

Indigenous Rights & Freedoms

In the United Nations Declaration on the Rights of Indigenous Peoples



The United Nations Declaration on the Rights of Indigenous Peoples (“the Declaration”) lists 46 articles that affirm and describe a broad range of collective and individual human rights that must be guaranteed for Indigenous peoples around the world. Indigenous leaders and experts from around the world contributed to the content of the Declaration. These articles are considered “the minimum standard” for protecting Indigenous rights, and supporting the survival, dignity, and well-being of Indigenous peoples and communities globally. The different categories of rights in the Declaration are outlined and summarized below.

Equality rights and non-discrimination rights

Indigenous peoples are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination.

Self-determination, self-governance, and recognition and enforcement of treaties

Indigenous peoples have the right to make their own decisions about how they govern themselves, choose their leaders, organize their own governments, and fully participate as citizens in the communities and territories they reside or belong to.

Security of the person

Indigenous peoples have the right to be physically and mentally safe and free as their own distinct group(s), and to not experience genocide, or violence from outside groups, which includes taking children away from their homes.

Cultural, spiritual, and language rights

Indigenous peoples have the right to practice their cultures fully, and to use their own laws to make decisions on their territories, without forced assimilation or the destruction of their culture. Settler governments must protect Indigenous peoples against actions that destroy their cultures and must repair damage caused by forced relocation, assimilation, or discrimination to Indigenous peoples’ cultures, identities, lands and resources.

Education, information, and media rights

Indigenous peoples have the right to develop and control their education systems and schools, and to be able to provide education in their own languages and in their own culturally-based ways. Indigenous individuals, particularly children, have the right to access all levels of education, free of discrimination, and to have their cultures, traditions, and histories reflected in education and media. Settler governments must combat prejudice and discrimination and ensure that government-owned media represents Indigenous cultural diversity.

FPIC: Free, prior, and informed consent

Free, prior and informed consent (FPIC) is Indigenous peoples’ right to participate in decision-making about issues that impact them, including the use of their land, territories and natural resources. Decisions must be made freely without coercion or manipulation. Indigenous people must be free to say yes or no to planned projects that affect their lands and lives. Indigenous peoples’ have the right to set the conditions granting their consent, based on their own decision-making and legal practices. FPIC is needed for all decisions that may have serious effects on Indigenous peoples, not just development projects.

Economic and social rights

Indigenous people have the right to decide how they participate in economic activities, and to not be discriminated against for doing so. Indigenous peoples have the right to develop their own governance organizations and determine how those organizations operate. They have the right to develop their own social institutions and systems, as well as their own economies. This includes how they wish to develop socially and economically, alongside or independently from settler governments and institutions, including traditional land and culture-based economies.

Lands, territories, and resources

Indigenous peoples have the right to live on their own land and territories, and have the right to determine how they care for and use the lands that they own. Settler governments must legally recognize and protect Indigenous lands and respect traditional land ownership systems, spirituality, knowledge, and traditions. If these rights were disrespected, governments must work to fix this. If lands were ever taken, they should be given back or fair compensation must be provided at an amount agreed to by the relevant Indigenous governing body.

Implementation and redress

States (settler governments) must compensate Indigenous peoples for any cultural, intellectual, religious and spiritual lands or property that has been taken without their free, prior and informed consent. Compensation may include returning what was taken. Indigenous peoples who have been deprived of their means of subsistence and economic development by settler governments are also entitled to just, equitable and fair compensation.

Treaties and agreements

Indigenous peoples have the right to have their treaties respected and enforced by the governments they have entered into those treaties with. Nothing in the Declaration takes away from treaties or the rights within those and other agreements. Governments, in consultation and cooperation with Indigenous peoples, must take measures, including the passing of laws, to implement the UN Declaration. Indigenous peoples have the right to resources and assistance from governments to implement the Declaration.

Canada is developing a plan for applying the UN Declaration on the Rights of Indigenous Peoples to federal laws, policies, and institutions. AFN Yukon is sharing information about the planning and asking for feedback on what Yukon First Nations want to see from that plan. Visit afnyukon.ca for more information.