









Treaty No. 8

Bill C-92 Technical Meeting - Day 1 RECAP

Treaty No. 6 – Treaty No. 7 – Treaty No. 8 (Alberta) February 11, 2020 - Treaty No. 7 Territory Best Western Premier - 1316 33 St. NE, Calgary AB

Meeting Called to Order - 8:54 AM

Welcome Remark: Mr. Dean Janvier

- Welcomed the participants
- Talk about our importance of our children

8:55 AM - Opening Invocation by Elder Diane Meguinis

- leadership responsibility to take the children and care for them
- Process involves women and children

Purpose of Meeting: Ms. Anne Many Heads

- Welcoming everyone to this coordinated effort between Treaty 7, Treaty 6, and Treaty 8
- Established an agenda to foster information and dialogue
- From the direction and decision of the Chiefs at the AoTC in Nov 2019 needing further direction of the C-92 legislation into force Jan 1. 2020 and sections need regulations require information direction and provide input to the Chiefs meeting Mar 4 & 5/20
- Each Nation is autonomous and do the best to they can for their people Participation is key

Agenda Item One: Presentation on Bill C-92- An Act respecting First Nations, Inuit and Metis Children, Youth and Families by Indigenous Services Canada; Mr. Marcus Leonard; Mr. Malcolm Johanneson

Brief update: (Canada implementation)

- January 1/20 came into force provisions and minimum standard applied to any delegated agencies. System will only change when a FN develop their own legislation thru partial and full implementation = in-depth technical review also available on the ISC website to dispatch to participants in both official languages. The Act coming into force support is available via telephone for urgent questions to assist available on website generic email address as well
- Which courts hear the cases under the act did not intend to replace any judicial system to hear cases additional principles and standards within the act.
- Implementation of act committed to distinct based approach across the country technical discussions are important the act is a framework for the implementation of the minimum standards and principles for Indigenous Groups







Treaty No. 6

Treaty No. 7

Treaty No. 8

 Definitions – solution Canada did not impose and must reflect own views of culture and traditions

Presentation – introduction to the Act – adapt to the needs are.

- Presentation was read with a review of broad definitions, Sections 1, 3, 4, 6, 9 to 20 (noting S. 6 was amended and on ISC website).
- Further clarification is required, and definitions are broad, FNs to develop their own definitions.
- Exercise of jurisdiction in partial or full do not have complete law enforce all at once
 - Piece meal approach is acceptable to adopt continuum model for the FNs as 1st exercise of jurisdiction not a 1 size fits all approach
 - Family to be defined by the group themselves and goes beyond the blood relationship and not up to Canada to determine within own legislations based on Culture and traditions
- Indigenous Governing Body important to exercise jurisdiction and authorized by IGB
- Substantive quality (5 areas) Courts created this.
- is a service to provide the chance of having same outcomes as the non-indigenous child
- Areas of concern include Funding and changes with the new Fiscal Relationship, impacts to
 current funding agreements, ambiguity around whether Treaty nations would become Canada's
 version of Self-Government Nations, content of Coordination Agreements and working with the
 province around (possible) transition, the need for proper Judiciary training, possible liabilities,

Item #2 - Alberta Child & Family Services: Ms. Gloria latridis

PowerPoint presentation:

Objectives – Overview of the Act; Section 8- Purpose; Legislative comparison; Minimum National standards; Coordination agreements/IGB; ongoing work; summary. (Note: CS completed a comparison of CYFEA and C-92).

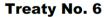
Cowessess FN, Saskatchewan gave notice and ratifying with membership – coordination agreements with several provinces and will be building their law on the format of AB child and family enhancement act

Answers:

Federal package – IGB definition – interpretation – s.35 – rights holders determine their IGB is.
 Not clear for the Metis groups. Data sharing is important – complexity of each nation having own laws and systems and tools – important to keep track of the people.

Lunch break at 12:17 PM - 1:15 PM











Treaty No. 8

<u>Item #3 – Legal Expert Panel:</u> Dr. Wilton Littlechild; Ms. Mary Ellen Turpel-Lafond (regrets, was unable to attend); Paul Seaman – provided an Independent analysis of C-92

First Nation Child and Family Law: Dr. Wilton Littlechild, international chief

- Talking about 3 sets of standards on Child Wellbeing 1st standard comply with Provincial standards TRC calls to action for Federal standard 3rd set of standards use and don't talk about in discussions culturally relevant standards Introduced a 4th standard international standards Treaty and inherent rights
- Thru TRC calls to action every child has treaty rights mindful to keep in the forefront
- International norms, standards and laws the 4th Standard:
 - Treaty and Inherent Rights Matter of international concern, interest, responsibility and character (UN Treaty study) and strengthen partnership between States and Indigenous Peoples and as a foundation to CFS.
 - o UNDRIP; articles 1 & 3 most fundamental right to self-determination (3)
 - Convention on the rights of the child General Comment No.11 is referenced in the UN Declaration, the importance of the convention companion law (11) specific to Indigenous Children and their rights under the convention: defines the Best Interest of the Child, Fundamental Focus on Culture, Respect for the Views of the Child and Links with other International Law
 - the UN Dec and Convention took 27 years to pass them
 - OAS Declaration on the Rights of the Indigenous peoples (family, indigenous laws in international law)
 - ILO C169 and CERD, the Committee on Elimination of Racial Discrimination Canada has not ratified but is in effect - both OAS & ILO are not ratified by Canada but mention indigenous peoples
- Consider incorporating by reference or including General Comment No. 11 in the First Nation's own law; Specifies your culturally relevant law through international standards
- Mayan ceremony and prophesies:
 - o 1st: things get better for indigenous peoples; spirituality must come back to leadership
 - o 2nd women will take a more prominent role in leadership
 - o 3rd must build on the strengths of our people
 - o 4th we must work very, very, had on unity.
- Don't forget there are national standards, provincial standards but we have our own standards culturally relevant child wellness e.g. CRC General Comment No.11
- Children have a right to play and they have a right to be happy

Paul Seaman: Analysis of Bill C92

• Brief background – Bill C92







Treaty No. 6

Treaty No. 7

Treaty No. 8

- Codeveloped b/w Canada, provinces and Indigenous Peoples larger context of FN Caring Society's funding case before the CHRT, Jordan's Principle and promise to implement.
- The act sits until an Indigenous Group enacts notice of interest and implementation on their Nation.
- 1st definition IGB intended to accommodate the FNs, Metis and Inuit people ties into S.20 & S.21. S.20 FN tend to exercise their legislative authority etc. no clarity of resources and funding IGB submit a complete law. Sub (c) in order to get anything done fiscal relations must be worked out. S.20 sub (3) FN law comes into force when coordination agreement is entered into, "reasonable efforts"
- Technical guide on 1/12/2019 page 26:
 - o Technical guide treated as a regulation confusing in context of intent

Facilitator provided quick overview of what to expect for Day 2: Going forward on information provided and think about/raise questions — Day 2 Agenda is about the opportunity to participate in groups and recommendations to move ahead. 1 of the challenges is unity and look at common ground — challenges, concerns, opportunity, strengths and meeting as whole with leadership — could we agree on and more detail discussions.

Day 1 Adjourned: 3:17 pm.