

Recognition of Indigenous Rights



Charter of Rights and Freedoms

Section 25: **Aboriginal rights and freedoms not affected by Charter**

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- **(a)** any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
- **(b)** any rights or freedoms that now exist by way of land claims agreements or may be so acquired. [\(94\)](#)

Canadian Constitution 1982

Section 35: **RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA**

Marginal note: Recognition of existing aboriginal and treaty rights

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

- Definition of “*aboriginal peoples of Canada*”

(2) In this Act, “*aboriginal peoples of Canada*” includes the Indian, Inuit and Métis peoples of Canada.

- Marginal note: Land claims agreements

(3) For greater certainty, in subsection (1) “*treaty rights*” includes rights that now exist by way of land claims agreements or may be so acquired.

1. Marginal note: Aboriginal and treaty rights are guaranteed equally to both sexes

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. [\(96\)](#)

Marginal note: Commitment to participation in constitutional conference

35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the “*Constitution Act, 1867*”, to section 25 of this Act or to this Part,

- **(a)** a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and
- **(b)** the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item. [\(97\)](#)