

Section 35 of Canada's Constitution Act recognizes Aboriginal treaty rights, and legally protects rights that were in existence when the Act came into force on April 17, 1982.



A **constitution** is a set of the basic working laws of a country and its government. The Constitution Act of 1982 updates the original Constitution of Canada, the British North America Act. Since 1982, all Canadian laws are passed in Canada without requiring the approval of the British Parliament. An **amendment** is a change to the Act, and a **constitutional conference** is a meeting of government leaders to discuss anything related to the Constitution.

## Section 35

(1)	<i>The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognised and affirmed.</i>
(2)	<i>In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.</i>
(3)	<i>For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.</i>
(4)	<i>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.</i>

## Section 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.*

