



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

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AMC pleased the Supreme Court holds that governments cannot violate fundamental rights based on costs

Treaty One Territory, MB The Assembly of Manitoba Chiefs expresses strong approval of today's decision of the Supreme Court of Canada case *Conseil scolaire francophone de la Colombie-Britannique v British Columbia (Education)* in which it intervened.

Assembly of Manitoba Chiefs Grand Chief Arlen Dumas said, "We are pleased and heartened that Canada's highest court stands with us in asserting that governments cannot deny the rights of protected groups by saying it costs too much to fix what is wrong. The Supreme Court also accepted our argument that even more careful scrutiny must be applied for historically disadvantaged individuals and groups when their fundamental rights are threatened, as they face historically high rates of assimilation."

The AMC called on the Court to ensure that the analysis and standard for justifying the infringement of rights remains rigorous and high, and to not allow it to be diluted by considerations like costs, or by assumptions like the apparent inevitability of assimilation. The AMC argued that overriding constitutionally protected rights and freedoms based solely on what's available in the public purse will necessarily exacerbate existing barriers for First Nations in Manitoba.

The Supreme Court of Canada concluded that the Province of British Columbia discriminated against the French minority language group by failing to adequately fund and support French language education. Consistent with the AMC submissions, the Supreme Court agreed with the AMC submission that the standard for justifying the infringement of rights must remain rigorous and high. The Supreme Court held that governments cannot rely solely on financial considerations to justify their infringement of fundamental rights. It found that governments cannot justify the infringement of fundamental rights based on the budgetary interests of the majority. Allowing governments to rely solely on financial considerations to justify their infringement of rights would "lead society down a slippery slope and would risk watering down the scope of the Charter."

Grand Chief Dumas said, "I am pleased that the AMC Chiefs intervened in this case and I acknowledge our legal team. Over the years, the Federal Government has intentionally underfunded First Nations, relying on the justification that it costs too much to respect First Nations' rights."

The Supreme Court agreed with the AMC submissions that the reality of a high rate of assimilation demands even more careful scrutiny of the violation of fundamental rights given the community's vulnerability. The Supreme Court held that children studying in English and French must receive the same quality of education in Canada. It held that section 23 not only ensures the sustainability of the country's linguistic communities but also makes it possible for those communities to develop their own

language and culture.

Grand Chief Dumas concluded, “Although First Nations are not section 23 rights holders, the AMC intervened in this proceeding to ensure that the SCC understood the significant impacts that its decision would have on First Nations, on the strength of *Charter* rights and on the ability of the government to meaningfully engage in reconciliation with First Nations. These impacts were unacknowledged by the lower courts, and but for the AMC's intervention, would not have been raised before the SCC. The affirmation and enhancement of language rights is fundamental to efforts by First Nations to resist cultural genocide.”

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About the Assembly of Manitoba Chiefs

The AMC was formed in 1988 by the Chiefs in Manitoba to advocate on issues that commonly affect First Nations in Manitoba. AMC is an authorized representative of 62 of the 63 First Nations in Manitoba with a total of more than 151,000 First Nation citizens in the province, accounting for approximately 12 percent of the provincial population. AMC represents a diversity of Anishinaabe (Ojibway), Nehetho / Inineu (Cree), Anishinew (Ojibwe-Cree), Denesuline (Dene) and Dakota Oyate (Dakota) people.