



Press Statement

CAP on C-92 coming into Force: A biased process resulted in a biased policy

January 8th 2020 (Ottawa, ON) – On January 1st 2020, Bill C-92, “An Act respecting First Nations, Inuit and Métis children, youth and families”, came into force.

The stated purpose of this legislation is “to affirm the rights and jurisdiction of Indigenous peoples in relation to child and family services”. It claims to respect “the importance of reuniting Indigenous children with their families and communities” and “the right to self-determination of Indigenous peoples, including the inherent right of self-government [...] in relation to child and family services”.

In application, however, this legislation fails to uphold these principles. Bill C-92 respects only the rights and jurisdiction of Indigenous peoples that are acknowledged by the government as rights-holders under Section 35 of the constitution, but **excludes** all non-status First Nations people living off-reserve, and all Métis and Inuit people not belonging to communities with recognized treaty rights.

This legislation fails to acknowledge that the rights of Indigenous people to self-determination, preservation of language and culture, and protection of their children are inherent, not granted by treaty. It fails to protect rights and respect the jurisdiction of all nations and peoples who have been excluded from the process.

The United Nations Declaration of the Rights of Indigenous Peoples requires the government to respect the right of self-determination of all Indigenous peoples, regardless of status or place of residence, and to work with their chosen representatives in all matters that may affect their rights. Further, it explicitly names removal of children from their communities as “an act of genocide”. Without amending this legislation to include all Indigenous communities, children will continue to be removed from their communities in violation of human rights and international law.

“The regulations outlined in this bill were the result of a flawed consultation process which excluded the voices of our non-status and off-reserve communities”, according to the Congress of Aboriginal Peoples’ (CAP) National Chief Robert Bertrand. “Despite 65 engagement sessions by Indigenous Services Canada, not one session engaged with the Congress of Aboriginal Peoples, a National Indigenous Organization representing Métis, status and non-status Indians, and Southern Inuit Indigenous People living off-reserve.”

This failure to consult on matters affecting Indigenous rights undermines the implementation of this bill and threatens future costly legal battles if the government does not act to rectify the legislation. CAP calls on government to revisit bill C-92 immediately, and address the gaps left from the previous process.

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The Congress of Aboriginal Peoples is the national voice representing the interests of Métis, status and non-status Indians, and Southern Inuit Indigenous People living off-reserve. Today, over 70% of Indigenous people live off-reserve.