

Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 4, Episode 7: Section 25 of the Charter and Dickson v Vuntut Gwitchin FN

This episode marks the second of a two-part series on Indigenous self-determination and its intersections with the Constitution and the Canadian Charter of Rights and Freedoms.

This episode focuses on Section 25 of the Charter of Rights and Freedoms and the recent Supreme Court of Canada decision in *Dickson v Vuntut Gwitchin First Nation*.

Section 25 guarantees that certain rights and freedoms in the Charter “shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including: a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and b) any rights or freedoms that now exist by way of land claim agreements or may be so acquired.”

In the first part of the episode, Cheryl speaks with Professor [Kerry Wilkins](#) to discuss the meaning of Section 25 of the Charter, its history, its recent application, and its intersection with the implementation of UNDRIP, the UN Declaration on the Rights of Indigenous Peoples in Canada. In the Practice Corner, Cheryl speaks with Indigenous rights lawyer Kris Statnyk, a citizen of the Vuntut Gwitchin FN about his legal practice and his experience representing the Vuntut Gwitchin FN in the *Dickson* appeal.

Find a FULL transcript of this episode [HERE](#).

Case Links and other Resources

In this episode, the following cases, Declaration, book and paper were discussed/mentioned:

[Dickson v. Vuntut Gwitchin First Nation, 2024 SCC 10](#)

[Kahkewistahaw First Nation v. Taypotat, 2015 SCC 30, \[2015\] 2 S.C.R. 548](#)

[Eldridge v. British Columbia \(Attorney General\), \[1997\] 3 S.C.R. 624](#)

[United Nations Declaration on the Rights of Indigenous Peoples](#)

[Indigenous Difference and the Constitution of Canada by Patrick Macklem \(2001, U of T Press\)](#)

[Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5](#)
[Naomi Metallic, "Checking our Attachment to the Charter and Respecting Indigenous Legal Orders: A Framework for Charter Application to Indigenous Governments" \(2022\) 31:2 Constitutional Forum constitutionnel 3](#)

[Truth and Reconciliation Commission of Canada: Calls to Action](#)

About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director [Cheryl Milne](#).

Charter: A Course focuses on leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

Thank You's

Thank you to our wonderful guests on this episode, Prof Kerry Wilkins and Kris Statnyk!

Thank you to University of Toronto Faculty of Law JD students Joshua Schwartz, Meg Zhang and Emma Blanchfield, who greatly assisted with the development and production of this episode.

Thank you also to Flint Patterson, former Asper Centre podcast producer and JD at the University of Toronto Faculty of Law for initially proposing this episode topic (we just had to wait until the SCC issued its decision).

Thank you, as always, to our excellent audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, Charter: A Course! Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: [Charter a Course](#). Please consider contributing to your local food bank.