized to the universal, individual and collective rights of Indigenous peoples, in order to advance harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith
- Professional sectors, including the public service; justice and policing; court workers and judiciary; child welfare; media; resource and conservation; health; education; and social service sectors, are educated on the Declaration and the Act, in conjunction with cultural sensitivity and anti-racism training
- Indigenous peoples understand their rights under the Declaration and can use the Declaration to defend and assert their rights

### *Mzinigan Mdaaswi-shi-niiwin / Article 14 (Anishnaabemowin)*

1. Anishinaabeg bemaadizijig daa'aanaawaa dedibinowe ji-yaamowaad miiniwaa ji-miikimoowaad doo-kinoomaagewinwaa miiniwaa nokiiwin wiiniwaa dinowewinowaa nakaazowaad, ezhi-ndowendaagok di-naadiziwinwaa nikeyaa ezhi-kinoomaading miiniwaa ezhi-kendaasong.
2. Anishinaabeg bebezhiig, memdige go binoojiiyag, daa'aanaawaa dedibinowe kina go mooshkin minik miiniwaa nikeyaa ezhi-kinoomaading gimaakaaning gegoo tesnok bkaanendimowin.
3. Gimaakaaning gewinwaa Anishinaabeg bemaadizijig, ji-dapinamoowaad dibizhigewinan, nji sa Anishinaabeg bebezhiig memdige binoojiinyag, bekish dasg go endaa jig zaagijeying shkonganing, ji teg gishkiweziiwin, pii ndowendaagok, ji-kinoomaading wiiniwaa sa-nji enaadiziwaad miiniwaa wiiniwaa di-nowewinwaa.





Specific recommendations for professional and public education about the Declaration and the Act included:

- Developing a national strategy for mandatory and ongoing Indigenous-specific, anti-racism education and cultural safety training for the public service and professional sectors, with accountability standards for racism and discrimination within these institutions
- Establishing an Indigenous-led Education Advisory Council to review, revise, suggest and update educational resources for public sector officials
- Undertaking public sector and professional sector education on:
  - the history, rights and cultures of all Indigenous peoples in Canada, including those with disabilities
  - the impacts of colonization, genocide and cultural genocide, intergenerational trauma, and white privilege and bias
  - Indigenous laws and treaty principles
  - anti-Indigenous racism and discrimination and decolonization
  - the rights and needs of First Nations, Inuit and Métis women, girls and 2SLGBTQI+ persons
  - Indigenous cultural awareness, sensitivity, humility, competency and safety
- Co-designing and co-developing a national public education campaign to raise awareness and increase knowledge about the Declaration and the Act, including through knowledge translation products, tools, and educational fora
- Undertaking educational efforts with municipalities to rename streets named after colonizers; remove statues and other memorials to colonizers; and increase funding for memorial installations for residential school grave sites.



Figure 6 « lkw ew oko mackw esiw inaw », artwork from « Mémoire de Femmes autochtones du Québec », 2022, used with permission.

Some Indigenous partners noted that, through their Indigenous-led consultations on the Declaration, there was significant lack of understanding or misunderstanding about the Declaration and the Act, including the purpose of the Act and the individual and collective rights of Indigenous peoples contained in the Declaration. Accordingly, some partners recommended measures to augment Indigenous peoples' understanding in this regard, including:

- Promoting Indigenous awareness and understanding of the Declaration through Indigenous language versions, plain language versions, audio versions in Indigenous languages; and Indigenous teaching methods
- Addressing technological and accessibility barriers to Indigenous education about the Declaration, the Act, and the Action Plan
- Developing awareness and education programs for urban Indigenous youth on the rights contained in the Declaration, and concerning systemic racism, discrimination against Indigenous peoples, and violence prevention/lateral violence
- Undertaking Indigenous education on specific human rights contained in the Declaration, with a focus on gender equality, in order to equip Indigenous women to use the Declaration as a tool in their bundles to navigate colonial systems
- Using the National Centre for Truth and Reconciliation as a hub for sharing information about the Declaration and distributing Declaration knowledge products produced by Indigenous organizations



In addition to Indigenous education about the Declaration and the Act, several partners focused on the education of Indigenous children, and the need to uphold Indigenous self-determination and self-governance over their children's education. A key recommendation of partners included addressing the legacy of Indian residential schools by committing financial and technical assistance to support sustained implementation of the Truth and Reconciliation Commission's 94 Calls to Action. This recommendation included reporting on progress made in implementing the Calls to Action, in order to provide accountability and redress related to genocide and other forms of systemic repression and injustice, stemming from state involvement in Indigenous children's education. Other recommendations included:

- Financial and technical assistance to ensure Indigenous authority, control and responsibility for education systems and institutions, with accompanying federal education funding policy changes
- Establishing an Indigenous-led education reform committee to assist in transitioning education to Indigenous jurisdiction, with accountability measures
- Financial and technical assistance to support Indigenous children's linguistic and cultural education through Indigenous educational programming, culturally grounded curricula, land-based learning, and Indigenous language learning, with funding parity for Indigenous elementary, middle and high schools
- Undertaking a comprehensive review of the education system to ensure that the system aligns with the Declaration; is built in partnership with Indigenous nations; reflects Indigenous ways of knowing, being and doing; provides a meaningful role for Indigenous peoples in decision-making; and creates real change for Indigenous students and their communities
- Ensuring that all educational institutions accurately convey Indigenous history and have Indigenous representation among teaching faculty, through targeted recruitment in the education and academic sectors
- Ensuring that Indigenous rights, histories and realities are incorporated into primary, secondary and post-secondary education curricula; and that Indigenous peoples are consulted about incorporating Indigenous-centric relationality education into curricula



- Investing in education pathways and allocating resources towards Indigenous-led post-secondary initiatives, including removing barriers to accessing the Post-Secondary Student Support Program (PSSSP), including by extending eligibility to all Indigenous peoples; ensuring sufficient funding for the PSSSP to meet demand; and increasing transition supports, funding and loans, and return and retention supports for Indigenous post-secondary students
- Collaborating with provinces and territories on a nation-wide education curriculum that includes Indigenous histories, realities, colonization, anti-racism, and anti-oppression

Partners also conveyed several priorities and proposed legislative and policy measures relating to media and information, including:

- Exploring avenues to expand the term “Canadian content” in Canadian broadcasting policy, and establish a framework for monitoring, evaluation, and consultation with Indigenous peoples as a central focus of this expansion
- Mandating the Canadian Radio-television and Telecommunications Commission (CRTC) to provide annual reporting on the total hours of Indigenous-specific content, whether aired on radio and/or television throughout the broadcast year
- Amending the *Canadian Radio-television and Telecommunications Commission Act* to allow the right of Indigenous nations to establish their own radio and television platforms, recognizing them as essential services, and providing core funding
- Revising commercial radio policy to create a framework for centralizing implementation of OCAP principles related to Indigenous digital content and art and create percentage requirements on Indigenous content to create greater systemic change across the commercial policy landscape

- 
- Continuing to revise the CRTC’s Native Broadcasting Policy to involve Indigenous youth in policy reform and support youth members of Indigenous communities to become involved in policy decision-making
  - Establishing standards, in partnership with Indigenous peoples, that will encourage privately owned media to adequately reflect Indigenous cultural diversity, Indigenous governance and to promote anti-racism programming

## **Recurring themes and lessons learned to date**

Recurring themes that the Secretariat heard and learned to date from Indigenous partners point to specific challenges in the Declaration implementation process, and the need for further consultation and cooperation with Indigenous peoples in reaching mutually agreeable solutions.

First, Indigenous partners conveyed the need for the federal government to define with Indigenous partners what constitutes consultation and cooperation – as well as co-development – and to clarify how these requirements intersect with the duty to consult, as well as FPIC in Declaration implementation. Indeed, a key priority shared by many partners was the need to uphold FPIC and the duty to consult in all aspects of Declaration implementation. A related priority was the need for sustainable financial and technical assistance to ensure that the statutory requirement to implement the Declaration “in consultation and cooperation with Indigenous peoples” is being fulfilled, and that the Action Plan be considered a living document that will be reviewed and amended in consultation and cooperation with Indigenous peoples in the future.

Partners were also vocal in their need for an independent, Indigenous-led monitoring and accountability mechanism to ensure adequate implementation of the Declaration, and that the federal government not be the arbiter of determining its own success in Declaration implementation. While partners conveyed multiple recommendations on the form and structure of the monitoring and accountability body, there was broad consensus that it should operate independently from government.



Lastly, partners expressed the need for the federal government to involve provinces and territories in its approach to Declaration implementation, as many of the social and economic rights contained in the Declaration intersect with areas of provincial or territorial jurisdiction. While some partners acknowledged the British Columbia government’s leadership in implementing the Declaration at the provincial level, there was overarching concern that inter-jurisdictional issues and lack of federal-provincial-territorial-Indigenous collaboration would prevent Indigenous peoples – particularly marginalized Indigenous groups – from exercising their rights under the Declaration on an equitable basis.

## Next steps

The Justice-led consultation and cooperation strategy is two-phased. The first phase (from December 2021 to December 2022) focused on the identification of priorities and potential measures for a draft Action Plan. After a policy period, this ‘What We Learned to Date’ report and draft Action Plan are now being released.

The second phase (March to early May 2023) will focus on validation of the proposed measures in the draft Action Plan and the identification of any gaps and additional measures required by Indigenous partners.

The process also involves work with Indigenous partners on possible measures to ensure the consistency of the laws of Canada with the Declaration, and to prepare annual progress reports on the implementation of the Act.



Figure 7 Délı̨ne Got'ı̨ne Government, August 2022 Community Engagement, Used with Permission.

During both phases, Indigenous peoples and their representative organizations and governments are leading their own dialogues and consultations with their citizens and members to determine their respective priorities for implementation of the Act.



While engagement sessions during Phase 1 focused on the identification of priorities to include in the Action Plan and on possible measures to ensure the consistency of laws of Canada with the Declaration, those held during Phase 2 will be dedicated to the validation of the measures included in the draft Action Plan. Collaborative work between Indigenous partners and government departments will also continue to finalize Action Plan measure language.

In parallel to the consultation and cooperation dialogues with Indigenous partners, provincial and territorial governments have been kept informed of the advancement of the Act's implementation through bilateral updates, and through existing federal-provincial-territorial fora. In addition, information-sharing sessions on process were held with industry stakeholders during Phase 1. Additional roundtable information sessions are planned during the second phase.

During both phases, Indigenous individuals and groups may submit written submissions, without a pre-established format, to Justice Canada at [declaration@justice.gc.ca](mailto:declaration@justice.gc.ca).

## Appendix A: List of partners who received funding through the 2021-2022 call for proposals

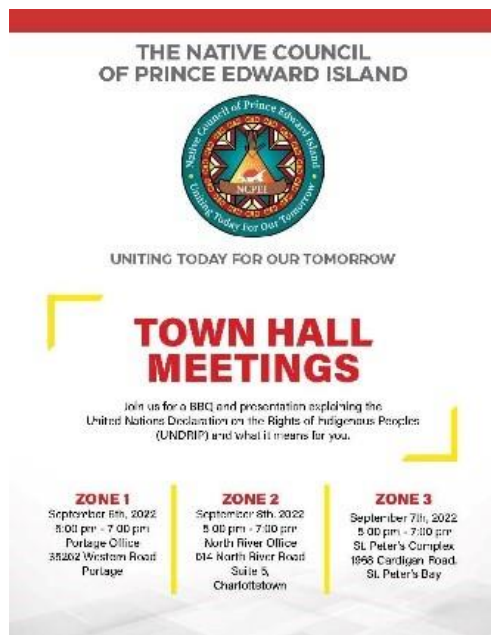


Figure 8 Native Council of Prince Edward Island, Town Hall Meetings, 2022, Used with Permission.



Figure 9 Native Council of Prince Edward Island, Community Engagement Conference, 2023, Used with Permission.

## National

- Assembly of First Nations
- Inuit Tapiriit Kanatami
- Métis National Council
- Congress of Aboriginal Peoples
- Native Women's Association of Canada
- Pauktuutit Inuit Women of Canada
- Les Femmes Michif Otipemisiwak-Women of the Métis Nation





## **Networks**

- CAAN – Communities, Alliances, and Networks
- Canadian Roots Exchange
- National Association of Friendship Centres
- Assembly of Seven Generations
- Indigenous Bar Association in Canada
- Indigenous Friends Association

## **Regional**

### **Alberta**

- Bigstone Cree Nation
- Blackfoot Confederacy Tribal Council
- Blood Tribe/Kainai Tribal Government
- Cold Lake First Nations
- Driftpile Cree Nation
- Fort McMurray 468 First Nation
- Institute for the Advancement of Aboriginal Women
- International Organization of Indigenous Resource Development
- Keepers of the Water Society
- Louis Bull Tribe
- Lubicon Lake Band #453
- Métis Nation of Alberta
- Mikisew Cree First Nation
- O'Chiese First Nation
- Piikani Nation
- Siksika Nation
- Stoney Nakoda Nations
- Sucker Creek First Nation
- Tribal Chiefs Ventures Inc.
- Western Cree Tribal Council




## **British Columbia**

- ?Akisq'nuk First Nation
- Aboriginal Life in Vancouver Enhancement Society
- Assembly of First Nations - BC Region
- British Columbia Treaty Commission
- Cowichan Tribes Government
- First Nations Fisheries Council
- First Nations of the Maa-nulth Treaty Society
- Fraser Canyon Emergency Services Society (Kanaka Bar First Nation)
- Huu-ay-aht First Nations
- Kelly Lake First Nation
- Lake Babine Nation
- Lower Fraser Fisheries Alliance
- Nuu-Chah-Nulth Tribal Council
- Penticton Indian Band
- Salish Sea Indigenous Guardians Association
- Stó:lō Service Agency, Stó:lō Research and Resource Management Centre
- Thélá:ylexw Awtxw Foundation
- Victoria Native Friendship Centre
- Williams Lake First Nation
- Witset First Nation
- Xatśúll First Nation

## **Manitoba**

- Aboriginal Council of Winnipeg
- Anishinaabe Agowidiwinan Secretariat Inc.
- Assembly of Manitoba Chiefs
- Clan Mothers Circle
- Ebb and Flow First Nation
- Infinity Women Secretariat
- Interlake Reserves Tribal Council
- Island Lake Tribal Council
- Keewatin Tribal Council

- 
- Manitoba Keewatinowi Okimakanak
  - Manitoba Métis Federation
  - Peguis Consultation and Special Projects Inc.
  - Red Sucker Lake First Nation
  - Sagkeeng Anicinabe First Nation
  - Sapotaweyak Cree Nation
  - Silent Drums
  - Sioux Valley Dakota Nation
  - Southern Chiefs' Organization Inc.
  - Uske

## **New Brunswick**

- Gitpo Spirit Lodge
- Kopit Lodge (related to Elsipogtog First Nation)
- Mi'gmawe'l Tplu'taqnn Inc.
- Oromocto First Nation
- Wolastoqey Nation

## **Newfoundland and Labrador**

- Assembly of First Nations (AFN) - Newfoundland & Nova Scotia
- Innu Nation
- Miawpukek First Nation
- Northern Peninsula (Mekap'sk) Mi'kmaq Band
- NunatuKavut Community Council

## **Northwest Territories**

- Behdzi Ahda First Nation & Ayoni Keh Land Corporation
- Délı̨nę Got'ı̨nę Government
- K'áhshó Got'ı̨nę Government Negotiations Secretariat
- Łı́ı̨ı̨ Kúé First Nation
- Northwest Territory Métis Nation
- Yellowknife Dene First Nation




## **Nova Scotia**

- Atlantic Policy Congress of First Nations Chiefs Secretariat
- Eskasoni Band Council
- Kwilmuk'w Maw-klusuaqn Negotiation Office
- Native Council of Nova Scotia
- The Confederacy of Mainland Mi'kmaq
- Wabanaki Two-Spirit Alliance

## **Ontario**

- Algonquins of Pikwakanagan
- Aundeck Owing Kanning and Sheshegwaning First Nation
- Biigtigong Nishnaabeg
- Bingwi Neyaashi Anishinaabek
- Chiefs of Ontario
- Chippewas of Kettle and Stony Point First Nation
- Chippewas of the Nawash
- Chippewas of the Thames First Nation
- Eshkiniigjik Naandwechigegamig Indigenous Youth Agency
- First Nations with Schools' Collective
- Grand Council of Treaty 3
- Gull Bay First Nation
- Kitchenuhmaykoosib Inninuwug First Nation
- Lac Seul First Nation
- Mamaweswen, The North Shore Tribal Council
- Matawa First Nations Management
- Métis Nation of Ontario
- Mishkeegogamang Ojibway Nation
- Mississauga Nation Chiefs
- Mushkegowuk Council
- Nishnawbe Aski Nation
- Nokiiwin Tribal Council Inc.
- Ontario Federation of Indigenous Friendship Centres
- Ontario Native Women's Association

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- Rainy River First Nations
  - Temiskaming Native Women's Support Group
  - Union of Ontario Indians (Anishinabek Nation)
  - Wabun Tribal Council

## **Prince Edward Island**

- Native Council of Prince Edward Island

## **Quebec**

- Assembly of First Nations – Québec-Labrador
- Council of Long Point First Nation
- Femmes Autochtones du Québec–Quebec Native Women
- Innu Takuaikan Uashat Mak Mani-Utenam
- Kebaowek First Nation
- Mohawk Council of Akwesasne
- Mohawk Council of Kahnawà:ke

## **Saskatchewan**

- Birch Narrows Dene Nation
- Federation of Sovereign Indigenous Nations
- File Hills Qu'Appelle Tribal Council
- Kawacatoose First Nation
- Métis Nation - Saskatchewan
- Muskeg Lake Cree Nation
- Peter Ballantyne Cree Nation
- Prince Albert Grand Council
- Red Earth Cree Nation (Mihkoskiwakak)
- Shoal Lake Cree Nation
- Zagime Anishinabek First Nation



## Yukon

- Arctic Athabaskan Circle
- Assembly of First Nations - Yukon Region
- First Nation of Na Cho Nyàk Dun
- Liard Aboriginal Women's Society
- Little Salmon/Carmacks First Nation
- Tr'ondëk Hwëch'in Government
- Vuntut Gwitchin Government

## Appendix B: List of partners who provided written recommendations for the draft Action Plan

- Aboriginal Life in Vancouver Enhancement Society
- Alliance of BC Modern Treaty Nations
- Anishinaabe Agowidiwinan Secretariat Inc.
- Union of Ontario Indians (Anishinabek Nation)
- Assembly of First Nations Québec-Labrador
- Bingwi Neeyashi Anishinaabek
- Blood Tribe/Kainai Tribal Government
- CAAN – Communities, Alliances & Networks
- Canadian Roots Exchange
- Chiefs of Ontario
- Chippewas of the Thames First Nation
- Congress of Aboriginal Peoples
- Déljñę Got'jñę Government
- Driftpile Cree Nation
- Eshkiniigjik Naandwechigegamig Indigenous Youth Agency
- Federation of Sovereign Indigenous Nations
- Femmes Autochtones du Québec – Quebec Native Women
- First Nations of the Maa-nulth Treaty Society
- Grand Conseil de la Nation Waban-Aki



- Grand Council of the Crees (Eeeyou Istchee) Cree Nation Government
- Indigenous Advisory and Monitoring Committee
- Indigenous Friends Association
- Infinity Women Secretariat
- Institute for the Advancement of Aboriginal Women
- Inuit Tapiriit Kanatami
- K'áhshó Got'Inę of Fort Good Hope
- Lac Ste. Anne Métis Community Association
- Lake Babine First Nation
- Les Femmes Michif Otipemisiwak – Women of the Métis Nation
- Łíídlıı Kúę First Nation
- Louis Bull Tribe
- Lower Fraser Fisheries Alliance
- Manitoba Keewatinowi Okimakanak
- Manitoba Métis Federation
- Métis Nation of Alberta
- Métis Nation of Canada
- Métis Nation of Ontario
- Métis Nation - Saskatchewan
- Métis National Council
- Miawpukek First Nation
- Mohawk Council of Kahnawà:ke
- Métis Women British Columbia
- Native Council of Nova Scotia
- Native Women's Association of Canada
- Nishnawbe Aski Nation
- O'Chiese First Nation
- Okanagan Nation Alliance
- Ontario Federation of Indigenous Friendship Centres
- Ontario Native Women's Association
- Pauktuutit Inuit Women of Canada
- Penticton Indian Band
- Peter Ballantyne Cree Nation
- Prince Albert Grand Council
- Sagkeeng Anicinabe First Nation
- Southern Chiefs' Organization



- Sucker Creek First Nation
- Temiskaming Native Women's Support Group
- Thélá:ylexw Awtxw Foundation
- Tr'ondëk Hwëch'in Government
- T̄silhqot'in National Government
- Western Cree Tribal Council





## Appendix C: Existing federal legislation and regulations identified for possible reform

The following is a list of existing federal legislation and regulations (in alphabetical order) that Indigenous partners have identified through written submissions.<sup>2</sup>

- *Access to Information Act*
- *Accessible Canada Act*
- *Agricultural and Rural Development Act*
- *Alberta Natural Resources Act*
- *An Act respecting First Nations, Inuit and Métis Children, Youth and Families*
- *Assisted Human Reproduction Act*
- *Broadcasting Act*
- *Canada Border Services Agency Act*
- *Canadian Energy Regulator Act*
- *Canadian Environmental Protection Act*
- *Canada Evidence Act*
- *Canada Health Act*
- *Canada Health Care, Early Childhood Development and Other Social Services Funding Act*
- *Canada Labour Code*
- *Canada Lands Surveys Act*
- *Canada National Parks Act*
- *Canada Shipping Act*
- *Canada Water Act*
- *Canada Wildlife Act*
- *Canadian Institutes of Health Research Act*
- *Canadian Radio-television and Telecommunications Commission Act*
- *Canadian Navigable Waters Act*
- *Canadian Victims Bill of Rights*
- *Cannabis Act*
- *Civil Marriage Act*

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<sup>2</sup> This list includes legislation and regulations identified by Indigenous partners that are within federal authority but which has not been assessed by the Government of Canada. Proposed constitutional reforms, or amendments to provincial or territorial legislation are included in the body of the report.



- *Coastal Fisheries Protection Act*
- *Contraventions Act*
- *Controlled Drugs and Substances Act*
- *Copyright Act*
- *Corrections and Conditional Release Act*
- *Criminal Code*
- *Customs Act*
- *Customs Tariff*
- *Department for Women and Gender Equality Act*
- *Department of the Environment Act*
- *Department of Crown-Indigenous Relations and Northern Affairs Act*
- *Department of Fisheries and Oceans Act*
- *Department of Health Act*
- *Department of Indigenous Services Act*
- *Department of Industry Act*
- *Department of Justice Act*
- *Department of Natural Resources Act*
- *Director of Public Prosecutions Act*
- *Department of Public Safety and Emergency Preparedness Act*
- *Electoral Boundaries Readjustment Act*
- *Emergency Management Act*
- *Emergencies Act*
- *Excise Act*
- *Export and Import Permits Act*
- *Family Homes on Reserves and Matrimonial Interests or Rights Act*
- *Federal Courts Act*
- *Federal Framework on Post-Traumatic Stress Disorder Act*
- *Federal-Provincial Fiscal Arrangements Act*
- *Federal Public Sector Labour Relations Act*
- *Financial Administration Act*
- *First Nations Commercial and Industrial Development Act*
- *First Nations Elections Act*
- *First Nations Financial Transparency Act*
- *First Nations Fiscal Management Act*
- *First Nations Land Management Act*

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- *Fisheries Act*
  - *Fisheries Development Act*
  - *Forestry Act*
  - *Health of Animals Act*
  - *Immigration and Refugee Protection Act*
  - *Impact Assessment Act*
  - *Income Tax Act*
  - *Indian Act*
  - *Indian Act Amendment and Replacement Act*
  - *Indian Oil and Gas Act*
  - *Indigenous Languages Act*
  - *Industrial and Regional Development Act*
  - *International River Improvements Act*
  - *Interpretation Act*
  - *Law Commission of Canada Act*
  - *Manitoba Natural Resources Act*
  - *Migratory Birds Convention Act, 1994*
  - *Museums Act*
  - *National Defence Act*
  - *National Framework for Diabetes Act*
  - *National Housing Act*
  - *National Housing Strategy Act*
  - *Nuclear Energy Act*
  - *Nuclear Fuel Waste Act*
  - *Nuclear Safety and Control Act*
  - *Official Languages Act*
  - *Payments in Lieu of Taxes Act*
  - *Plant Breeders' Rights Act*
  - *Plant Protection Act*
  - *Poverty Reduction Act*
  - *Prisons and Reformatories Act*
  - *Privacy Act*
  - *Public Health Agency of Canada Act*
  - *Public Service Employment Act*
  - *Public Service Rearrangement and Transfer of Duties Act*

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- *Regional Development Incentives Act*
  - *Resources and Technical Surveys Act*
  - *Royal Canadian Mounted Police Act*
  - *Safe Drinking Water for First Nations Act (repealed in June 2022)*
  - *Saskatchewan Natural Resources Act*
  - *Seals Act*
  - *Seeds Act*
  - *Species at Risk Act*
  - *Specific Claims Tribunal Act*
  - *Statutory Instruments Act*
  - *Trademarks Act*
  - *United Nations Declaration on the Rights of Indigenous Peoples Act*
  - *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*
  - *Youth Criminal Justice Act*
  - *Yukon Environmental and Socio-economic Assessment Act*
  - *Yukon Surface Rights Board Act*

The following is a list of existing federal regulations (in alphabetical order) that Indigenous partners have identified through written submissions.

- *Alberta Fishery Regulations*
- *Atlantic Fishery Regulations*
- *British Columbia Sport Fishing Regulations*
- *Coastal Fisheries Protection Regulations*
- *Cross-Border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations*
- *First Nations Local Revenue Law Review Regulations*
- *Fishery (General) Regulations*
- *Fish Toxicant Regulations*
- *Foreign Vessel Fishing Regulations*
- *Health of Animals Regulations*
- *Indian Oil and Gas Regulations*
- *Interest and Administrative Charges Regulations*
- *Management of Contaminated Fisheries Regulations*



- *Manitoba Fishery Regulations*
- *Marine Mammal Regulations*
- *Maritime Provinces Fishery Regulations*
- *Military Police Professional Code of Conduct*
- *National Historic Parks Wildlife and Domestic Animals Regulations*
- *National Parks Wildlife Regulations*
- *National Parks of Canada Fishing Regulations*
- *Newfoundland and Labrador Fishery Regulations*
- *Northwest Territories Fishery Regulations*
- *Ontario Fishery Regulations*
- *Pacific Fishery Regulations*
- *Quebec Fishery Regulations*
- *Saskatchewan Fishery Regulations*
- *Yukon Territory Fishery Regulations*



## Appendix D: Additional funding information

The following map shows funding allocated to Indigenous partners by province and territory.

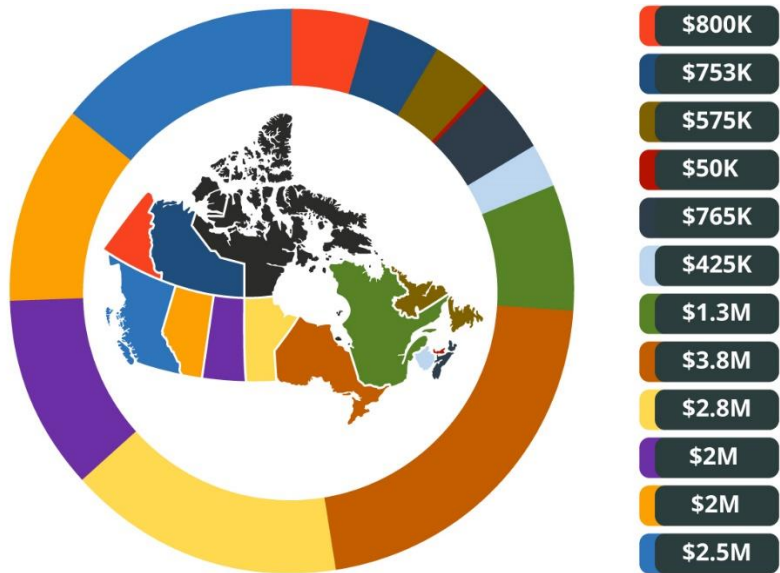


Figure 10 Map of Canada showing funding by province .



The following graph shows funding allocated to Indigenous partners by distinction.

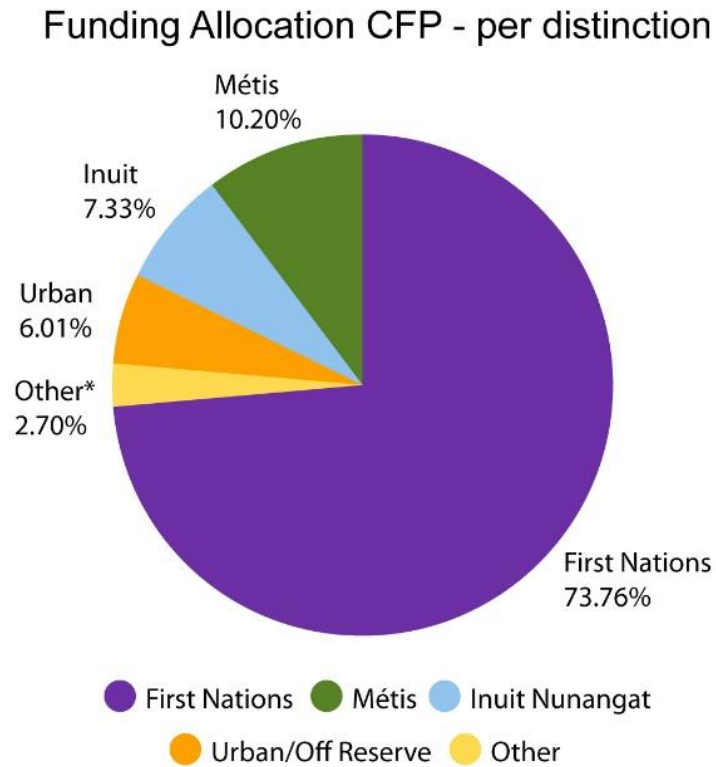


Figure 11 Graph shows funding allocated to Indigenous partners by distinction .

\*This category includes national networks and organizations that work with all distinctions (Inuit, Métis, First Nations, and off-reserve/urban Indigenous).

- **8.70%** of the funding envelope was allocated to women's organizations
- **4.40%** of the funding envelope was allocated to modern treaty self-governing nations
- **1.96%** of the funding envelope was allocated to youth organizations
- **0.28%** of the funding envelope was allocated to 2SLGBTQI+ group

