

Supreme Court declares Indigenous child welfare law constitutional^[1]

Indigenous groups laud decision dismissing Quebec's challenge to the legislation

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Excerpts

The Supreme Court of Canada has unanimously upheld the Trudeau government's Indigenous child welfare law, dismissing Quebec's appeal in a landmark opinion affirming Indigenous Peoples' jurisdiction over child and family services.

The high court sided with the Canadian government in a decision rendered Friday morning, reversing a Quebec Court of Appeal decision to declare the law partly unconstitutional.

"The act as a whole is constitutionally valid," the court concluded.

"Developed in co-operation with Indigenous Peoples, the act represents a significant step forward on the path to reconciliation."

Bill C-92, An Act Respecting First Nations, Métis and Inuit Children Youth and Families, became law in 2019. It affirms Indigenous nations have jurisdiction over child and family services and outlines national minimum standards of care.

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The court also found the law forms part of Parliament's implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Quebec First Nations leaders praised the decision as historic, monumental and a major step in the right direction.

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The Assembly of First Nations national chief applauded the ruling, and the president of the Métis National Council (MNC) echoed the sentiment.

"It has the ability to remedy past harms of colonization. It has the ability to remedy current harms of colonization," said Cassidy Caron.

Caron joined national Inuit leader Natan Obed, president of Inuit Tapiriit Kanatami, and the federal Indigenous affairs ministers on Parliament Hill to laud the ruling.

Obed said the delay caused by the court challenge created years of confusion, uncertainty and concern.

"We still live in a country where our rights are contested, especially by jurisdictions who would imagine that their control is always superior to the rights of Indigenous people," he said.

Indigenous laws take precedence

An ecstatic David Chartrand, president of the Manitoba Métis Federation, which is not part of the MNC, said the court sent a strong message that federal and provincial governments should consider broader recognition of Indigenous autonomy.

"That discussion has to happen," he said in a phone interview.

"It's going to take us some time to get there, but we're at least heading there now."

While the decision is limited to self-government in child and family services, it may set the stage for Ottawa to recognize self-government rights through legislation in other areas.

Indigenous Services Minister Patty Hajdu suggested other jurisdictions should heed the court's call.

"This is a clarion call for all provinces and territories to be partners in this reconciliation. It is now the law, actually, that that work has to continue," she told reporters.

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