

PRESS RELEASE FOR IMMEDIATE RELEASE

Loi de la protection sociale atikamekw d'Opitciwan (Atikamekw of Opitciwan Social Protection Act): The Court of Québec confirms the jurisdiction of First Nations over child welfare regardless of place of residence

Wendake, September 29, 2022 – Representatives of the Conseil des Atikamekw d'Opitciwan, the Assembly of First Nations Quebec-Labrador (AFNQL) and the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) gathered this morning, along with a few guests, to highlight the decision of the Youth Division of the Court of Québec, which was rendered on September 23, 2022, confirming the jurisdiction of First Nations over youth welfare regardless of place of residence.

An Act respecting First Nations, Inuit and Métis children, youth and families, federal legislation which came into force in January 2020, recognizes the jurisdiction of First Nations, Inuit and Métis to develop their own laws in matters of child and family services. This recognition, which is a first in Quebec, has allowed the community of Opitciwan to be fully autonomous in terms of child welfare thanks to the *Loi de la protection sociale atikamekw d'Opitciwan* (Atikamekw of Opitciwan Social Protection Act), which came into force on January 17, 2022.

Despite the challenge regarding the constitutionality of the federal legislation by the Quebec government before the Supreme Court of Canada, the Court of Québec's decision reminds the provincial and federal governments that First Nations are in the best position to exercise their rights and responsibilities towards their children and families throughout the territory.

Context

A case was argued before the Youth Division of the Court of Québec involving an Atikamekw child from Opitciwan living outside the community. The Direction de la protection de la jeunesse argued that it had jurisdiction over this child and that the Court of Québec could issue an order.

The community of Opitciwan argued that this falls within its jurisdiction. After several months of deliberation, the Court of Québec recently rendered a detailed decision in which it recognizes that it does not have the jurisdiction to intervene regarding an Atikamekw child from Opitciwan living outside the community, and that this jurisdiction belongs exclusively to the community of Opitciwan.

"This is a great victory for the community of Opitciwan and all other communities, and one more step towards the self-determination of our peoples in matters of child welfare. September 23, 2022, marks a historic moment," stated Jean-Claude Mequish, Chief of the community of Opitciwan.

"This decision of the Youth Division of the Court of Québec is directly in line with the one that was rendered by the Court of Appeal of Quebec on February 10, 2022. It is a good decision that reflects the principles and objectives of Bill C-92 as well as our inherent right to self-government. This is what we will continue to firmly defend before the Supreme Court of Canada next December," affirmed Ghislain Picard, Chief of the AFNQL.

"On the eve of the National Day for Truth and Reconciliation, we are encouraged by this decision, which supports our generic inherent right to self-determination, recognizes the expertise of our communities and our capacity to take care of our children and our families," said Derek Montour, President of the FNQLHSSC Board of Directors.

To date, nine notices of intent (representing fifteen First Nations communities) have been sent to the federal and provincial governments to exercise legislative jurisdiction over child and family services, as well as four requests (for 22 First Nations communities) with a view to concluding coordination agreements concerning the exercise of this jurisdiction. We are confident that this decision will be a lever for the self-determination of First Nations. Other communities will certainly soon be following in Opitciwan's footsteps.

About the Conseil des Atikamekw d'Opitciwan

The Atikamekw community of Opitciwan is located northwest of Lac-Saint-Jean, about 250 km from Saint-Félicien. It has around 3,000 residents, 50% of whom are under the age of 24. The Conseil des Atikamekw d'Opitciwan makes every effort to affirm the Atikamekw identity, values, language, culture and autonomy. It is in this spirit that it decided to obtain its full autonomy in matters of child welfare.

About the AFNQL

The Assembly of First Nations Quebec-Labrador is a political organization that unites 43 First Nations Chiefs in Quebec and Labrador.

About the FNQLHSSC

The First Nations of Quebec and Labrador Health and Social Services Commission is a non-profit organization that supports First Nations in Quebec in achieving their objectives in terms of health, wellness, culture and self-determination.

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