



Ottawa, June 7, 2021 – A decision was issued today by Justice Sébastien Grammond of the Federal Court in file T-1468-19:

IN THE MATTER OF Walter Bruce Janvier v. Chipewyan Prairie First Nation as Represented by its Chief and Council and Dustin Twin in his Capacity as Electoral Officer

Translation of Summary into Dene

The Federal Court is committed to being more accessible to Indigenous people when they wish to bring legal disputes for resolution by the Court. For example, many Court hearings are held directly in the Indigenous community or via webcast from a Courthouse; and where appropriate, Court procedure is adapted to make space for Indigenous protocols and legal traditions. In selected cases, the Court also makes its decisions more accessible by having a summary prepared and recorded in the Indigenous language of the parties. The Court thanks the language keeper who assisted with preparation of this summary in Dene.

WALTER BRUCE JANVIER v CHIPEWYAN PRAIRIE FIRST NATION AS REPRESENTED BY ITS CHIEF AND COUNCIL AND DUSTIN TWIN, IN HIS CAPACITY AS ELECTORAL OFFICER

ʔEDIRI DENE WALTER BRUCE JANVIER v CHIPEWYAN PRAIRIE TŁ'OGHTELE DENE HARALʔA GHĀ NAYAŁTI DENE K'ODHERE CHU YEL NADAREŁYA CHU DUSTIN TWIN BETŁ'ESI ʔELIGIDH NODHER HEL

[1] Chipewyan Prairie First Nation's election code grants the right to vote only to members who reside on its reserve. Mr. Janvier, a member and a former chief of the First Nation, was denied the right to vote because the electoral officer found that he resided outside the reserve. Mr. Janvier now seeks a declaration that the residency requirement is contrary to the *Canadian Charter of Rights and Freedoms* [the Charter].

[1] Tł'ogh tele Dene haralʔa t'a begharé dene ʔehgıdh dene ha nı̄t'a dene t'ą reserve k'eyaghe naradé hut'á ʔehgıdh bá nı̄t'a. Mr. Janvier ʔeyer hots'ı̄ dene hełı̄ chu hotthe Dene xa ghı̄yı̄ Chief ʔeyer ha, beba nı̄t'ą hı̄lé nı̄ ʔehgıdh ha ʔedırı dene betł'esı̄ ʔehgıdh ʔeyer nadher hı̄lé nı̄ ʔá. Mr. Janvier dı̄hı̄ ʔeyı̄ yatı̄ k'ı̄ t'a yatı̄ nedhé begharé dene k'anota *Canadian Charter of Rights and Freedoms Dene begharé hoghedı̄ chu ba nı̄t'ą gharé* (Yatı̄ Nedhé hulyé) k'e hı̄le nı̄ʔá henı̄.

[2] The Court finds that the residency requirement is contrary to section 15 of the Charter, which prohibits discrimination. No meaningful distinction can be drawn between this case and prior judgments rendered by the Supreme Court of Canada and the Federal Court, which have decided that excluding off-reserve members from the right to vote is discriminatory.

[2] Ku ʔedırı Denesı̄yanı̄łtı̄ Kuę ʔedırı yatı̄ désı̄ hoʔą sı̄ 15 hulta gharé ʔedırı dene hoghedı̄ ha yatı̄ holı̄ désı̄, ku ʔeyı̄ dene beʔı̄ ʔası̄ k'enats'edé hoʔą hı̄lé ʔa. Ku ʔı̄ła kulı̄ ʔası̄ bets'ı̄ halyé ha dué sı̄ ʔedırı yatı̄ dı̄hı̄ hots'ı̄ chu hotthe ʔası̄ holı̄ hobası̄ hadé T'a Denesı̄yanı̄łtı̄ Kuę nedhé Supreme Court Canada bets'ı̄ chu bek'eyaghé

In these judgments, courts have noted that off-reserve members retain a significant interest in the governance of their First Nation. Excluding them serves only to perpetuate prejudice and disadvantage.

[3] Moreover, the First Nation did not offer any reasons why the residency requirement would be justified pursuant to section 1 of the Charter. Accordingly, the residency requirement is declared invalid. For greater clarity, this declaration of invalidity does not affect the result of past elections nor decisions made by the current council.

An audio recording of this summary in Dene is available on the Court website at: <https://www.fct-cf.gc.ca/en/pages/media/webcast>

A copy of the decision can be obtained via the Web site of the Federal Court:

<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/498296/index.do>.

Denesiyanı ı Kuę tth'ı hel, ku banelt'u haradı hu, dene reserve ęask'athe naradé de bedı de ęehlth'ılé sı. Ku ęedırı yatı holı k'ı ts'ere dene reserve ęask'athe naradé dekulı be nıt'á hoęa bel hoęa chu ęelıt'e benęęę ęa ęek'esı. Ku bedı halyá ęa bek'anotá chu bedı halyá ęehlth'ılé sı.

[3] Ku honesi hadé t'at'u ęa ęedırı Dene haralzá yatı thełtsılé sı t'at'é ęa dene ęeyer naradé hı ıı ęehlđıdh hoęa ęedırı yatı 1 ęedırı Yatı nedhé hots'ı t'a. Ku ęeyı hel, ęedırı dene ęeyer nadé hoęa yatı k'ı bedı hoęa. Ku hotıe net'ı hadé, ęedırı yatı holı k'ı dıhı yuné ęehlđıdh nodher sı ęedı halyé hadué sı chu t'a dıhı ęası holı sı nırdá hailé sı t'ę dıhı k'oldé sı bet'esı.