



Treaty No. 6



Treaty No. 7



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



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- 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 Iatridis

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



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Item #3 – Legal Expert Panel: 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.
 - 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:
 - 1st: things get better for indigenous peoples; spirituality must come back to leadership
 - 2nd women will take a more prominent role in leadership
 - 3rd must build on the strengths of our people
 - 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



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- 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:
 - 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.