

ACTION RECOMMENDED

CBABC recommends that the BC Government move forward with section 3 of the *Declaration on the Rights of Indigenous Peoples Act* (“DRIPA”), namely to take all measures necessary to ensure the laws of British Columbia are consistent with the United Nations Declaration of Indigenous Peoples (“UNDRIP”), and to do so in consultation and co-operation with the Indigenous peoples in BC.

ISSUE

Having been part of the chorus of groups and individuals seeking the implementation and adoption of UNDRIP, CBABC applauded the introduction and passing of DRIPA in November of 2019. CBABC was further encouraged that the First Nations Indigenous Strategy (the “Strategy”) shared in March 2020 included Strategy 8, “to undertake a joint review of legislation to align laws with the UN Declaration as required by DRIPA, and ensure space for the recognition and operation of First Nations justice systems and institutions.”

Over a year after the introduction of DRIPA, it is unclear what has been done to begin this analysis of British Columbia’s legislation. There are many other pieces of legislation which impact Indigenous peoples as individuals or as groups, which should be addressed.

For example, the *Limitations Act* and other statutes of limitations could be reviewed to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Indigenous people. The ongoing review to reform the *Police Act* is stated to be through the lens of the Declaration, but no system of consultation has yet been implemented.

Law reform takes time and funding, but without the disclosure of the expected roadmap the BC Government expects to take, it is difficult for anyone to assist with this analysis or contribute to it.

WHY IT MATTERS

To be more than a philosophical acknowledgment, DRIPA must move beyond affirmation into implementation and be transparent in announcing opportunities for consultation and involvement. The BC Government must engage with Indigenous peoples and with legal organizations or groups whose members engage in law reform. This consultation is critical to maintaining the faith of Indigenous and non-Indigenous peoples in the government’s commitment to meaningfully changing the experience of Indigenous peoples in British Columbia.



REFERENCE MATERIALS

[Declaration on the Rights of Indigenous Peoples Act](#) [SBC 2019] c. 44

[BC First Nations Justice Strategy](#), BC First Nations Justice Council and Province of British Columbia (Feb 2020)

[Child, Family & Community Services Act](#), RSBC 1996, c 46

Links to all *Agenda for Justice 2021* reference materials are available at cbabc.org/A4Jbackground.