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Bill C-15: An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples

Bill C-15 is a proposed federal law setting out a framework to advance implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* in Canada. It was tabled for 1st Reading in the House of Commons on December 3, 2020.

Bill C-15 is closely modelled on Bill C-262, Romeo Saganash's private Member's bill from the 2018-2019 session of Parliament. Bill C-262 was widely supported by First Nations and was supported by AFN and Resolution 97-2017. Bill C-262 was passed by the House of Commons in 2018. However, stalling in the Senate prevented Bill C-262 becoming law before that session of Parliament ended.

Canada must act to bring its laws, policies and operational practices into conformity with the minimum standards of the UN Declaration on the Rights of Indigenous Peoples. These standards are part of international human rights law and Canada is obliged to meet them. Canada must finally be a human rights leader at home.

National Chief Perry Bellegarde, Assembly of First Nations

After Bill C-262 was blocked, the AFN Chiefs in Assembly passed a resolution (Resolution 86-2019) requiring the AFN to work toward the introduction of replacement legislation based on C-262 and containing at least the same essential provisions. Bill C-15 does that. In many ways, Bill C-15 is an even stronger Bill than C-262.

What will Bill C-15 do?

If passed by both the House of Commons and the Senate, the Bill would require the federal government to implement the *UN Declaration* through concrete action. This specifically includes working with First Nations to set priorities and to identify laws that need to be changed.

Bill C-15 states that the federal government “must... prepare and implement an action plan to achieve the purposes of the *Declaration*.” The Bill also states that the action plan must be created in “consultation and cooperation” with Indigenous peoples.

The Bill also states that the Government of Canada “must... take all measures necessary to ensure that the laws of Canada are consistent with the *Declaration*.” Again, the bill states that this must be done in “consultation and cooperation with Indigenous peoples.”

The Bill would require regular reporting on the progress being made, includes reports to Parliament that are released to the public.

The same key measures were found in Bill C-262.

What's new in Bill C-15?

Bill C-15 has a purpose clause. It says the purpose of the Act is to affirm the *Declaration* as a universal international human rights instrument with application in Canadian law. Another stated purpose is to



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provide a framework for implementation action by the Government of Canada.

Bill C-15 provides greater detail on the requirements of an implementation plan. This includes a focus on action to eliminate all forms of discrimination impacting First Nations. It specifically states that an implementation plan “must include measures to address injustices, combat prejudice and eliminate all forms of violence and discrimination, including systemic discrimination, against Indigenous peoples and Indigenous elders, youth, children, women, men, persons with disabilities and gender-diverse persons and two-spirit persons.”

Bill C-15 provides more detail on how the federal government will be held accountable for implementation. The Bill states that an action plan “must include” measures related to “monitoring, oversight, recourse or remedy.” The Bill also sets a three-year deadline for putting the implementation plan in place, while encouraging efforts to complete the plan as soon as possible.

Compared to C-262, Bill C-15 has a longer preamble. The preamble to Bill C-15 includes important language on rejecting “all forms of colonialism” and “all doctrines, policies and practices based on or advocating the superiority of peoples or individuals.” This includes the Doctrine of Discovery.

The preamble states that the Government of Canada “recognizes that all relations with Indigenous peoples must be based on the recognition and implementation of the inherent right to self-determination, including the right of self-government.” The preamble also states that “there is an urgent need to respect and promote the rights of Indigenous peoples affirmed in treaties, agreements and other constructive arrangements.”

What does the *UN Declaration* say?

The *Declaration* is a global human rights instrument adopted by the UN General Assembly on September 13, 2007 – after decades of advocacy by Indigenous peoples from around the world, including First Nations leaders and grassroots advocates. The *Declaration* is especially important because Indigenous peoples were active partners in its drafting, and because the *Declaration* protects collective as well as individual rights. It strongly affirms the equal right of Indigenous peoples to the enjoyment of all human rights including the right of self-determination.

The provisions in the *Declaration* are minimum global standards that all governments are expected to uphold and implement.

First Nations are already using the *Declaration* to advance our rights, including in court, in negotiations, and in public campaigns. Implementation legislation would provide a clearer, more consistent foundation for doing so.

To fully understand the meaning of the *Declaration*, individual provisions should be read in the context of the entire *Declaration* and not in isolation. The *Declaration's* provisions also should be read in the context of the entire body of international human rights law; all of which is relevant to the situation of Indigenous peoples.

What are the next steps?

The Bill must be passed by both the House of Commons and Senate before it can receive Royal Assent and become law. It is expected that there will be hearings in both the House of Commons and the Senate. This will be an opportunity to bring forward amendments to clarify and strengthen any part of the Bill if needed.

The experience with C-262 highlights the challenge of limited Parliamentary time. There are several weeks in 2021 where the House of Commons and the Senate are not scheduled to sit at all. In addition, if an election is called before the Bill is passed, whichever political party forms the next government would have to introduce the Bill again before this initiative could go forward.