

[Home](#)

- > [Implementing the \*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)
- > [The action plan](#)
- > [Draft UNDA \(United Nations Declaration on the Rights of Indigenous Peoples Act\) Action ...](#)

## Introduction and next steps



This document is a draft version of the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan.

It is meant for discussion purposes only.

During the comment period on this document, Indigenous peoples, organizations and communities are invited to submit their comments on this draft.

[← Previous page](#)[Table of Contents](#)[Next page →](#)

In 2007, the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration), a comprehensive international human rights instrument on the rights of Indigenous peoples around the world. The Declaration sets out the minimum standards for the

### Accompanying Documents

- [What we learned report](#)
- [News Release \(March 20, 2023\)](#)

### Related Resources

- [About the Act](#)

survival, dignity and well-being of Indigenous peoples throughout the world.

In 2016, the Government of Canada endorsed the Declaration without qualification and committed to its full

and effective implementation. On June 21, 2021, the *United Nations Declaration on the Rights on Indigenous Peoples Act* (Declaration Act or UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act)) received Royal Assent and immediately came into force. It creates a lasting framework to advance the implementation of the Declaration at the federal level.

In keeping with the Act, the Government of Canada is working in consultation and cooperation with Indigenous peoples to identify the measures necessary to ensure federal laws are consistent with the Declaration, and to co-develop an action plan to achieve the objectives of the Declaration.

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 modifying them as necessary, identifying and filling any gaps, and including additional measures.

The release of this draft Action Plan is the result of the first phase of the consultation and cooperation process. Its release by Canada does not signal the agreement or consensus of Indigenous partners.

- [The Declaration explained](#)
- [Guiding questions](#)
- [Engagement and resources kit](#)

[← Previous page](#)

[Table of Contents](#)

[Next page →](#)

---

**Date modified:**

2023-03-20

[Home](#)

- > [Implementing the \*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)
- > [The action plan](#)
- > [Draft UNDA \(United Nations Declaration on the Rights of Indigenous Peoples Act\) Action ...](#)

# Draft Action Plan



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[← Previous page](#)[Table of Contents](#)[Next page →](#)

It is important to emphasize that the draft Action Plan is not intended to be a comprehensive or restrictive set of actions to be taken by the federal government and Indigenous peoples to implement the Declaration – more measures will be needed. However, the proposed measures identified in the draft Action Plan are in areas where there were emerging trends or

## Accompanying Documents

- [What we learned report](#)
- [News Release \(March 20, 2023\)](#)

## Related Resources

- [About the Act](#)

similarities in proposals among Indigenous peoples on priorities and key actions required to advance implementation of the Declaration Act.

- The Declaration explained
- Guiding questions
- Engagement and resources kit

The proposed measures are organized into four chapters:

### 1. **Shared priorities:**

This section focusses on measures required by the Declaration Act as well as measures that address cross-cutting Indigenous priorities, and responds to priorities put forward to date by Indigenous peoples, including Modern Treaty and Self-Governing Nations, diversity groups (e.g., Indigenous women, Elders, youth, persons with disabilities, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) people) and urban organizations.

### 2. **First Nations priorities:**

This section lists proposed measures that respond to submissions put forward to date by Provincial-Territorial First Nations Organizations, Historic and numbered Treaty Partners, First Nation Bands and non-affiliated First Nations.

### 3. **Inuit priorities:**

This section is pending further co-development. It will list proposed measures that respond to submissions put forward to date by Inuit Tapiriit Kanatami (ITK (Inuit Tapiriit Kanatami)), Inuit Regional Land Claim Organizations, and sectoral and urban Inuit organizations.

### 4. **Métis priorities:**

This section lists proposed measures that respond to submissions put

forward to date by the Métis National Council (MNC (Métis National Council)), Métis Governments and Métis organizations.

Each proposed measure is categorized as related to the legislated priorities or thematic areas of the Declaration to provide an organizing framework for reporting. These thematic areas reflect the rights set out in the Declaration as follows:

- 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

## Vision for the future

**i** Note: this section will be developed during Phase 2 of the consultation and cooperation process.

## Shared understandings/principles

**i** Note: this section will be developed during Phase 2 of the consultation and cooperation process.

We expect it will include definitions of some key terms and

■ overarching principles.

■

## Next steps toward finalizing the Action Plan

The release of the draft Action Plan marks the beginning of the second phase of the consultation and cooperation process that will focus on validating and refining the proposed measures in the draft Action Plan and identifying any gaps and additional measures required.

Phase 2 will continue until early-May 2023 to ensure that Indigenous peoples and relevant federal departments have further opportunity to participate in the co-development of measures to be included in the final Action Plan. It will also provide an opportunity to share information on progress towards a final Action Plan with provinces, territories, and industry.

We anticipate that this period will include discussion between the Government of Canada and Indigenous peoples on timelines and the identification of implementation processes over the short, medium and longer term. Establishing clear and detailed pathways to implementation for each measure will help ensure that concrete and timely action is taken towards achieving the outcomes set forth in each chapter, and the objectives of the Declaration.

Phase 2 will also allow Indigenous peoples and government departments to work together to determine indicators and measures for monitoring, assessing and reporting progress on implementation. Including clear targets and deadlines for each measure will help ensure more accurate assessment of progress and meaningful annual reporting.

[← Previous page](#)

[Table of Contents](#)

[Next page →](#)

---

**Date modified:**

2023-03-20

[Home](#)

- > [Implementing the \*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)
- > [The action plan](#)
- > [Draft UNDA \(United Nations Declaration on the Rights of Indigenous Peoples Act\) Action ...](#)

## Chapter 1: Shared priorities



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[← Previous page](#)[Table of Contents](#)[Next page →](#)

As a preliminary note to this Chapter, Canada recognizes that the Declaration Act states that “measures to implement the Declaration in Canada must take into account the diversity of Indigenous peoples and, in particular, the diversity of the identities, cultures, languages, customs, practices, rights and legal traditions of First Nations, Inuit and

### Accompanying Documents

- [What we learned report](#)
- [News Release \(March 20, 2023\)](#)

### Related Resources

- [About the Act](#)

the Métis and of their institutions and governance structures, their relationships to the land and Indigenous knowledge.”

- [The Declaration explained](#)
- [Guiding questions](#)
- [Engagement and resources kit](#)

Canada recognizes that while priorities may be shared among First Nations, Inuit and Métis, adopting a distinctions-based approach may require that Canada’s relationship and engagement with First Nations, Inuit and Métis include different approaches or actions and result in different outcomes.

## Legislated priorities

### Measures for ensuring that the laws of Canada are consistent with the Declaration

The Government of Canada will take the following measures in consultation and cooperation with Indigenous peoples:

1. Develop a process and further direction for federal government departments to ensure bills and proposed regulations are consistent with the Declaration, building on initial interim guidance for assessing consistency of federal laws with the Declaration. **(Justice Canada)**
2. Identify and prioritize existing federal statutes for review and possible amendment, including:
  - A non-derogation clause in the *Interpretation Act*. **(Justice Canada)**
  - Exploring the development of an interpretive provision for inclusion in the Interpretation Act or other laws that provides for the use of the Declaration in the interpretation of federal enactments. **(Justice Canada)**

- Any other specific pieces of legislation either already under review or which Indigenous peoples and relevant departments have jointly identified as a priority for review. **(All departments)**
3. Where a statute requires periodic review, responsible departments will conduct that review in a manner that ensures consistency with the Declaration. **(All departments)**

## **Addressing injustices, prejudice, violence, systemic racism and discrimination**

The Government of Canada will take the following measures in consultation and cooperation with Indigenous peoples:

4. Include measures to address anti-Indigenous racism as part of Canada's new Anti-Racism Strategy. **(Canadian Heritage)**
5. Provide program funding to support community-based initiatives to combat anti-Indigenous racism. **(Canadian Heritage)**
6. Fully implement Joyce's Principle and ensure it guides work to co-develop distinctions-based Indigenous health legislation to foster health systems that will respect and ensure the safety and well-being of Indigenous peoples. **(Indigenous Services Canada)**
7. Work with all partners, including Indigenous organizations, health systems partners and educational institutions, and further engage provincial/territorial governments, to develop a longer-term national approach to addressing anti-Indigenous racism in health systems, achieving equity and self-determination. The longer-term approach will be informed by the ongoing National Dialogues, the renewal of Canada's Anti-Racism Strategy and the co-development of distinctions-based Indigenous health legislation. **(Indigenous Services Canada)**
8. Work with provinces and territories to address racism, achieve equity and support self-determination, with a view to combat racism,

discrimination and barriers to accessing health services in Canada experienced by Indigenous peoples. **(Indigenous Services Canada)**

9. Work collaboratively with Indigenous partners, industry, other federal departments and provinces and territories to identify options and approaches to increase safety, security and equitable benefits in resource development for Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) people, including proposed approaches for empowering them to lead through increased participation in resource development (including in leadership positions), with a voice and say at all stages of the resource development project process. These actions would ensure a better understanding of the root causes of gender-based violence related to resource development and a clear path to addressing them. **(Natural Resources Canada)**

10. Ensure that federal laws comprehensively protect Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) individuals from coerced sterilizations. **(Justice Canada)**

11. Increase access to justice for Indigenous peoples, strengthen communities and advance self-determination by:

- Finalizing an Indigenous Justice Strategy, in consultation and cooperation with Indigenous partners, provinces and territories, that will provide the framework for concrete actions to address systemic discrimination and the overrepresentation of Indigenous people in the Canadian justice system. **(Justice Canada and various departments)**
- Providing on-going support of Indigenous law initiatives across Canada. **(Justice Canada)**

- Strengthening community-based justice systems. (**Justice Canada, Public Safety Canada, various departments**)

12. Guided by the findings of The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG (Missing and Murdered Indigenous Women and Girls)), work to end systemic violence against Indigenous women, girls, and gender-diverse people by:

- Continuing to implement the Federal Pathway to address the root causes of violence against Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) people
- Developing a comprehensive Violence Prevention Strategy to expand culturally relevant supports for Indigenous women, children, families and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) people facing gender-based violence
- Working in partnership with Indigenous Peoples and organizations, as well as provincial and territorial governments, and other partners to develop effective and culturally-appropriate solutions for people seeking to escape abusive environments including access to safe housing, shelters, counselling services, legal assistance and healing projects, across the country including on reserve, in the north and in urban areas. (**Various departments**)

13. Implement the National Action Plan to End Gender-Based Violence (GBV NAP (National Action Plan to End Gender-Based Violence)) which was launched in November of 2022. The GBV NAP (National Action Plan to End Gender-Based Violence) includes a Pillar specifically on Indigenous-led approaches which is complementary to and aligned

with the MMIWG2S+ NAP. This Pillar 4 recognizes the importance of preventing and addressing GBV against Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) people through Indigenous-led approaches. **(Various departments)**

14. Implement the Federal 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) Action Plan. Launched on August 28, 2022, the Action Plan aims at advancing rights and quality for 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) people in Canada. One of the priority areas of the Action Plan is to support Indigenous 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) resilience and resurgence. **(Various departments)**

## **Promoting mutual respect and understanding as well as good relations, including through human rights education**

The Government of Canada will take the following measures in consultation and cooperation with Indigenous peoples:

15. Develop and implement essential training co-created by Indigenous subject matter experts, including with the Canada School of Public Service, for federal public servants that will build foundational understanding and competence about the history, rights and title of Indigenous peoples, treaties, the Declaration, the Declaration Act, the dynamics of respectful relations, Indigenous-specific structural racism, and meaningful reconciliation. **(Justice Canada and various departments)**

16. Create an Intercultural Learning Strategy that utilizes consultation with both internal and community stakeholders to inform the review, procurement, promotion, design and delivery of learning products to promote intercultural competence in all aspects of learning. **(Royal Canadian Mounted Police)**
17. Encourage federally regulated employers to work in partnership with their employees and Indigenous organizations and groups to ensure workplaces and practices are equitable and inclusive, while raising awareness of Indigenous culture. This work is to be done in a manner that is measurable. **(Employment and Social Development Canada)**
18. Work with the National Judicial Institute to explore options for the provision of training on the Declaration to the judiciary. **(Justice Canada)**
19. Develop and distribute communication and educational materials to inform Canadians on the Declaration and the human rights of Indigenous peoples by June 2024. **(Justice Canada and various departments)**

## **Ensuring oversight and accountability on the implementation of the Declaration**

The Government of Canada will take the following measures in consultation and cooperation with Indigenous peoples:

20. Establish an independent Indigenous rights monitoring, oversight, recourse or remedy or other accountability mechanism whose functions could include the following:
  - Providing Indigenous peoples with access to and prompt decision through just and fair procedures for dispute and conflict resolution and effective remedies for infringements/violations of the individual and collective rights of Indigenous peoples

- Advancing, monitoring and/or reporting on implementation [of section 5] of the Declaration Act
- Promoting Indigenous rights through research and education
- Advancing initiatives to prevent and end systemic discrimination and other human rights violations experienced by Indigenous peoples
- Contributing to the ongoing implementation of international human rights instruments in Canadian law

Any Indigenous rights mechanism will:

- Include representation from First Nations, Inuit and Métis and equitably reflect gender and other diversity
- Be informed by the customs, traditions, rules and legal systems of Indigenous peoples and international human rights
- Be accessible and easy to use for Indigenous peoples
- Be appropriately resourced
- Be complementary and not duplicative of other monitoring, oversight and dispute resolution mechanisms (**Justice Canada**)

## Monitoring the implementation of the Action Plan and reviewing and amending the plan

The Government of Canada will take the following measures in consultation and cooperation with Indigenous peoples:

21. Publicly report on progress in an annual report to Parliament and work to ensure coordinated and comprehensive monitoring of implementation of the Action Plan across existing and new bodies that may be created. (**Justice Canada**)

- Include in the UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act) Annual Report on implementation a section describing progress towards dismantling the *Indian Act* and

recognizing the self-determination of Indigenous nations. **(Crown-Indigenous Relations and Northern Affairs Canada, Justice Canada and various departments)**

- Coordinate for the UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act) Annual Report the comprehensive reporting of the actions taken in consultation and cooperation with Indigenous peoples pursuant to section 5 by each relevant federal department and agency.

22. Co-develop and implement a process to review and update the Action Plan every five years, and a process for making amendments to the Action Plan. **(Justice Canada)**

## Cross-cutting priorities

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

23. Issue a public statement of Canada's rights-based approach for the negotiation of treaties, agreements and other constructive arrangements to replace the Comprehensive Land Claims and Inherent Right Policies. **(Crown-Indigenous Relations and Northern Affairs Canada)**
24. Co-develop approaches for the implementation of the right to self-determination through negotiated agreements, new policies and legislative mechanisms. **(Crown-Indigenous Relations and Northern Affairs Canada)**
25. Continue co-development of *Canada's Collaborative Self-Government Fiscal Policy*, which ensures that Indigenous governments have

sufficient fiscal resources to fulfill responsibilities under their agreements. **(Crown-Indigenous Relations and Northern Affairs Canada)**

26. Continue co-development of *Canada's Collaborative Modern Treaty Implementation Policy*, which sets a policy framework for a whole-of-government approach to implementing Modern Treaties. **(Crown-Indigenous Relations and Northern Affairs Canada)**
27. In the design and renewal of proposed federal legislation, policies, and programs that apply to, are intended to benefit, or could otherwise affect Indigenous Modern Treaty Partners and their citizens, members, or beneficiaries, the federal government will:
  - Ensure that federal program terms and conditions, including eligibility, reporting requirements, and funding types, reflect the terms and obligations of modern treaties and the unique circumstances of Indigenous Modern Treaty Partners
  - Engage relevant Indigenous Modern Treaty Partners in the early stages of legislative, policy, and program renewal or design to ensure that the unique circumstances and authorities of Indigenous Modern Treaty Partners are considered and respected
  - Modify federal legislative, policy, and program design, delivery, and funding approaches to be inclusive of Indigenous Modern Treaty Partners if they have been excluded. **(Crown-Indigenous Relations and Northern Affairs Canada and whole of Government)**
28. Engage with partners on the co-development of a Service Transfer Policy Framework. The purpose of the Framework would be to clarify the federal objectives with respect to service transfer in a transparent manner. **(Indigenous Services Canada)**

29. Continue to implement the *Act respecting First Nations, Inuit and Métis children, youth and families* which affirms the inherent right of self-government, including jurisdiction in relation to child and family services, and sets standards for the care and protection of Indigenous children to reduce the number of Indigenous children in care and ensure they remain connected to their families, communities and culture. **(Indigenous Services Canada)**
30. Continue to support Indigenous Data Sovereignty and help to ensure that First Nations, Inuit, and Métis have the sustainable data capacity they need to deliver effective services to their Peoples, to tell their own stories, and to realize their respective visions for self-determination through legislative, regulatory and policy options, including efforts to streamline the sharing of federal data holdings with Indigenous partners; for Indigenous-led surveys; as well as for Indigenous-led data strategies. **(Indigenous Services Canada, various departments)**

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

31. Develop guidance on engaging with Indigenous peoples on natural resources projects in consultation and collaboration with Indigenous partners, and in collaboration with provinces, territories, and industry, that:
  - Aligns with the Declaration, including article 32.2, which calls for consultation and cooperation in good faith with the Indigenous peoples concerned in order to obtain free, prior and informed consent, prior to the approval of any project affecting their lands or territories and other resources

- Provides practical recommendations for successful free, prior and informed consent implementation (including in situations where multiple regulatory processes are involved)
  - Supports the meaningful inclusion and integration of unique and localized Indigenous knowledge in the foundational design and governance of projects **(Various departments)**
32. Work closely with Indigenous peoples to develop and implement actions to ensure Indigenous peoples and their communities equitably and consistently benefit from natural resource development that occurs on Indigenous lands. **(Natural Resources Canada)**
33. Advance co-development of options to enable Indigenous peoples to harvest within Parks Canada-administered heritage places in a manner that respects and supports the implementation of Indigenous protocols and enforcement. **(Parks Canada)**
34. Pursue amendments and reforms of fisheries legislation, regulation or policies to support self-determination and meaningful implementation and exercise of Indigenous fishing rights. **(Fisheries and Oceans Canada)**
35. Enhance collaborative tools agreements and transparent approaches to better deliver on the collaborative design, development, delivery and management of fisheries, as well as conservation and protection of fish habitat, and in conjunction with Crown-Indigenous Relations and Northern Affairs Canada, continue to pursue fisheries-related collaborative governance opportunities through nation-to-nation, Inuit-Crown and government-to-government negotiations. **(Fisheries and Oceans Canada)**
36. Prioritize funding for Indigenous partners to support their capacity to provide fisheries, habitat, science, and oceans and marine-related services, and support participation in advisory and co-management

processes and decision-making tied to aquatic resources and oceans management. **(Fisheries and Oceans Canada)**

37. Develop and implement legislative, policy or program supports to further empower fisheries guardians in line with community needs. **(Fisheries and Oceans Canada)**
38. Develop and employ mechanisms that respect and incorporate Indigenous Knowledge as a distinct knowledge system in the management of fisheries, fish habitat, conservation, marine safety and protection of the marine environment. **(Fisheries and Oceans Canada)**
39. Implement the Pacific Salmon Strategy Initiative (PSSI (Pacific Salmon Strategy Initiative)) to protect and revitalize salmon populations and their habitats in B.C. through meaningful collaboration and partnerships with Indigenous groups and BC/Yukon partners. **(Fisheries and Oceans Canada)**

## Environment (Article 29)

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

40. Co-develop an Indigenous Climate Leadership agenda that supports First Nation, Inuit and Métis self-determination in climate action. **(Crown-Indigenous Relations and Northern Affairs Canada, Environment and Climate Change Canada)**
41. Continue to support Indigenous leadership in conservation through initiatives such as Indigenous Guardians and the Indigenous Partnerships Initiative that will provide capacity support until 2026. **(Environment and Climate Change Canada, Parks Canada)**
42. *Build on important work that has already occurred, to recognize, elevate, and incorporate Indigenous Science into Environment and Climate Change*

*Canada scientific inquiry by continuing to stand up the new Indigenous Science Division, established in 2022, to bridge, braid, and weave Indigenous science with western science to inform *Environment and Climate Change Canada's* science, policy, and program decision making. (Environment and Climate Change Canada)*

43. Create a Canada Water Agency and advance the modernization of the *Canada Water Act* to reflect Canada's freshwater reality, including climate change and Indigenous rights. (Environment and Climate Change Canada)
44. Increase capacity for Indigenous peoples to meaningfully engage, make informed decisions, and participate financially in clean energy alternatives like Small Modular Reactors (SMRs (Small Modular Reactors)). SMRs (Small Modular Reactors) in Canada are developing along three parallel streams including near-term on-grid, next generation and micro/off-grid, and there is potential for multiple benefits including use in remote Indigenous communities for abating emissions of heavy industry and increasing energy security. (Natural Resources Canada)

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

45. Develop legislative and policy options to expand Canada's right of entry provisions for Indigenous peoples under the *Immigration and Refugee Protection Act* and to address other complex border crossing issues, including work and study permit requirements. (Canada Border Services Agency; Immigration, Refugees and Citizenship Canada)

46. Leveraging the First Nations and Inuit Policing Program, engage and work with Indigenous communities and provinces and territories on approaches to enhance policing services that are professional, dedicated and responsive to First Nation and Inuit communities, with a focus on supporting:
- New investments for culturally responsive policing in First Nation and Inuit communities
  - Self-administered policing in First Nation communities
  - Expansion of the FNIPP to additional First Nation and Inuit communities
  - Increased operational budgets for current FNIPP communities.

**(Public Safety)**

47. Explore community-based approaches to public safety in Indigenous communities by supporting the implementation, and assessing the effectiveness, of Community Safety Officer Pilot projects approaches to help meet community safety needs of Indigenous communities.

**(Public Safety)**

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

48. Develop frameworks, mechanisms, and/or processes for a coordinated, whole-of-government approach to the implementation of the right to participate in decision-making related to legislative, policy and program initiatives, informed by the Declaration's articles that include free, prior and informed consent, which could include:
- Elements to ensure affected Indigenous peoples can participate in and influence relevant processes

- Identifying potential legislative changes to facilitate implementation of the right to participate in decision-making
- Providing guidance on identifying Indigenous representative institutions for the purposes of implementing the right to participate in decision-making. **(Various Departments)**

49. Work with Indigenous partners to ensure co-development of legislation, policies, programs, regulations and services are premised on respect and support for the rights of Indigenous peoples to self-determination and that co-development processes result in initiatives that are aligned with Indigenous rights and priorities. This includes advancing concrete measures co-developed under the permanent bilateral mechanisms process such as the Inuit Nunangat Policy and distinctions-based co-development principles. **(Crown-Indigenous Relations and Northern Affairs Canada and various departments)**
50. Continue to enter into arrangements with Indigenous partners that establish an agreed-upon process when fulfilling the duty to consult, and building and strengthening relationships with Indigenous peoples, provinces, territories, and industry through an effective and efficient whole-of-government approach to consultation and accommodation, that aligns with the Declaration. **(Crown-Indigenous Relations and Northern Affairs Canada)**
51. Develop a strategic and holistic approach to implementing relationship agreements with Pauktuutit Inuit Women of Canada, Native Women's Association of Canada, and Les Femmes Michif Otipemisiwak, which support their ability to determine and develop their own priorities and participate and partner with the federal government to inform programs, policy and legislation to address their distinct needs. **(Crown-Indigenous Relations and Northern Affairs Canada)**

52. Increase the ability of grassroots organizations to bring forward the interests and perspectives of Indigenous women's and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) grassroots organizations' voices to influence the development of federal policy, programs, and legislation. **(Crown-Indigenous Relations and Northern Affairs Canada)**
53. Strengthen Indigenous engagement and improve linkages between federal/provincial/territorial officials and Indigenous representatives to advance the health priorities of Indigenous partners. **(Health Canada)**
54. Co-develop with Indigenous representative organizations distinctions-based policy guidelines on ways to enable the full and effective engagement of Indigenous peoples on international issues affecting them. This work will seek to enhance the participation of Indigenous peoples in decision-making on matters which would affect their rights and to advance Canada's contribution to the work of the entities of the UN (United Nations) system and other intergovernmental organizations in their implementation of article 41. **(Global Affairs Canada)**
55. Centralize review of policy and program documents to ensure UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act) engagement principles with applicable Indigenous organizations are respected and maintained. **(Canadian Heritage)**

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

56. Co-develop a new and more holistic long-term and continuing care framework, that is culturally appropriate, safe and accessible to

Indigenous peoples is crucial in helping to improve the quality of aging and health outcomes. The Government of Canada anticipates the distinctions-based co-developed long-term care framework to be finalized by 2025. **(Indigenous Services Canada)**

57. Improve health equity, access to culturally-appropriate health services and support for holistic approaches to healing, including community-based, culturally relevant and trauma informed mental health services, and Indigenous autonomy over service delivery by co-developing distinctions-based Indigenous health legislation with First Nations, Inuit, Métis and Intersectional partners. **(Indigenous Services Canada)**
58. Co-develop options to implement TRC Call to Action 66, to “establish multi-year funding for community-based youth organizations to deliver programs on reconciliation and establish a national network to share information and best practices”. **(Crown-Indigenous Relations and Northern Affairs Canada)**
59. Continue to support Friendship Centres and other Urban Indigenous organizations and coalitions in their work to identify and address local needs and priorities of urban/off reserve Indigenous peoples in a manner that is safe, secure, accessible, and culturally-relevant. **(Indigenous Services Canada)**
60. Advance economic reconciliation and address persistent economic barriers for Indigenous businesses and communities, including the impacts of colonization and inequitable policies. **(Indigenous Services Canada and various departments)**
61. Increase Indigenous women’s entrepreneurship to reduce socio-economic equity between Indigenous and non-Indigenous populations and between Indigenous men and women; and support self-

determination and economic reconciliation. **(Indigenous Services Canada and various departments)**

62. Ensure that the equality rights of Indigenous persons with disabilities are respected in the design and delivery of Government of Canada programs, policies, and services. **(Employment and Social Development Canada)**
63. Expand the Harvesters Support Grant to include a new community foods program. **(Crown-Indigenous Relations and Northern Affairs Canada)**
64. Advance discussions on the participation of Indigenous peoples in the gaming industry and in its regulation across Canada, collaboratively with Indigenous, provincial and territorial partners. **(Justice Canada)**

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

65. Review and consider proposed amendments to strengthen the *Indigenous Languages Act* pursuant to parliamentary and independent review processes involving Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations. **(Canadian Heritage)**
66. Establish a process to engage Indigenous organizations on go-forward Declaration-related interests relevant to culture, heritage, arts, and languages. **(Canadian Heritage)**
67. Explore options, through a distinctions-based process, that will advance shared governance of Parks Canada-administered heritage places, including in relation to archaeological and research practices. This work could support future exploration of common approaches to

shared governance of natural and cultural heritage with other federal departments and provinces and territories. **(Parks Canada)**

68. Enhance recognition of the roles and responsibilities of Indigenous peoples in the stewardship of natural and cultural heritage within Parks Canada-administered heritage places, and approaches to integrate cultural continuity as a principle guiding management. **(Parks Canada)**
69. Explore approaches to protect Indigenous knowledge and recognize and reinforce the role of Indigenous knowledge systems and knowledge holders in the stewardship of Parks Canada-administered heritage places. **(Parks Canada)**
70. Facilitate, through program activities and as part of the renewal of the Museum Policy, the repatriation of Indigenous belongings and ancestral remains. **(Canadian Heritage)**
71. Support the Calls for Justice by the National Inquiry into Missing and Murdered Indigenous Women and Girls through applicable program and policy supports, leading engagement with other government organizations and Indigenous partners to co-develop an approach to support funding for Indigenous-led cultural initiatives. **(Canadian Heritage)**
72. Support Indigenous peoples through applicable program and policy measures, including:
  - Support pilots that promote and protect Indigenous arts and cultural expressions;
  - Targeted funding for commercial Indigenous music artists and entrepreneurs, to increase Indigenous participation and representation in the music industry
  - Continued support through the Indigenous Screen Office Program for the Indigenous audiovisual sector

- Supporting students through the Canada Arts Training Fund and Indigenous Arts Knowledge Exchange. **(Canadian Heritage)**

73. Work in consultation and cooperation with Indigenous partners to protect Indigenous arts, traditional knowledge, and cultural expressions. **(Canadian Heritage)**

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

74. Deploy necessary efforts to support Indigenous peoples' and communities' right to self-determination on socio-economic issues including access to post-secondary education, skills training, and employment. **(Employment and Social Development Canada)**

75. Continue to advance and support self-determination in the provision of culturally competent early learning and childcare for Indigenous children, through the co-developed Indigenous Early Learning and Child Care Framework and dedicated federal investments to support its implementation. **(Employment and Social Development Canada)**

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

The Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:

76. Support the ongoing work of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools and act upon her recommendations, including with a view to align federal laws with the Declaration.

**(Justice Canada, Crown-Indigenous Relations and Northern Affairs)**

77. In collaboration with other supporting federal departments, and provinces and territories, build upon work to ensure the views of Indigenous peoples are considered throughout Canada's international human rights reporting processes, and improve the exchange of information on these processes in a timely manner. **(Canadian Heritage)**
78. Explore options for new authorities, in collaboration with other relevant federal government departments that would enable co-development and co-delivery, with Indigenous communities, of acknowledgements and actions to respond meaningfully to historic and/or ongoing harms that resulted from the establishment, management and operation of Parks Canada-administered heritage places. **(Parks Canada)**
79. Support implementation of measures in the BC Declaration Act Action Plan that implicated the federal government, working with the Government of British Columbia and Indigenous partners. **(Various Departments)**

[← Previous page](#)[Table of Contents](#)[Next page →](#)

---

**Date modified:**

2023-03-20

[Home](#)

- > [Implementing the \*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)
- > [The action plan](#)
- > [Draft UNDA \(United Nations Declaration on the Rights of Indigenous Peoples Act\) Action ...](#)

## Chapter 2: First Nations priorities



This document is a draft version of the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan.

It is meant for discussion purposes only.

During the comment period on this document, Indigenous peoples, organizations and communities are invited to submit their comments on this draft.

[← Previous page](#)[Table of Contents](#)[Next page →](#)

## First Nations priorities

The Government of Canada will take the following actions in consultation and cooperation with First Nations:

### Accompanying Documents

- [What we learned report](#)
- [News Release \(March 20, 2023\)](#)

### Related Resources

- [About the Act](#)

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

- [The Declaration explained](#)
- [Guiding questions](#)
- [Engagement and resources kit](#)

80. Continue work underway with First Nations partners to provide sufficient, predictable and flexible funding in support of closing socioeconomic gaps and advancing self-determination. **(Indigenous Services Canada)**

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

81. Continue to co-develop options for reform of the Specific Claim program, and the development of a reformed specific claims resolution process, including a Centre for the resolution of specific claims, to administer and oversee the process presently performed by Crown-Indigenous Relations and Northern Affairs Canada. **(Crown-Indigenous Relations and Northern Affairs Canada)**
82. Co-develop amendments to the *First Nations Fiscal Management Act* (FNFMA (First Nations Fiscal Management Act)), to better meet needs and address capacity and institutional gaps as expressed by the partners and First Nations, such as mandate expansions of the Institutions, data collection, enforcement of taxation (local revenue) laws and board member terms; and the creation of a new First Nations-led institution. **(Crown-Indigenous Relations and Northern Affairs Canada)**
83. Co-develop a redesign of the Additions to Reserve Policy. **(Crown-Indigenous Relations and Northern Affairs Canada)**

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

84. Support the adoption of Bill C-38, which seeks to address discrimination in the registration and membership provisions of the *Indian Act*. **(Indigenous Services Canada)**
85. Co-develop a collaborative consultation process on a suite of broader reform, relating to registration and band membership issues, prior to any transition away from the *Indian Act*. **(Indigenous Services Canada)**

Canada recognizes that the *Indian Act* is a colonial-era law designed to exert control over the affairs of First Nations, and as such, the *Act* will never be fully aligned with UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act). For Canada's laws to fulfill UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act), the *Indian Act* must be repealed.

The government is seeking to make the *Act's* registration and band membership provisions more consistent with UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act), until a clear consensus on a way forward on comprehensive change or the *Act's* repeal is possible.

86. Advance the co-development of federal legislation that recognizes First Nations police services as essential services, and provides them with adequate funding. **(Public Safety)**

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

87. Collaborate with First Nation communities to create viable and respectful alternatives to the *Indian Act* in support of advancing reconciliation and First Nations self-determination. **(Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada)**

88. Continue to explore options with First Nations on their proposal for CMHC to transfer the care and control of funding for on-reserve housing programs to First Nations. **(Canada Mortgage and Housing Corporation)**
89. Support initiatives aimed at increasing First Nations control over service delivery, which represents an opportunity to foster a more accessible health care system for the communities they serve, ensuring that health services are high quality and culturally safe. **(Indigenous Services Canada)**
90. Continue collaboration with First Nations organizations on a sustainable approach to transfer First Nations health programs and services through various health transformation initiatives in the following jurisdictions: Manitoba, Nova Scotia, Quebec and Ontario. **(Indigenous Services Canada)**
91. Continue to improve the Income Assistance program in a way that is more responsive to the needs of individuals and families living on-reserve, including more comprehensive income assistance programming that at least meets provincial comparability. **(Indigenous Services Canada)**
92. Continue to work with First Nations on closing infrastructure gaps on reserve – based on priorities identified by communities - with the goal of improving current service delivery (including increasing the number of housing units) as well as supporting increased First Nations capacity for housing governance, management, and planning. **(Indigenous Services Canada)**
93. Continue to support lifting of short and long term drinking water advisories. **(Indigenous Services Canada)**
94. Continue efforts to advance water and wastewater service transfer and support self-determined service delivery models in First Nations

communities. This includes advancing development and introduction, in consultation with First Nations, of new proposed First Nations drinking water and wastewater legislation that includes pathways to protect source water and legally enforceable safe drinking water protections comparable to those in place in provinces and territories.

**(Indigenous Services Canada)**

95. Ensure the implementation of the Accessible Canada Act with respect to First Nations Band Councils is culturally appropriate, and that First Nations are supported in advancing accessibility at the community level by:

- Fulfilling the Government of Canada's commitment to engage with First Nations on legislative and regulatory options for the implementation of the Accessible Canada Act on First Nations reserves. **(Employment and Social Development Canada)**
- Identifying options to build accessibility capacity and expertise at the community level and support First Nations communities in removing barriers to accessibility. **(Employment and Social Development Canada)**

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

96. Support First Nations control of First Nation education and self-determined education approaches at many levels, including the conclusion of Regional Education Agreements, as sustainable models, (underpinned by funding comparable to off-reserve education systems) to close the education gap, leads to better outcomes. Ensuring robust and responsive education systems paves the way for access to higher education opportunities, all of which foster more prosperous communities.

[← Previous page](#)

[Table of Contents](#)

[Next page →](#)

---

**Date modified:**

2023-03-20

[Home](#)

- > [Implementing the \*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)
- > [The action plan](#)
- > [Draft UNDA \(United Nations Declaration on the Rights of Indigenous Peoples Act\) Action ...](#)

## Chapter 3: Inuit Priorities



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[← Previous page](#)[Table of Contents](#)[Next page →](#)

## Inuit Priorities



Contents of this chapter are pending further co-development.

### Accompanying Documents

- [What we learned report](#)
- [News Release \(March 20, 2023\)](#)

### Related Resources

- [About the Act](#)

- [The Declaration explained](#)
- [Guiding questions](#)
- [Engagement and resources kit](#)

[← Previous page](#)

[Table of Contents](#)

[Next page →](#)

---

**Date modified:**

2023-03-20

[Home](#)

- > [Implementing the \*United Nations Declaration on the Rights of Indigenous Peoples Act\*](#)
- > [The action plan](#)
- > [Draft UNDA \(United Nations Declaration on the Rights of Indigenous Peoples Act\) Action ...](#)

## Chapter 4: Métis Priorities



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[← Previous page](#)[Table of Contents](#)

### Métis Priorities

The Government of Canada will take the following actions in consultation and cooperation with Métis:

#### Accompanying Documents

- [What we learned report](#)
- [News Release \(March 20, 2023\)](#)

#### Related Resources

- [About the Act](#)

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

- [The Declaration explained](#)
- [Guiding questions](#)
- [Engagement and resources kit](#)

97. Canada will recognize, support, and advance the exercise of Métis rights to self-

determination, and inherent right to self-government, recognized and affirmed by section 35 and protected by section 25 of the *Constitution Act, 1982*, in a manner that is consistent with the Declaration through constructive, forward-looking, and reconciliation-based approaches and negotiations premised on rights recognition and implementation.

### **(Crown-Indigenous Relations and Northern Affairs Canada)**

Consistent with the commitment to co-develop approaches for the implementation of the right to self-determination, Canada will introduce federal legislation to implement the co-developed Métis Self-Government Recognition and Implementation Agreements with the Métis Nation of Alberta, Métis Nation of Ontario and Métis Nation-Saskatchewan. **(Crown-Indigenous Relations and Northern Affairs Canada)**

Consistent with the commitment to co-develop approaches for the implementation of the right to self-determination, Canada will continue to advance the development of Métis Treaties with the Métis Nation of Alberta, Métis Nation-Saskatchewan, Manitoba Metis Federation, and Métis Nation of Ontario in a manner that is consistent with rights-recognition approaches and implementation. **(Crown-Indigenous Relations and Northern Affairs Canada)**

98. Canada will continue to engage with Métis governments and partners to develop measures and approaches for the redress of Métis claims and historical wrongs. **(Crown-Indigenous Relations and Northern**

## **Affairs Canada)**

Consistent with commitments made within the Recognition of Indigenous Rights and Self-Determination Discussion Tables with the Métis Nation of Alberta, Métis Nation of Ontario, Métis Nation-Saskatchewan, and Manitoba Metis Federation, Canada will continue to collaborate to develop expedited options with a view to settling their respective outstanding Métis claims. **(Crown-Indigenous Relations and Northern Affairs Canada)**

99. Consistent with the commitment to advance approaches for the recognition and implementation of Métis rights, Canada will continue to collaborate with Métis governments and partners through Recognition of Indigenous Rights and Self-Determination Discussion Tables (where applicable) and other mechanisms to co-develop approaches and/or processes that facilitate a whole-of-government approach for determining, recognizing, and protecting the exercise of Métis rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*. **(Crown-Indigenous Relations and Northern Affairs Canada)**

Consistent with the commitment to enter into arrangements with Indigenous partners that establish an agreed-upon process when fulfilling the duty to consult, Canada will collaborate with Métis governments and partners to update and fully implement their respective Consultation Agreements with Canada through an effective and efficient whole-of-government approach to consultation and accommodation that aligns with the Declaration.

100. Consistent with the commitments set out in the Memorandum of Understanding for Advancing Reconciliation, 2018, as well as under the UNDRIP, Canada will continue to advance reconciliation between MNBC and Canada. Negotiations will continue to focus on determining

MNBC's Aboriginal Rights under Section 35, Constitution Act, 1982, in a manner that is consistent with rights-recognition approaches and implementation. **(Crown-Indigenous Relations and Northern Affairs Canada)**

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

101. Support the improvement of health equity for Métis citizens and furthering the advancement of Métis autonomy over health services by co-developing a work plan for the implementation of the Health Sub-Accord between the Métis National Council (MNC (Métis National Council)) and Indigenous Services Canada. **(Indigenous Services Canada)**

[← Previous page](#)

[Table of Contents](#)

---

### **Date modified:**

2023-03-20