



# VUNTUT GWITCHIN GOVERNMENT

Government of Vuntut Gwitchin First Nation

## MEDIA RELEASE

### **Supreme Court of Canada to hear appeal and cross-appeal in Dickson v. VGFN**

FOR RELEASE

**April 28, 2022 - Old Crow, Yukon**

Supreme Court of Canada announced today it will hear the appeal and cross-appeal of the 2021 decision by the Court of Appeal of Yukon in *Cindy Dickson v. Vuntut Gwitchin First Nation (VGFN)*. The Yukon Court of Appeal upheld a requirement in VGFN's Constitution that requires elected Council members to reside in Old Crow during their term in office.

Ms. Dickson applied to the Supreme Court of Canada for leave to appeal a portion of the 2021 decision. It states that the Canadian Charter of Rights and Freedoms is "a shield" that protects the First Nation's inherent right to self-government over the individual rights of its members.

At the direction of the General Assembly, VGFN asked the Supreme Court of Canada to dismiss Ms. Dickson's application for appeal. In the event that the appeal was granted, however, VGFN applied for leave to cross-appeal.

No date has been set for the appeal and cross-appeal. Vuntut Gwitchin Government continues to be guided by the General Assembly, the VGFN Constitution and the inherent rights, treaties and agreements of the Vuntut Gwitchin First Nation.

### **Quote**

Our Constitution and General Assembly continue to guide us as we navigate this ongoing legal battle to protect our inherent right to self-government, our treaty with Canada, and the sanctity of our collective voice. The potential implications of this case are far-reaching – they will not only affect the Vuntut Gwitchin people, but all Indigenous nations with modern treaties in this country.

**- Chief Dana Tizya-Tramm**

### **Quick Facts**

- The current requirement for elected Council members to reside on Vuntut Gwitchin First Nation settlement lands was established under the Vuntut Gwitchin First Nation Constitution by consensus resolution of the 2019 General Assembly.

- Ms. Dickson petitioned the Supreme Court of Yukon in 2019 seeking the court to order that the residency requirement infringed her right to equality as Canadian citizen under Section 15 of Canada's Charter of Rights and Freedoms.
- In 2020, the Supreme Court of Yukon ruled that the Charter applies broadly to the Vuntut Gwitchin First Nation, but that the residency requirement (except for the 14 day time limit) is not discriminatory under Section 15 and protected by Section 25.
- In 2021, the Court of Appeal of Yukon heard Ms. Dickson's appeal and Vuntut Gwitchin First Nation's cross-appeal of the 2020 decision and ruled that the Charter applies specifically to the residency requirement which it found was discriminatory under section 15 but protected (including the 14 day time limit) by section 25.
- In signing its Final and Self-Government Agreements with Canada, VGFN did not agree to the application of the Charter.

#### **Additional Information**

[https://www.vgfn.ca/pdf/2021\\_07\\_30\\_NR\\_Dickson\\_V\\_VGFN\\_decisionFINAL.pdf](https://www.vgfn.ca/pdf/2021_07_30_NR_Dickson_V_VGFN_decisionFINAL.pdf)

[https://www.vgfn.ca/pdf/Media\\_Release\\_-\\_Dickson\\_v\\_VGFN\\_July\\_21\\_2021.pdf](https://www.vgfn.ca/pdf/Media_Release_-_Dickson_v_VGFN_July_21_2021.pdf)

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