

Comparing Rights

Canada's Human Rights Legislation

Canada has both provincial and federal laws addressing human rights. The *Canadian Human Rights Act* applies to federally regulated industries and organizations (such as airlines and banks) and some First Nations. Provincial and territorial legislation applies to other areas. In general, human rights legislation in Canada will address and redress discrimination and harassment based on sex, race, religion and other grounds of discrimination.

Learn about the [Canadian Human Rights Act](#)

Learn about the [BC Human Rights Code and Tribunal](#).

UN Universal Declaration of Human Rights

Backgrounder: https://www.edu.gov.mb.ca/k12/cur/socstud/foundation_gr9/blms/9-1-2e.pdf

United Nations Declaration on the Rights of Indigenous Peoples

Work towards UNDRIP began in the 80s but was only adopted by the UN in 2007. At the time, Canada was one of the four countries to vote against it (the other being New Zealand, the United States, and Australia). In 2010, Canada and the other three countries endorsed it but with reservations. Finally, after a change in government and the Truth and reconciliation Commission's calls adopt UNDRIP as a framework for reconciliation, Canada fully endorsed UNDRIP without reservations in 2016.

Not the same as an international treaty. For it to have any force in a signatory country, that country must pass laws incorporating the terms.

Since 2016, the government has referenced UNDRIP in a handful of laws and policies. In December 2020, the government introduced Bill C-15 *The United Nations Declaration on the Rights of Indigenous Peoples Act*. If passed, Bill C-15 would confirm UNDRIP as a universal human rights instrument that applies to Canadian law.

How do rights under UNDRIP relate to human rights? See Article 46 of UNDRIP:

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.



2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

United Nations: [UNDRIP](#)

Federal Government: [Backgrounder: Bill C-15: United declaration on the Rights of Indigenous Peoples](#)

Canadian Lawyer Magazine: [Bill C-15 to affirm UNDRIP as human rights instrument applicable to Canadian Law & Indigenous law expert explains how UNDRIP advances the law of consultation and consent](#)

UBC: [UN declaration on the rights of Indigenous Peoples](#)