
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 47/2022

TITLE: First Nation Languages – A Defined and Enforceable Right

SUBJECT: Languages, Rights

MOVED BY: O'gimaa Kwe Rachel Manitowabi, Wiikwemkoong Unceded Territory, ON

SECONDED BY: Chief Leroy Denny, Eskasoni First Nation, NS

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) explicitly recognizes the language rights of First Nations in Articles 13, 14, 15 and 16. In May 2016 Canada removed its permanent objector status to the UNDRIP and committed to fully adopt and implement it within the laws of Canada;
- B. In 2019, the Parliament of Canada passed the Indigenous Languages Act. It purports to recognize that section 35 of the Constitution Act, 1982 includes “rights related to Indigenous languages”. However, this Act fails to identify any specific First Nation language rights or provide mechanisms for their enforcement. The language rights of Canada’s official language minorities, on the other hand, are clearly defined and enforceable since they were adopted in the Constitution Act, 1982;
- C. In 2021, the Parliament of Canada passed the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA), which commits the Government of Canada to “take all measures necessary to ensure that the laws of Canada are consistent with UNDRIP”;
- D. Accordingly, the Government of Canada has now committed itself to take “effective measures” to implement Article 14 of UNDRIP, which reads as follows:
 - 1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Certified copy of a resolution adopted on the 25th day of January, 2023 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

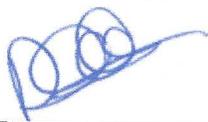
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- 2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 - 3) States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- E. Language rights are at the heart of almost every other right recognized by UNDRIP, whether it be self-determination, identity, culture, customs, spiritual traditions, legal systems, histories, philosophies or ways of knowing and living with land and resources;
- F. The revitalization of First Nation languages in Canada depends on intergenerational transmission. In the modern Canadian context, intergenerational transmission requires state-supported educational systems and institutions that both teach First Nation children their own ancestral languages and that other subjects in those languages. Significantly, Article 14 recognizes that such systems must exist both on and off reserve;
- G. The perilous state of most First Nations languages makes the need for the implementation of Article 14 pressing and urgent. The closing of residential schools, by itself, does nothing to achieve intergenerational transmission of Indigenous languages. Almost all First Nations children are still required by law to attend schools where they not only do not learn to speak their own languages fluently but learn and interact with others in English or French. This amounts to ongoing forced assimilation of these children, contrary to Article 8 of UNDRIP; and
- H. The implementation of Article 14 in Canada can be achieved by amending the *Indigenous Languages Act*, thereby making the Article, and the language rights of First Nations, enforceable in Canadian courts.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on the Government of Canada to work with First Nations to amend the operative clauses of the *Indigenous Languages Act* to adopt the implementation of Article 14, and other articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which mention Indigenous languages, and to ensure that First Nations language rights, including First Nations sign language, are defined and enforceable.

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2. Direct the AFN to call on the Government of Canada, outlining this recommendation, as a means to begin addressing the dire state of First Nations languages as well as a first step for Canada towards implementing its commitment to the UNDRIP Act.
3. Direct the AFN to determine the funding required to engage First Nations and First Nations representative organizations (on and off reserve) in Canada to provide input into the development of the legislative amendments and any subsequent policy, regulatory and/or funding requirements.
4. Direct the AFN to urge the federal government to provide funding to support engagement of First Nations in this process.
5. Direct the AFN to report progress on this initiative regularly until First Nations language rights, including First Nations sign language, are defined and enforceable in federal legislation.

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