



Press Release

Still “The Forgotten People” Fourth Anniversary of the CAP-Daniels Decision

April 14, 2020 (Ottawa, ON) – On a day that should be marked with celebration, off-reserve and non-Status Indigenous peoples continue to express frustration at inaction by the Government of Canada. Today marks four years since the CAP-Daniels Supreme Court decision, which established that non-Status and Métis Indigenous peoples are “Indians” under the Constitution of Canada. This decision was a result of a 17-year legal battle, which began in 1999 launched by the Congress of Aboriginal Peoples (CAP) and Harry Daniels. Despite the victory, many rights-holding Indigenous peoples in Canada continue to wait to see their rights recognized by the Federal government.

This case was one of the final victories in the long life of Harry Daniels, who fought tirelessly for Indigenous rights. Beginning in 1999, the case did not reach trial until May of 2011 and did not conclude for another five years afterwards. In 2004, Harry Daniels passed away, not seeing the conclusion of the case which bears his name.

CAP, in conjunction with Harry Daniels and three additional plaintiffs fought the case to victory at the Federal Court level, and later the Supreme Court of Canada. On April 14, 2016, the Supreme Court issued a rare unanimous ruling, conclusively declaring that non-Status and Métis people were “Indians” under section 91(24) of the Canadian Constitution, and that as a result the Federal government owed those groups the same fiduciary duty as all other Indigenous peoples in Canada.

“In the four years since CAP-Daniels, the Government of Canada has made little progress to include off-reserve, non-Status and Métis peoples in programs and services,” said CAP National Chief Robert Bertrand. “Our communities continue to face discrimination, in recognition of their rights. Sadly, we are still the forgotten people”

CAP continues to pursue recognition of the rights, interests, and needs of off-reserve Indigenous peoples through advocacy at all levels of government.

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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 80% of Indigenous people live off reserve.