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News Release

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FNLC pleased BC Court of Appeal upholds decision that demonstration of Indigenous ceremonies in schools, does not infringe on religious freedoms

(*xʷmaθkʷəy̓əm (Musqueam), Skw̱xwú7mesh (Squamish) and səlilwətaʔ (Tsleil-Waututh)/Vancouver, B.C.*) The First Nations Leadership Council (FNLC) is pleased that the BC Court of Appeal (BCCA) has upheld the BC Supreme Court decision in *Servatius v. Alberni School District No. 70* - and intervenor Nuu-chah-nulth Tribal Council.

In the case, the mother of two of the students attending a public school in Port Alberni alleged that the school infringed her Charter guaranteed freedom of religion by compelling her children to participate in religious ceremonies contrary to their own faith and by violating the principle of state neutrality. This resulted after the elementary school invited guests to demonstrate two Indigenous cultural practices; a smudging event held in a classroom and a hoop dance during which the dancer said a prayer.

In the original case, the mother, Candice Servatius, alleged her two children were forced to participate in the event. Significantly, Servatius argued that the school district's use of Indigenous practices is comparable to the residential school system - a grossly contorted comparison to the past cultural genocide inflicted on Indigenous peoples in Canada.

This case was a clear attempt to disallow the public education system from teaching about and demonstrating examples of First Nations cultures in the public school system. Any other result in judgement would have resulted in furthering continued insensitivity and ignorance about First Nations peoples, their cultures, and their languages and would have been a blow to reconciliation.

"We hold our hands up to the Nuu-chah-nulth Tribal Council in their efforts to intervene in this important case," said Cheryl Casimer of the First Nations Summit Political Executive. "A critical part of reconciliation is about creating space, especially in our education system, for greater awareness and understanding of BC First Nations cultures, languages and traditions. An awareness that provides context for who we are peoples and communities. As the Nuu-chah-nulth have said, First Nations are not a religion. Our cultural practices, ceremonies and languages are at the heart and fabric of who we are as peoples since time immemorial".

Grand Chief Stewart Phillip, UBCIC President, stated, "Today is a good day and we are pleased to be responding to this positive decision by the BC Court of Appeal. Reconciliation is a long and complicated journey, and we are reminded

every day of the racism and intolerance that still exists throughout society toward Indigenous peoples and is passed from one generation to the next. I truly hope that Candice Servatius and all other parents with children in the school system come to realize the incredible wealth that we as Indigenous peoples have to share regarding our Indigenous laws and legal orders and our cultural practices that we have enjoyed since time immemorial.”

“We must act to decolonize and then defend the progress that has been made. I am grateful for the Nuu-chah-nulth Tribal Council and their fight to protect the gains First Nations have made to practice self-determination over their lands, cultures, governance, economies, and education systems. The decision to uphold the BC Supreme Court’s decision attempts to keep Indigenous peoples’ history and experiences centred within every person’s consciousness and help to build continued resilience against erasure, extraction, and oppression”, said Regional Chief Terry Teegee of the BC Assembly of First Nations.

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