

Assembly of First Nations

DRAFT FOR DISCUSSION ONLY

First Nations Language Private Members' Bill November 2007

| Date of Notice | 1 st Reading | 2 nd Reading | Report from Standing committee | 3 rd Reading | Date of Assent |
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This First Nation Languages Bill was developed under the guidance of the AFN Chiefs Committee on Languages and Technical Working Group on Languages.

**Prepared by:
Dr. Rose-Alma J. McDonald**

**Assembly of First Nations
Language Secretariat**

**473 Albert Street 8th Floor
Ottawa, Ontario K1R 5B4
Phone: 613-241-6789
Fax: 613-241-5808**

FIRST NATIONS LANGUAGE PROTECTION ACT

An act to preserve, protect and promote the First Nations languages of Canada.

PREAMBLE

Whereas First Nations languages and cultures are unique and have been in existence since time immemorial;

Whereas the existence and presence of First Nations people constitute a fundamental characteristic of Canada;

Whereas First Nations' distinct cultural and political rights, including the right to full freedom of expression, reflects the rich cultural diversity of Canada;

Whereas First Nation languages are an integral part of culture and are essential tools of cohesion, identification, communication and creative expression;

Whereas there are many First Nation languages spoken and used by First Nations peoples in Canada;

Whereas support is required to ensure the meaningful engagement of First Nation language speakers, without regard to their first language learned, so they have equal opportunities to obtain education, employment and participate in their governance;

Whereas the preservation of First Nations languages require legal protection;

Whereas commitment to the revitalization, recognition, protection, promotion and preservation of First Nations languages through legislation is essential;

And whereas acts of suppression directed against First Nations languages and cultures are in conflict with Canada's policy of Aboriginal Self-government;

Whereas the Parliament of Canada acknowledges a commitment to the protection, revitalization, preservation and enhancement of the First Nations languages as living languages;

Whereas legal recognition is required to ensure that the use of First Nation languages will be entrenched in the Constitution of Canada consistent with the fundamental and legal authority included in section 35 of the *Constitution Act, 1982*;

Affirming that First Nations have an inherent right to the use of First Nation languages;

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

This act may be cited as the First Nations Languages Protection Act

DEFINITIONS

For the purposes of this Act –

The term “First Nation peoples” is defined in Section 35 of the *Constitution Act of 1982* and, for the purposes of this Act, shall include Indian and First Nations peoples of Canada;

The term “First Nations Languages” means the historical and traditional languages spoken by First Nation peoples.

PURPOSE OF THE ACT

The Minister shall take steps to -

- 1) recognize, protect, promote and preserve the right and freedom of First Nations peoples to utilize their languages;
- 2) encourage and support programs that will enhance the numbers of First Nations people who speak their language by increasing the opportunities to learn their language;
- 3) encourage the use of First Nations languages, by increasing the number of circumstances and situations where First Nations languages are used and supported;
- 4) support the certification of First Nation language teachers and instructors, linguists, interpreters and translators and encourage First Nations languages as a medium of instruction;

- 5) support and encourage the proficiency levels of First Nations peoples in speaking, listening to, reading and writing First Nations languages through curriculum and materials development designed to increase culture, traditions, awareness, knowledge and pride;
- 6) recognize the inherent right of First Nations as self-governing bodies to take action on, and give official status to, First Nation languages for the purposes of conducting local governance activities;
- 7) support the enhancement of First Nations languages so that they can be used in the full range of modern activities and encourage all institutions of elementary, secondary and higher education to include First Nations languages in the curriculum and to grant full academic credit equal to proficiency in the official languages of Canada;
- 8) support the right of First Nations governments to use First Nations languages as the medium of instruction in all schools operated on reserve, or through Tuition Agreement, and funded by the Government of Canada;
- 9) support and foster among First Nations and non-First Nations a positive attitude towards, and accurate beliefs and positive values about First Nations languages through media, broadcasting and telecommunications so that multi-lingualism becomes a valued part of Canadian society;
- 10) encourage and support local, municipal and provincial authorities in working with First Nations partners to implement programs which put this Act into effect.

NO RESTRICTIONS

Nothing in this Act shall be construed as to abrogate or derogate from the status of any constitutional or other rights in respect of any existing Aboriginal or Treaty rights of the Aboriginal peoples of Canada under Section 35 of the *Constitution Act, 1982*.

The right of First Nations peoples to use First Nations languages shall not be restricted in any public proceeding including publicly supported education programs.

COMPLIANCE

The Governor in Council may make regulations pursuant to this Act.

EVALUATION

The Minister shall require an annual progress report to-

- 1) ensure that all actions and measures within the authority of this Act are recognized and performed with respect to the rights, status and privileges as they relate to First Nations language protection under the provision of this Act;
- 2) ensure policies and procedures regarding compliance with the provisions of this Act are implemented and designed in consultation with First Nations language specialists, leadership and governing bodies;
- 3) annually evaluate and make recommendations regarding the compliance with the provisions of this Act in order to ensure adequate progress towards the vision of this legislation;

USE OF ENGLISH AND FRENCH (optional clause)

Nothing in this Act shall be construed to preclude the use of Federal funds to teach English or French to First Nations peoples.

COMING INTO FORCE

This Act shall come into force on a day to be fixed by order of the Governor in Council.

November 20, 2007

Supporting Documentation:

Assembly of First Nations, National First Nations Language Strategy, July 2007

Assembly of First Nations, Comparative Table of Indigenous Language Legislation in Canada and Internationally, November 20, 2007

Assembly of First Nations , First Nations Language Implementation Plan, November 2007