



Framework to Launch a Just and Inclusive Métis Justice Strategy Process

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Acknowledgements

Sincere thanks to all those who have been tirelessly working to assert the rights of Métis and all Indigenous people in this province and elsewhere. This work can at times feel lonely and hard. Collectively, however, these efforts create a powerful chorus of voices that is increasingly being heard. Our gratitude is immense.

Executive Summary

It is widely recognized that there are systemic inequities within the justice system, disproportionately disadvantaging Indigenous people throughout Canada - including in British Columbia. While there have been specific legal battles fought and won, including but not limited to well-publicized class action law suits, inequities persist.

The Province of BC has acknowledged that more needs to be done to actively address this, particularly since its publicly stated commitment to upholding the rights of Indigenous people with the signing of the Declaration on the Rights of Indigenous Peoples (DRIPA) in 2019. One step taken in this direction was the launch of a BC First Nations Justice Strategy (BCFNJS) in February 2020. This Strategy is good news for the BC First Nations Justice Council and the First Nations it represents. However, it leaves out of the conversation many Indigenous people living in this province, including: non-status First Nations people, off-reserve First Nations people, Inuit, and Métis. ***The focus of this report is on the justice needs of the approximately 90,000 Métis people living in BC, and a proposed path forward including concrete steps that can be taken by the provincial government as well as Métis organizations and communities.***

The BC Métis Federation (BCMF) begins by outlining the unique justice needs of Métis people in this province – including the barriers to launching a provincial Métis Justice Strategy at present. Understanding this context, the report then engages directly with the recommendations laid out in the BCFNJS, and identifies specific points of connection with Métis justice needs, and how they might be addressed by taking the BCFNJS as a starting place.

Importantly, however, the report then also identifies significant points of departure from the BCFNJS. Whereas the focus of the existing First Nations strategy is on the criminal justice system, BCMF has identified additional areas that must be addressed by a Provincial Métis Justice Strategy. In order for the complexities of Métis experience to be effectively addressed, a justice strategy must include attention to not only 1) criminal justice, but also 2) constitutional justice and Indigenous law, 3) children and families, and 4) land-based and traditional practice. The framework offered herein encompasses all four of these areas to ensure a Provincial Métis Justice Strategy does not focus all attention on the symptoms of systemic injustices (ie. high rates of Indigenous representation within the justice system and low representation of Indigenous representation among positions of authority in the justice system).

Implementing these steps will ensure that a Provincial Métis Justice Strategy will be just and inclusive – and in turn, reflective of the province’s stated commitment to genuine reconciliation.

The framework then outlines concrete steps that will set the stage to launch a meaningful partnership with the Province of BC. ***Recommendations include actions on the part of the Province of British Columbia as well as organizations that represent Métis people in BC.*** Implementing these steps will ensure that a Provincial Métis Justice Strategy will be just and inclusive – and in turn, reflective of the province’s stated commitment to genuine reconciliation. Given the province has already engaged in such a partnership with the First Nations Justice Council, ***the time to act on behalf of diverse Métis people and communities in this province is now. This report sets the foundation for the process.***

Introduction and Background

In February 2020 the BC First Nations Justice Strategy (BCFNJS) was launched – signed by both the Province of British Columbia and the BC First Nations Justice Council. This substantial milestone took several years and significant commitments of financial and human resources to be realized. The success of this Justice Strategy is most certainly in part due to the collaborative approach taken to developing it.

There is not yet a mechanism for meaningfully including diverse Métis people in the process of implementing the actions outlined in this or a parallel strategy.

Among other things, the BCFNJS is an acknowledgement of well-documented systemic inequities that continue to work against Indigenous people living in British Columbia, and a commitment of the Province of BC and First Nations to work together towards a shared vision of equity and justice for all (BC First Nations Justice Council, 2020). 25 specific strategies and related lines of action are set out in this document, many of which claim to benefit all

Indigenous people living in BC, including but not limited to First Nations. However, there is not yet a mechanism for meaningfully including diverse Métis people in the process of implementing the actions outlined in this or a parallel strategy. The province of BC has signed an MOU with one member-serving Métis organization in the province (see MNBC, 2020), but this only represents a fraction of Métis people living in the province. Additionally, there are unique justice needs of Métis people in BC that need to be strategically addressed (these will be outlined later in this document).

The BC Métis Federation (BCMF) recognizes that the development of a justice strategy requires collaboration over a period of time. Thus, the current document outlines a framework for embarking on such a process. This framework has been developed by BCMF in order to outline:

- the unique justice needs of Métis people in BC, including barriers to developing a justice strategy at present;
- points of connection with the BCFNJS;
- points of departure from the BCFNJS;
- steps to initiate a BC Métis Justice Strategy process; and
- BCMF aspirations for an inclusive and just justice strategy.

Métis people who live in BC are impacted by structural inequities in many aspects of their lives. Advocating for change requires time as well as financial and human resources that are often inaccessible to people and grassroots organizations. ***This framework can serve as a foundational document for the development of a Provincial Métis Justice Strategy. It can also be used to advocate for much-needed policy and legislative changes that span government departments and serve towards the pursuit of justice in more general terms.*** In order to serve as a foundational document in this way, the report is detailed and heavily-cited in places. The specific recommendations, however, are listed clearly and concisely, making evident the steps that can be taken to move the bar for Métis people living in BC.

Justice Needs of Métis People in BC

The 1996 Report of the Royal Commission on Aboriginal Peoples states that “Many Canadians have mixed Aboriginal/non-Aboriginal ancestry, but that does not make them Métis or even Aboriginal. Some of them identify themselves as First Nations persons or Inuit, some as Métis and some as non-Aboriginal. What distinguishes Métis people from everyone else is that they associate themselves with a culture that is distinctly Métis” (Johnson, 2019). On April 14, 2016, the Supreme Court of Canada ruled in what is known as “the Daniels decision” that the federal government, rather than provincial governments, holds the legal responsibility to legislate on issues related to Métis and Non-Status Indians (The Canadian Encyclopedia, 2020). Despite these rulings, many Métis people in BC report additional challenges owing to the fact that racial biases and discrimination also come to them on the basis of their being “mixed race” (Cohen, 2014). A recent provincial report identifies systemic racism in the healthcare system in BC, for instance, and recognizes that this is not experienced in the same way by all Indigenous people. Thus, widespread meaningful engagement of diverse Indigenous groups and communities is necessary for meaningful, structural change (Turpel-Lafond, 2020).

Métis people in BC experience additional/unique justice challenges related to a lack of and inconsistent recognition of their identity.

According to a recent environmental scan and gap analysis (BCMF, 2020), of the 90,000 Métis people living in BC, 77% are not affiliated with any political organization: 17,000 are affiliated with MNBC, and 3,100 are affiliated with BCMF (this number has since grown to approximately 3,500). While most of the Métis-specific resources in BC require some form of identification as a Métis person, messaging about what this means is inconsistent. Some service providers require MNBC registration, some also provide the option of a self-declaration form. There was no indication during the gap analysis process, however, that BCMF affiliation is

acknowledged as evidence of Métis identity. This leaves the vast majority of Métis people who live in this province without a clear pathway to exercise their rights as Indigenous people, or access much-needed resources and supports that stem from the systemic oppression they face.

In a recent report by the Métis Nation BC (MNBC, 2020), an analysis was put forward outlining the ways Métis have been and continue to be marginalized in reconciliation efforts in BC. By being underfunded, by being excluded from meaningful collaboration, and by being pitted against First Nations through pan-Indigenous funding models, Métis are grossly under-resourced in this province (MNBC, 2020). Importantly, many Métis people who live in BC are settlers (that is, not Indigenous to this territory) and the injustices they face may differ from local First Nations as a result (Mussell, 2020). This does not change the fact that as Indigenous people they are confronted with various systemic injustices in this province that come to bear on diverse Indigenous people due to racism and discrimination. Thus, a provincial Métis Justice Strategy is vital.

In reference to Justice in particular, MNBC (2020) states: “The BC First Nations Justice Council released the First Nations Justice Strategy in 2020. This strategy was initialized by a Memorandum of Understanding (MOU) with the BC Government signed in 2017. This MOU was originally signed between the Government and what was initially called the BC Aboriginal Justice Council. It is difficult to state that this original MOU was intended to include the Métis of BC, as there was no Métis representation at the signing of the MOU, or Métis representative appointed to the Council. However, with the council recently being renamed the First Nations Justice Council, it became clear this was another First Nations centric program” (p. 15). MNBC continues by outlining that the provincial government has since signed an MOU with MNBC for the development of a Métis Justice Strategy, but with a significantly less financial resourcing to implement the strategy (MNBC, 2020).

The challenges identified by MNBC (2020) in its report are exacerbated by the fact that the provincial Métis Relationships Accord has only two signatories: The Province of British Columbia and Métis Nation BC (MNBC), which represents only approximately 19% of Métis people living in BC (British Columbia/Métis Nation BC,

2016). It is difficult for the remaining Métis people in British Columbia to find a legitimized entry-point into conversations about reconciliation or justice. In other words, Métis people in BC experience additional/unique justice challenges related to a lack of and inconsistent recognition of their identity. In the fall of 2020, the President of the BC Métis Federation wrote in a letter to all parties seeking re-election in the provincial election (Henry, 2020) that: “The thorny colonial issue facing all British Columbians is that reconciliation will never flow from a dominant narrative that denies or limits the voices of Métis. BC Métis Federation, among other Métis groups, have the inherent right to represent their members and support partner communities as an expression of self-determination. Indeed, all 90,000 Métis people in British Columbia have the right to choose their own representation.”

It is also crucial that the province takes care not to position various Indigenous groups, communities, and Nations in competition with one another for (seemingly) scarce resources.

The letter continues by stating that “the presentation of many ways of being Métis in British Columbia requires a new historical narrative of partnership that requires these communities to build the knowledge capacity to defend their uniqueness and renew their historical relationship to the Crown, First Nations, and other self-determined Métis communities” (Henry, 2020, see also BCMF, 2020b). Thus, while the BC First Nation Justice Strategy states that “there are separate processes going forward between Métis and BC regarding the justice system” (p. 14), it is vital to develop mechanisms for more equitable approaches to engagement of *all* Métis people in BC in the process prior to embarking on a provincial Métis justice strategy – not only the 17,000 who are members of MNBC. ***It is also crucial that the province takes care not to position various Indigenous groups, communities, and Nations in competition with one another for (seemingly) scarce resources.***

In recognition of the unique justice needs of Métis people in BC, Legal Aid BC and the BCMF signed an MOU in November 2020. Through this agreement, the two organizations will pool their efforts towards “raising the awareness of Indigenous Justice issues, and improving service to the Métis peoples of BC” – among other aims (LABC & BCMF, 2020). The BCMFJS provides a good starting place for beginning this process, with its statement that there are “potential areas of linkage or co-ordinated action between the distinct processes” (BC First Nations Justice Council, 2020, p. 14). It is to these places of potential co-ordinated action that this report now turns.

Points of Connection with BCFNJS

The Memorandum of Understanding (MOU) between the Province of BC and the BC Aboriginal Justice Council (subsequently renamed the BC First Nations Justice Council) that formed the basis for the collaboratively developed BCFNJS identifies important justice priorities that impact all Indigenous people in BC, while recognizing that not all Indigenous people are impacted in the same ways (BC First Nations Justice Council, 2020). The report affirms that “there are shared, as well as some distinct, realities faced by other Indigenous peoples in BC, in particular the Métis” (p. 14). Bearing these distinctions in mind, “The MOU identified the following priority topics to be addressed through a First Nations Justice Strategy (the Strategy):

- Reconciliation with Indigenous peoples;
- Decreasing the overrepresentation of Indigenous peoples in the justice system;
- Improving the experience of Indigenous peoples within the justice system;
- Addressing violence against Indigenous peoples – especially women and girls;
- Engagement with Indigenous communities and organizations in a respectful and culturally appropriate manner;
- Improved access to justice and justice services for Indigenous peoples;
- Designing services that provide Indigenous peoples with culturally relevant, flexible, and user-focused processes” (BC First Nations Justice Council, 2020, p. 7).

Developing a BCFNJS is a valuable step in beginning to address these priorities, but it does not complete the job. Throughout the BCFNJS document, there are many instances in which the needs of Indigenous people are identified in general terms. These are places where Métis perspectives are vital, and where a Métis Justice Strategy process (that is inclusive of all Métis people and organizations in the province) could align well with the lines of action already set out in the BCFNJS that are explicitly stated to benefit all Indigenous people in BC (but include no mechanisms for their input).

A Métis Justice Strategy process that is inclusive of all Métis people and organizations in the province could align well with the lines of action already set out in the BCFNJS that are explicitly stated to benefit all Indigenous people in BC.

Thus, ***what follows is a comprehensive list of the specific instances in the BC First Nations Justice Strategy where it behooves the provincial government to ensure it is developing a parallel strategy to ensure all Métis people in the province (not only those affiliated with a single organization) are provided the opportunity to be meaningfully engaged in a justice strategy process*** to meet the commitments explicitly set out in the MOU. The headings used to organize this section correspond to those by which the BCFNJS is organized, for ease of reference.

To be clear, it is not the responsibility of the BC First Nations Justice Council, or First Nations at all, to address this gap. Rather, these recommendations are directed to the Province of British Columbia. The headings and page numbers below correspond directly to those of the BC First Nations Justice Strategy:

FOUR PILLARS

While the metaphor of ‘pillars’ is not recommended for use in a Métis Justice strategy (due to its European and even colonial implications), the heading is used here for ease of reference with the BCFNJS. It is recommended that a new metaphor be adopted for a Métis strategy.

Pillar 1 - Core values

- BCMF recommends a parallel process to support the advancement of Métis “self-determination” of justice systems and institutions (p. 5).
- BCMF respects the rights and title of First Nations, and their laws. Self-determination of Métis people is in no way in opposition to the inherent rights and legal traditions of First Nations.

Pillar 2 – Structures and Processes

- BCMF recommends diverse representation of Métis voices informing the Indigenous Justice Secretariat, particularly given “cultural awareness” is a “vital aspect of reform” (p. 5).
- BCMF recommends “investments, supports, and actions need to be put into place” to also assist Métis people, organizations, and communities in “the re-building of their structures and processes around criminal justice” (p. 5), as well as structures and processes around 1) constitutional justice and Indigenous law, 2) child and family services, and 3) land-based and traditional practices.
- BCMF recommends all Métis people, organizations, and communities also be provided the opportunity to take “a significant role in the Lines of Action shaping legal services to Indigenous people, the comprehensive implementation of Gladue and to support oversight and accountability for Indigenous justice processes” (p. 5).

Pillar 3 – Roles, Responsibilities, and Capacities

- BCMF recommends that Métis people, organizations, and communities also “have the supports in place” to grow capacity and transform the relationship between Métis people and the justice system (p. 5).
- Opportunities to work with First Nations and other Indigenous groups, communities, and Nations are welcome by BCMF.

Pillar 4 – Laws and Policies

- BCMF recommends the justice system “create space to structure proper relations between the existing criminal justice system” and emerging Métis “justice systems and processes” to enable tangible shifts (p. 6).
- Opportunities to work with First Nations and other Indigenous groups, communities, and Nations are welcome by BCMF.

BACKGROUND

With references to the *United Nations Declarations on the Rights of Indigenous People* (UNDRIP), as well as BC’s *Declaration on the Rights of Indigenous People’s Act* (DRIPA) and s.2, s.25, and s. 35 charter rights, BCMF recommends the Province of BC also commit to a process of “true partnership and working together” with all Métis people, organizations, and communities in BC, so that “the knowledge, lived experience, and solutions” of Métis people can also help to lead the way (p. 8). Formally folding these Declarations into existing legislation (such as the Child, Family, and Community Services Act) would be invaluable to ensuring they have

genuine impact throughout Ministries. (See also the recommendations of the *In Plain Sight* full report [Turpel-Lafond, 2020] for examples of how system-wide transformation can take place in a way that includes diverse Indigenous voices).

BCMF recommends the signing of an “MOU committed to make best efforts to develop the Strategy within two years” and a commitment for a Justice Strategy to be “properly co-developed” (p. 8). The signatories of this MOU should meaningfully represent diverse Métis people, organizations, and communities in BC. It is not sufficient to have an MOU with only one member-serving Métis organization in the province.

BCMF recommends embarking on a collaborative process of knowledge sharing, engagement, drafting, and testing of the proposed strategy with representation of all 90,000 Métis people throughout the province (p. 10). As can be observed in Schedules A, B, and C of the BCFNJS, many sources drawn on to produce the existing First Nations Strategy report on realities of all Indigenous people in BC, including Métis people, and can provide a valuable conceptual basis for a Métis strategy as well.

The BCFNJS states that “the Strategy sets out to be comprehensive and to touch on all major lines of action necessary to transform the relationship between Indigenous peoples and the justice system and implement the UN Declaration in relation to the justice sector” (p. 14). BCMF recommends a comprehensive Métis justice strategy as a companion to the BCFNJS in order to better deliver on the scope of this commitment, and to ensure that all Métis people, organizations, and communities in BC are meaningfully included in its development.

FOUNDATIONS

The BCFNJS acknowledges the overall goal of advancing First Nations justice systems, acknowledging the diversity of First Nations and relate justice systems, and acknowledging this transformation will take time and structural support (p. 15). BCMF recommends that a Métis justice strategy similarly works towards the goal of advancing Métis justice systems; acknowledging the diversity among Métis people, organizations, and communities in BC; and acknowledging this transition will take time and structural support.

Indigenous people in BC are diverse, as are their lives, cultures, and experiences of the justice system. Métis people are also diverse, and diverse representation of their interests should be integral to this process.

The two-track approach to justice reform is justified in the BCFNJS on the basis of UNDRIP, which seeks to uphold the “fundamental rights regarding self-determination and self-government” of all Indigenous people (p. 17). In particular, the BCFNJS points to Articles 3, 4, 5, 7, 8, and 34. BCMF recommends the provincial government’s two-track approach to justice reform (by closing the gap and recognizing rights) also be

meaningfully taken with all Métis people, organizations, and communities in BC, in accordance with the above listed Articles. As noted on pages 21 to 23 of the BC First Nations Justice Strategy with reference to 2016 statistics, Indigenous people in BC are diverse, as are their lives, cultures, and experiences of the justice system. Métis people are also diverse, and diverse representation of their interests should be integral to this process.

STRATEGIES

STRATEGY ONE

BCMF recommends that the provincial government develop a parallel “presumption of diversion workplan”, reflecting a commitment to engage diverse Métis people, organizations, and communities in its development and implementation, and ensure “all actors in the justice system” - and most particularly judges - are educated about Métis people’s unique justice needs (p. 27). Federal Bill C-92 reinforces the importance of community insofar as child welfare, in particular, is concerned.

STRATEGY TWO

BCMF recommends that the provincial government similarly recognizes the inherent rights of Métis people to “self-determination of justice systems and institutions” (p. 27), as the evidence in schedules A, B, and C of the BCFNJS are not entirely First Nations specific. All lines of action in this strategy can similarly inform a Métis Justice Strategy. It is vital that this not occur in isolation of First Nation justice systems, but in the greater context of Indigenous legal rights and traditions.

STRATEGY THREE

This strategy includes concrete lines of action that will increase justice services for First Nations people with the intention of improving their experiences and also addressing over-representation in the justice system. These include such things as: providing resources to ensure First Nation participation in implementing the Justice Strategy, the “development and implementation of 15 Indigenous Justice Centers,” Legal Aid services that are specific to First Nations people, supporting First Nations to increase their justice capacity, and developing a First Nations complaints process (p. 30-31). BCMF recommends that all of these actions be implemented either in a way that meaningfully includes diverse Métis representation at the outset, or that the province develop a parallel structure for providing the same resources, infrastructure, and opportunities for Métis people in BC.

STRATEGY FOUR

This strategy speaks specifically to the expansion and investment in a “comprehensive network of Indigenous Justice Centers” (p. 31). Given these justice centers intend to serve Indigenous people in BC, BCMF recommends meaningfully including diverse Métis (and other Indigenous) people, organizations, and communities not only as recipients of services through these centers, but also in the development of them – including “evaluation and assessment” (p. 32).

STRATEGY FIVE

This strategy speaks to “First Nations control” over “legal aid services for Indigenous people in BC” (p. 32). BCMF recommends the province meaningfully include diverse Métis (and other Indigenous) participation in such a structural change, and ensure resources that are used to reform legal aid in BC are equitably distributed.

STRATEGY SIX

The BC First Nations Justice Strategy speaks to “a dedicated First Nations controlled Gladue implementation agency” (p. 33). BCMF recommends the province meaningfully include diverse Métis (and other Indigenous) participation in such a structural change, and ensure resources that are used to provide Gladue services are equitably distributed. Métis and other Indigenous people should be included in the design, coordination, control, responsibility, capacity-building, development of education programs, and reporting processes as described in the lines of action for this strategy.

STRATEGY SEVEN

BCMF recommends diverse Métis people, organizations, and communities be consulted to inform any legislative and policy changes that are being implemented “regarding Indigenous peoples and the justice system” (p. 34).

STRATEGY EIGHT

BCMF recommends diverse Métis people, organizations, and communities be included in reviewing “legislation to align laws with the UN Declaration as required by DRIPA” and ensure space for the recognition and operation of Métis justice systems and institutions (p. 35).

STRATEGY NINE

BCMF recommends engaging Métis in the process of establishing “a cross-ministry Indigenous Justice Secretariat,” including future hiring processes.

STRATEGY TEN

This strategy states that “BCFNJC and BC will develop a First Nations Youth Justice Prevention and Action Plan within 12 months” (p. 38). As noted on pages 21-23 of the BCFNJS, all Indigenous people are over-represented in the criminal justice system in BC. Thus, BCMF recommends that the province either includes diverse Métis participation in the development of the Indigenous Youth Justice Prevention and Action Plan, or develops a parallel Métis Justice Prevention and Action Plan.

STRATEGY ELEVEN

BCFNJS and BC will develop a justice plan that includes “consideration of the MMIWG Inquiry Final Report and Calls for Justice” (p. 38). BCMF recommends that BCMF and other Métis organizations and communities are relevant partners in both lines of action dedicated to improving justice supports for Indigenous women.

STRATEGY TWELVE

BCMF recommends developing a parallel strategy that would engage diverse Métis people, organizations, and communities, and recognize existing and potential future Métis laws (p. 38).

STRATEGY THIRTEEN

BCMF recommends establishing clear and robust systems that would also enable Métis organizations “know where their members are being held in the corrections systems, so that they can support and contact them” (p. 39).

STRATEGY FOURTEEN

This strategy affirms “the central importance of cultural norms, practices, and programming within corrections, both as part of rehabilitation and healing, and as part of reducing rates of recidivism.” It states that “such programming is also critical to the appropriate reconnection and reintegration with families and communities after sentences have been served” (p. 40). Thus, BCMF recommends the “expansion of cultural programming throughout BC Corrections” that are relevant to Métis people and the development of a network of Métis “corrections alternatives” (p. 40). This may take the form of meaningfully including diverse Métis people, organizations, and communities in the development of programming and alternatives that are underway, or developing a parallel Métis system.

STRATEGY FIFTEEN

BCMF recommends equivalent “community-based justice programming” and related resources for Métis communities. As stated in the BCFNJS, “The full implementation of Gladue requires that community-based supports and alternatives be in place” (p. 41).

STRATEGY SIXTEEN

BCMF recommends tracking the impacts of a Métis Justice Strategy, as well as the impacts for Métis people of items in the BCFNJS that are stated to benefit all Indigenous people (p. 42).

This may take the form of meaningfully including diverse Métis people, organizations, and communities in the development of programming and alternatives that are underway, or developing a parallel Métis system.

STRATEGY SEVENTEEN

As per the Daniels’ decision (The Canadian Encyclopedia, 2020), BCMF recognizes Canada has a role to play in meeting the justice needs of Métis people in BC. Thus, BCMF recommends the province also “engage and incorporate Canada” (p. 43) in an agreement that includes Canada, BC, and diverse Métis people, organizations, and communities in the province.

STRATEGY EIGHTEEN

BCMF recommends lines of action to reach the BCFNJS’s “target of 6% Indigenous people with BCPS and Crown Counsel” (p. 44) to also specifically work with Métis people, organizations, and communities.

STRATEGY NINETEEN

BCMF recommends establishing lines of action to increase “relations between Crown Council offices across the province” (p. 45) and all Métis member-serving organizations.

STRATEGY TWENTY

Recognizing the importance of cultural competency and the diversity of Indigenous cultures, BCMF recommends that in partnership with all Métis member-serving organizations, the province develop “standards of cultural competency, and a training program regarding” Métis people and the justice system, to be used by all who interact with Métis people “in the justice system including police, BCPS, and Crown Counsel, courts, and corrections” (p. 45).

STRATEGY TWENTY-ONE

BCMF recommends that the systematic establishment of “roles for Elders and Knowledge Keepers across BC to help ensure cultural competency and appropriateness” (p. 47) should be inclusive of Métis Elders.

STRATEGY TWENTY-TWO

BCMF recommends that diverse Métis people, organizations, and communities should inform protocols that are established with RCMP (p. 48).

STRATEGY TWENTY-THREE

BCMF recommends that efforts to increase representation of Indigenous people in positions of authority within the justice system include a mechanism for meaningfully including Métis people in the process (p. 51).

STRATEGY TWENTY-FOUR

Similarly, if resources are dedicated to “increase the numbers of First Nations justice workers to lead justice related work within First Nations” (p. 51), BCMF recommends that the province dedicate resources to build capacity among all Métis communities and member-serving Métis organizations as well.

STRATEGY TWENTY-FIVE

BCMF recommends that new policies related to Indigenous Peoples (p. 52) meaningfully include diverse representation of Indigenous peoples in BC, including all member-serving Métis organizations.

Points of Departure from BCFNJS

The points of connection outlined in the previous section provide a strong starting place for a forthcoming BC Métis Justice Strategy that is inclusive of diverse Métis people, organizations, and communities in the province. However, there are also important differences between what is outlined in the BC First Nations Justice Strategy and what would ultimately serve Métis justice needs in BC, as described at the top of this report. What follows is an analysis of points of departure that are important to also consider when embarking on the development of a Provincial Métis Justice Strategy.

VISION

The BCFNJS (BC First Nations Justice Council, 2020) states its vision as:

“Transforming the relationship of First Nations with the *criminal justice system* through Nation to Nation partnerships, with a goal of advancing First Nations’ self-determination and self-governance through the application of First Nation laws, traditions, and jurisdictions, making changes to the existing system and its administration, and building capacity for Nations to increase holistic wellness, safety and security for their communities” (p. 15, emphasis added).

BCMF recommends developing a Métis Justice Strategy that is not limited to the criminal justice system. In order to a) address the unique justice needs of Métis people as outlined above, and b) effectively serve a proactive and preventative function when it comes to criminal justice, BCMF suggests a vision that also includes equal attention to: self-determination; children and families; and land and traditional practices.

A proposed vision for a Métis Justice Strategy put forward by BCMF is as follows:

“Transforming the relationship of Métis people with the provincial justice system through equitable partnerships, with a goal of advancing Métis self-determination and self-governance; making changes to the existing system and its administration; and building capacity for all Métis people in order to increase holistic wellness, safety, and security now and for future generations.”

In addition to expanding beyond a focus on criminal justice alone, this vision statement acknowledges that just as there is not only one First Nation to whom the province of BC is accountable, there is also not only one Métis organization to whom the province is accountable. As stated by Henry (2020), “there is a misguided Métis policy within the Provincial Government that only the Métis National Council and their affiliates, such as the Métis Nation BC, can be recognized. That somehow our Métis identity flows from these organizations.”

A meaningful - indeed, a just – provincial Métis Justice Strategy must be inclusive of “all 90,000 Métis within their own localities, with their diverse voices and histories, nuanced kinship networks among themselves and with First Nations [who] live out a colonial reality every single day of exclusion, erasure, subjugation and discrimination” (Henry, 2020). Thus, the MOU that the provincial government has established in partnership with MNBC is not, at present, adequate to realize this vision and it violates Métis people’s constitutionally protected right of freedom of association.

CONSTITUTIONAL JUSTICE AND INDIGENOUS LAW

Section 35 of the Canadian Constitution Act (Federal Government of Canada, 1982) states that “aboriginal peoples of Canada’ includes the Indian, Inuit and Métis peoples of Canada” (p. 10). On November 26, 2019,

the Declaration on the Rights of Indigenous Peoples Act (DRIPA, Bill 41) came into effect in British Columbia, which states that “‘Indigenous peoples’ has the same meaning as aboriginal peoples in section 35 of the Constitution Act, 1982” and that “‘Indigenous governing body’ means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982” (Province of BC, 2019, p. 1).

In addition to expanding beyond a focus on criminal justice alone, this vision statement acknowledges that just as there is not only one First Nation to whom the province of BC is accountable, there is also not only one Métis organization to whom the province is accountable.

DRIPA, with reference to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), asserts that all Indigenous people have the right to self-determination, and this has many implications (United Nations, 2007). As stated in DRIPA (2019):

- **Article 3:** “Indigenous peoples have the right to self-determination. By virtue of that right they
 - » freely determine their political status and freely pursue their economic, social and
 - » cultural development” (p. 7);
- **Article 4:** “Indigenous peoples, in exercising their right to self-determination, have the right to
 - » autonomy or self-government in matters relating to their internal and local affairs” (p. 7);
- **Article 5:** “Indigenous peoples have the right to maintain and strengthen their distinct political,
 - » legal, economic, social and cultural institutions”
- **Article 8 (a):** “States shall provide effective mechanisms for prevention of, and redress for ... Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities” (p. 8);
- **Article 8 (c):** “States shall provide effective mechanisms for prevention of, and redress for ... any form of forced assimilation or integration” (p. 8).

In terms of self-determination with regards to chosen affiliation, DRIPA and UNDRIP (United Nations, 2007) clearly state that Indigenous people have the right to choose their own representation, and that States are obliged to work with those bodies chosen by Indigenous people themselves to represent them:

- **Article 9:** “Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right” (p. 6).
- **Article 18:** “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions” (p. 8, emphasis added).
- **Article 19:** “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them” (p. 8).

One of the three explicitly stated purposes of DRIPA in BC is to “to support the affirmation of, and develop relationships with Indigenous governing bodies” (p. 2). At present, however, the Province of BC recognizes and

formally partners with only one Métis governing body in the province (representing only 19% of Métis people in BC), to the exclusion of the BC Métis Federation, which approximately 3,500 Métis people have identified as their chosen representative at the time of this writing. That said, BCMF is recognized by the federal government of Canada in a number of ways. The unwillingness of the province of BC to formally recognize diversity among Métis people in this province and to affirm and work towards developing a relationship with the BC Métis Federation – and by extension, its members – is in violation of the commitments stated in DRIPA, signed by the provincial government.

“Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right” Article 9, UNDRIP (United Nations, 2007, p. 6)

In a recent Terrestrial Study, the BC Métis Federation (2020b) put forward a definition of ‘community’ that is congruent with the ways Métis people have historically lived on this territory – and continue to. The report states that “our developing understanding of ‘self-determining Métis communities’ considers expansive, dynamic and mobile kinship networks that operated within and between political, economic and social and cultural boundaries and allowed for a flexible and adaptive community ‘identity’ that is as easily ‘hidden’ as it is ‘expressed’” (p. 8). It is important to add here that this definition in no way interferes with First Nation rights and title to land. As stated by Mussell (2020), “Many of our people have settled in British Columbia – some originally as refugees fleeing state violence.” Both DRIPA (Province of BC, 2019) and UNDRIP (United Nations, 2007) explicitly *welcome* “the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression

wherever they occur” (United Nations, 2007, p. 2). Sloan’s (2016) study states that while there remain “unresolved questions about who represents Métis people that might complicate negotiations and affect negotiation outcomes. At the same time, ... these potential difficulties should not absolve the province of its duty to negotiate in good faith” (p. 74).

Thus, a provincial Métis Justice Strategy in BC cannot be taken seriously as representing diverse Métis interests and upholding BC’s commitments as stated in DRIPA until the province provides redress for the exclusion of BCMF as a legitimate governing body of Indigenous people to date. Presuming that only one governing body can effectively represent diverse interests of Métis people in BC is a form of “forced assimilation or integration”, against which both DRIPA and UNDRIP aim to protect, as noted above.

CHILDREN AND FAMILIES

Long term outcomes for children in government ‘care’ have been devastating since the onset of the Sixties Scoop, and the removal of Indigenous children from families does harm to the entire family and cultural continuity (Blackstock et al, 2006, Truth and Reconciliation Commission, 2015). The Truth and Reconciliation Commission’s (2015b) Calls to Action explicitly call on all levels of government to “commit to reducing the number of Aboriginal children in care” and to prioritize culturally appropriate care (p. 1). Despite this, and despite federal apologies, we now find ourselves in the midst of what is being referred to as the Millennial Scoop (Vowel, 2016).

Child protection in BC falls within the mandate of the Ministry of Children and Family Development (MCFD), and is governed by the Child, Family, and Community Services Act (Bennett et al, 2009; Patten, 2009). The two most common reasons for children to be apprehended from families are an inability or unwillingness for parents to care for their children (47%) and neglect (25%) (Bennett et al, 2009). White and Hoskins (2011) note that for child protection workers, “deciding what belongs in the category of ‘child neglect’ is often one

of the most challenging tasks facing child welfare practitioners. This is due in part to the fact that it relies so heavily on making interpretations and value-laden judgments within highly ambiguous and contested contexts” (p. 175, emphasis added). Unfortunately, this leads to a situation in which individual workers (still largely non-Indigenous) who see poverty, poor or unstable housing conditions, and substance misuse often misinterpret these products of unjust conditions as ‘neglect’ (de Finney et al, 2011; Vowel, 2016).

Funding models are also still culturally biased away from Indigenous forms of governance, such as supporting the whole child, cultural continuity, and kinship care.

Funding models currently place more resources into the *removal of children* from their families than *supporting families* to overcome the challenges they are facing in providing for their children and raising their families in culturally-grounded ways. While legislation is changing, funding models are still culturally biased away from Indigenous forms of governance, such as supporting the whole child, cultural continuity, and kinship care (Blackstock et al, 2006). This, by extension, brings more Indigenous people (in this case, parents) unnecessarily into contact with the criminal justice system, leading to the challenges identified in the BCFNJS and with far-reaching intergenerational implications.

On June 21, 2019, federal Bill C-92 (An Act respecting First Nations, Inuit and Métis children, youth and families) received Royal Assent (First Nations Leadership Council, 2019). It has been described as a “first step required to bring needed reform to child and family services for First Nations, Inuit and

Métis communities”, but criticized for its lack of enforceability, lack of commitment to funding, and vagueness around the meaning of “best interests of the child” (Canadian Bar Association, 2019; Metallic, Friedland, & Morales, 2019). Despite the fact that the preface of this Bill clarifies that the best interests of an Indigenous child must be determined by the child’s culture and community, child protection practices often continue to center western worldviews that don’t take into account things such as culture, language, and relationships with land (Metallic, Friedland, & Morales, 2019). The legislation acknowledges Indigenous jurisdiction over child welfare, and the importance of prevention. Furthermore, there is funding available for beginning discussions with the federal government about how to implement this new Act, though allocation of capacity-building funding for Indigenous communities when it comes to child welfare continues to be inequitable and requires ongoing advocacy (MNBC, 2020).

Provincially, on April 1, 2019 the Child Family Community Services Act (CFCSA) was amended to include section 92.1. In November 2019, two sections of the *CFCSA* were amended to correct unintended limitations to the scope of agreements with Indigenous communities under section 92.1. The amended sections are: Section 92.1 (2)(a)(v) and Section 92.1 (2)(b). The first amendment allows an MCFD director to enter an agreement with an Indigenous community to plan for the needs of all Indigenous children who are in care, not only those who are the subject of a continuing custody order. The second amendment removes restrictions on who services can be provided to and enables the director to enter into service contracts for an Indigenous community to provide services more broadly than “preventative and support services”. ***It is important to note that these amendments allow but don’t require Indigenous jurisdiction over child welfare; they continue to leave ultimate discretion about the best interests of the child and other child protection decisions up to the discretion of the director involved – not the community.***

Additionally, section 8 of the CFCSA involves agreements between a child’s kin and an MCFD director (or a director of a Delegated Aboriginal Agency). Extended Family Program (EFP) Agreements are tri-partite agreements between the child’s parent/guardian, the extended family care provider, and the MCFD director. Recent changes to section 8 lead to more flexibility when it comes to care being provided for a child by an extended family member. In particular, EFP Agreements 1) are no longer time limited, but can last as long as is useful for the family, and 2) can provide care providers the opportunity to be compensated at a rate that is comparable to that of a foster parent. The Child Protection Committee of the British Columbia Law Institute (2020) is proposing further amendments to the CFCSA, to modernize the Act. An important limitation

of the current policy is the fact that MCFD retains the authority to determine which Aboriginal Agencies receive delegation. This precludes meaningful self-determination for Métis people, and actively excludes organizations (such as BCMF) from being recognized as legitimate child welfare agencies in the province.

In addition to new provincial and federal legislation, another mechanism that exists to protect against violations of Indigenous self-determination when it comes to matters of the family is a Custom Adoption, recognized in the provincial Adoption Act (Province of BC, 1996). According to the Saskatchewan First Nations Family and Community Institute Inc. (2013), “Since 1982, case law has established that Aboriginal rights such as the right to utilize customary adoption cannot be infringed or extinguished unless the Crown can meet the strict test described in this report to justify their acts” (p. 3). The test referred to here has two parts, as was set out in *R v. Sparrow* (1990): “First, the statute or governmental action in question must have a valid legislative objective or good legal reason. If a valid legislative objective is found, the second part of the test asks whether the honour of the Crown in its dealings with Aboriginal peoples has been upheld. The special trust relationship and the responsibility of the government towards Aboriginal peoples must be the first consideration in determining whether the legislation or action in question can be justified” (Saskatchewan First Nations Family and Community Institute Inc, 2013, p. 18).

Métis people, organizations, and communities continue to face barriers to operationalizing some of the service-based and jurisdictional possibilities to which these legislative developments point.

These various legislative tools are apparently intended to benefit First Nations, Métis, and Inuit people by keeping families, communities, and cultures intact. However, for some of the reasons outlined in this and the previous sections, Métis people, organizations, and communities continue to face barriers to operationalizing some of the service-based and jurisdictional possibilities to which these legislative developments point. For instance, the BC Métis Federation now has a Child Protection Department and in June 2019 amended its Child Protection Declaration Act. This Act outlines a number of factors related to the Best Interests of the Child, taking into account such things as “the physical, emotional, cultural, and spiritual safety of the

child” (p. 7); and “preservation of the child within his/her family and community” (p. 7).

However, at the time of writing, the Province of BC refuses to acknowledge BCMF as a legitimate representative body for its members, and there continue to be hurdles for BCMF to face in effectively exercising its jurisdiction over child and family justice matters. This is extremely problematic given the findings of Van der Preet (1996) which state, in part: “The fiduciary relationship of the Crown and aboriginal peoples also means that where there is any doubt or ambiguity with regards to what falls within the scope and definition of s. 35(1) [of the Constitution], such doubt or ambiguity must be resolved in favour of aboriginal peoples.” (paragraph 25). Furthermore, this case clarifies that aboriginal rights cannot and should not be interpreted as only rights enshrined in the Canadian Charter. Rather, “aboriginal rights must be viewed differently from Charter rights because they are rights held only by aboriginal members of Canadian society. They arise from the fact that aboriginal people are aboriginal” (paragraph 19). In other words, Aboriginal rights precede the Charter, and extend beyond the Charter. Thus, “When the purposes of the affirmation of aboriginal rights are considered, it is clear that a generous, liberal interpretation of the words in the constitutional provision is demanded” (paragraph 23).

LAND-BASED AND TRADITIONAL PRACTICES

Métis people have struggled to exercise their inherent rights to self-determination for centuries, particularly in relation to land-based and traditional practices, due to political pressures and identity politics that

continue (in varying forms) to this day. BCMF respectfully acknowledges First Nations who are Indigenous to territories that exist in now so-called British Columbia, and respects their protocols, laws, legal traditions, rights, and jurisdiction. Métis people in BC – many of whom have homelands elsewhere (Mussell, 2020) – find themselves in a complicated position when it comes to exercising land-based and traditional practices. “Métis communities were encouraged to assimilate into either ‘white’ or ‘Indian’ society. In order to avoid the force of laws that denied their communal existence or that punished them for expressing their Métis heritage, Métis communities across Canada, including those in British Columbia, went ‘underground’” (BCMF and Province of BC, 2018, p. 12).

R. v Desautel 2017 reinforced that Indigenous rights are not limited by either provincial or international borders, given that cultures and societies existed before Canada and the United States were created - and the government’s appeal to this decision (2019) was dismissed. Although it is evident and known that self-determined Métis communities have a place in the history of this region now known as British Columbia, Métis are rarely acknowledged in the official historical record (BCMF and Province of BC, 2018). Indeed, “Métis perspectives on intersections of territory and community are likewise not appreciated by Canadian courts” (Sloan, 2017, p. 125). This is problematic, as Métis communities now attempt to exercise their inherent rights in accordance with UNDRIP (United Nation, 2007) and DRIPA (Province of BC, 2019). UNDRIP (United Nations, 2007) asserts:

- **Article 11:** “Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites” (p. 6)
- **Article 20:** “Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress” (p. 9).
- **Article 25:** “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard” (p. 10).

In 2020 an extensive study was undertaken to document historic and ongoing relationships of Métis people with specific geographic areas in BC. “Given the historic and continual marginalization of Métis self-determining communities in BC wherein the knowledge has been hidden or the collective memory has been lost, the BCMF Terrestrial Study concentrated on investigating and establishing knowledge partnerships with communities, individuals and institutions” (BCMF, 2020b, p. 15). This study clearly shows that despite “racialized political systems, discriminatory social practices, exclusionary economic practices, and assimilationist cultural pressures” that have negatively impacted Métis people, there is clear evidence that Métis were key players in “the region’s early economic and political development” (p. 18).

Advancing the rights of Métis when it comes to land-based and traditional practices simply cannot occur to the exclusion of First Nations who have been here since time immemorial.

Elders consulted for the study spoke at length about the importance of particular hunting grounds, fishing sites, and other land uses that have been and continue to be vital to preserving Métis culture, kinship relations, and lifeways (BCMF, 2020b). Based on this historical context, constitutionally, the Crown has a legal duty to consult with Métis people, as Indigenous people with traditional ties to the land (Federal Government of Canada, 1982). “The duty to consult arises whenever a

project has the potential to infringe the asserted rights of the Métis” (BCMF, 2013, p. 2). The Federal government recognizes this duty to consult, while the province of BC does not (BCMF, 2013).

Sloan (2016) states that for too long, Métis have been “people on the margins: living on road allowances, and

alienated from both newcomer and Indigenous societies” (p. 48). This study notes that “the interpretation of Powley by the BC courts of final decision in Howse, Nunn, and Willison includes the expectation of BC-based ethnogenesis, BC-centred political cohesion, and BC-distinctive cultural practices, rather than seeing local Métis communities as expressions of Métis nationhood” (p. 50). While this interpretation is problematic, participants in Sloan’s study observe that “to create legal change for Métis people in BC, we can research our history, develop our laws and self-government, practise our rights, educate our youth, and establish good communication among ourselves and with our neighbours” (p. 74). It is vital for these pursuits to be advanced in collaboration with local First Nations and with great respect for their jurisdiction, legal practices, and rights. Advancing the rights of Métis when it comes to land-based and traditional practices simply cannot occur to the exclusion of First Nations who have been stewarding this land since time immemorial. The complex task of advancing diverse Indigenous rights is made all the more complex by contemporary colonial and capitalist relationships with land. It is of utmost importance that care is taken not to replicate these in any justice-seeking process. As stated by Ansloos (2017): “no method is viable if it does harm to any part of the sacred order” (p. 93). Thus, he advocates “an ethical commitment to wholeness” that resists fragmentation and separation. He says, “the imbalance of violence must be countered by a re-establishing of relations” (p. 93).

A provincial Métis Justice Strategy would have to meaningfully account for and address the justice needs of Métis people in BC with regards to land-based and traditional practices and kinship ties, and related current and potential economic or other developments. It would have to do this in a way that does not interfere in any way with First Nations rights and title to land. This, once again, would benefit from formally amending provincial legislation on the basis of UNDRIP.

Steps to Initiate a BC Métis Justice Strategy Process

The preceding sections of this report provide a detailed overview of the complex justice landscape for Métis people living in BC. A great deal of time, human resources, and financial resources have already been invested by the Province of BC in developing a First Nations Justice Strategy in partnership with the First Nations Justice Council, which was launched in February 2020. Given the fact that much of the content of that Strategy points not only to the justice needs of First Nations, but of all Indigenous people in the province, the current framework begins by outlining points of connection between the BCFNJS and the justice needs of Métis people, organizations, and communities in BC. Taking this as a starting place can ideally contribute to the cultivation of meaningful partnerships and preclude unnecessary replication of work that has been or will be done.

However, recognizing that Métis and First Nations are differently positioned in this province, it is also important to identify specific areas in which different approaches to justice strategizing will be necessary. In addition to the focus on 1) criminal justice in the BCFNJS, this framework recommends that a provincial Métis Justice Strategy will include sections and specific lines of action dedicated to: 2) constitutional justice and Indigenous law, 3) children and families, and 4) land-based and traditional practices. Importantly, as highlighted above, a provincial Métis Justice Strategy must be inclusive of diverse Métis interests in the province. The province cannot accomplish this by forging an MOU with only one member-serving organization which represents less than 20% of the self-identifying Métis people in BC.

Thus, prior to embarking on a provincial Métis Justice Strategy, it behooves the Province of BC to undertake a number of steps to ensure the process reflects the commitments the province has made towards decolonization and reconciliation.

In particular, **the BCMF recommends that the Province of BC:**

1. Revisits the provincial Métis Relationship Accord and includes the BC Métis Federation as a signatory, to better reflect the diversity of Métis communities and interests in the province. The Relationship Accord should be flexible enough to allow individual communities recognition that parallels what has been created for First Nations (regarding Delegated Authority, for instance).
2. Develops a process by which a provincial Métis Justice Strategy will meaningfully include diverse Métis representation. This would require, at a minimum, signing an MOU with BCMF to embark on a Justice Strategy process and finding a way to also engage some form of representation for the approximately 70,000 unaffiliated Métis people in BC.
3. Ensures diverse Métis representation are party to the implementation of all lines of action listed in the BCFNJS that relate to “Indigenous people” in BC (see earlier section of this report for specific instances).
4. Provides sufficient financial support to member-serving Métis organizations for the development of a robust Métis Justice Strategy, including time and resources to facilitate engagements throughout the province to capture diverse Métis voices.
5. In alignment with its stated commitment to reconciliation, sufficiently fund capacity building for Métis organizations and communities in all areas of practice, including the capacity to: engage in traditional activities, support children and families, and develop policies and laws – all of which can serve a preventative function when it comes to justice inequities.

Simultaneously, **the BCMF recommends that Métis member-serving organizations** (such as BCMF):

1. Continue to forge genuine relationships with First Nations in BC, as an important step towards justice strategizing.
2. Continue to build relationships among Métis organizations, communities, and individuals (affiliated and unaffiliated) in BC.
3. Work with organizations who serve diverse Métis people in BC, including Legal Aid BC, Friendship Centers, Native Courtworkers, and more.
4. Hire a dedicated justice strategist, to meaningfully engage Métis people throughout the province and liaise with the Province of BC towards the development of a robust provincial Métis Justice Strategy.
5. Continuously advocate for legislative and policy changes on behalf of Métis people in BC, in alignment with evidence of existing structural inequities.

It is recommended that these steps are implemented as soon as possible, in order to set the stage for a provincial Métis Justice Strategy that is set up to succeed. Once these steps are in place, the partners could then **draw from the current Framework to collaboratively develop a provincial Métis Justice Strategy** including the following sections:

Criminal Justice

- Drawing specific lines of action from points of connection with BCFNJS, and noted above

Constitutional Justice and Indigenous Law

- Outlining concrete mechanisms by which the province will uphold its commitment to honor the constitutionally protected rights to self-determination of Métis people in BC, which include the right to choose one's affiliation

Children and Families

- Outlining specific lines of action to ensure BC respects new and existing legislation pertaining to children and families with particular attention to the unique justice needs of Métis people

Land-based and Traditional Practices

- Outlining particular lines of action that clarify commitments to respect Métis relationships with land and related lifeways

Conclusion: Aspirations for an Inclusive and Just Justice Strategy

The BC First Nations Justice Strategy states that it sets out a “clear, well defined and comprehensive road map to the fundamental transformation of the justice system in BC for both Indigenous and non-Indigenous people” (BC First Nations Justice Council, 2020, p. 6). It does so, indeed for First Nations. It is the hope of the BC Métis Federation that ***the current document can contribute an additional road map for next steps that both the provincial government and Métis organizations may take***, in order to meaningfully include *all* Métis people, organizations, and communities in BC in this important conversation and related actions.

The BC Métis Federation is optimistic that the provincial government has learned a lot in recent years – through both the signing of the Declaration on the Rights of Indigenous Peoples Act (Province of BC, 2019) and the development of the BC First Nations Justice Strategy (BC First Nations Justice Council, 2020) – about meaningful partnerships with Indigenous peoples in the interest of decolonization. ***Moving forward with a just and inclusive provincial Métis Justice Strategy, based on the learning outlined in this framework, would be another important step in the direction of reconciliation.***

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