

## AN UPDATE ON BRITISH COLUMBIA'S COMMITMENT TO UNDRIP

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As of Wednesday, November 17, the Province of British Columbia (the 'Province') has moved forward in introducing further legislation regarding Indigenous rights. In an effort to uphold its commitment to reconciliation and its implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* ('UNDRIP'), the Province introduced two bills concerning Indigenous peoples.

By way of background, UNDRIP is an international set of standards upholding the rights of Indigenous peoples. It aims to enhance the rights and lives of Indigenous peoples by addressing cultural rights, social, health and economic outcomes, and other areas fundamental to improving relations with Indigenous peoples. In 2015, the national Truth and Reconciliation Commission, a commission focused on the lasting harms of residential schools, called on the Canadian government to adopt and implement UNDRIP.

In November 2019, the Province passed the *Declaration on the Rights of Indigenous Peoples Act* (the 'Declaration Act') as its commitment to implement UNDRIP. British Columbia was the first province to pass such legislation. The Declaration Act is focused on improving the Province's relationship with Indigenous peoples by addressing issues such as increasing their graduation rates, raising their standard of living, recognizing

Indigenous rights, culture, and interests, as well as ending the 'epidemic of Indigenous children in government care'.

The most recent proposed legislative amendments from the Province are set out in Bill 18 and Bill 29. Bill 18 adds 'Indigenous identity' to the *B.C. Human Rights Code* as a protected ground against discrimination. This attempts to recognize the unique history and experiences of Indigenous peoples and the type of discrimination they continue to face. Secondly, Bill 29 proposes to amend the *Interpretation Act* to clarify that the Province's legislation should be interpreted in a manner to uphold the rights of Indigenous peoples pursuant to section 35 of the *Constitution* (which recognizes and affirms Aboriginal rights). This will assist in interpreting ambiguous legislation in a manner which promotes the rights of Indigenous peoples.

These latest amendments further address the ongoing impacts of colonialism and racism experienced by Indigenous peoples in the Province. Civic Legal LLP will continue to provide updates on the Province's implementation of UNDRIP as they arise.

November, 2021

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