



ASSEMBLY OF FIRST NATIONS
Special Chiefs Assembly

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

Ottawa is located on the unceded unsundered Territory of the Algonquin People.

ASSEMBLÉE DES PREMIÈRES NATIONS
Assemblée extraordinaire des Chefs

Du 5 au 7 décembre 2023 - Centre Shaw - Ottawa (Ontario)

Ottawa est située sur le territoire non cédé et non abandonné du peuple algonquin.



Bill C-21 Firearms Legislation

History

Bill C-21, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*, was introduced in the House of Commons on May 30, 2022. On June 21, 2023, Bill C-21 was sent to the Standing Senate Committee on National Security, Defence and Veterans Affairs. The Bill (Bill C-21) will enshrine a national “freeze” on the sale, purchase, or transfer of handguns in Canada but does not completely ban their use. Notably, the Bill does not address the illegal sale of handguns resulting in the majority of gun-related crimes and violence, yet instead, focuses on increased restriction of the legal sale and ownership of handguns.

In October 2023, the Senate Committee held a series of meetings to study Bill C-21. Most Senate Committee members remain concerned with the potential overreaching negative effect of Bill C-21 on sustenance hunters, sporting gun enthusiasts, and firearm competitors. Members stressed that Bill C-21 does not effectively target its intended purpose to address the importation of illegal handguns and other weapons from the United States. Senate Committee members criticized Bill C-21 as a one-size-fits-all approach that does not appropriately capture the geographical and demographic reality of Canada. Members pointed out that issues concerning major urban centers are not the same issues facing northern, Indigenous, and rural areas of Canada.

Committee members expressed concern regarding the “red flag” and “yellow flag” provisions of Bill C-21. Those provisions allow any individual to submit an ex parte order to authorities triggering an investigation into a gun owner’s style of weapon and whether individuals pose any threat to themselves or others. An ex parte order means a court order without the party being present and without their knowledge of it. The investigation automatically results in confiscation of the weapon for up to 30 days based on a presumption of guilt.

Committee members suggest these provisions will further negatively affect Indigenous hunters and those that rely on sustenance hunting for food security. First Nations people are already over-policed and over-regulated, and these provisions will increase these issues.

AFN’s recent advocacy

At the December 2022 Special Chiefs Assembly, First Nations-in-Assembly passed Resolution 39/2022, *Opposition to Bill C-21 Federal Gun Control Legislation*. This emergency resolution publicly opposes the proposed Bill, calls upon the federal government to conduct proper and adequate consultation with First Nations, and directs the AFN to advocate for amendments to Bill C-21. This opposition, coupled with criticism from stakeholders, pressured the federal government to withdraw proposed amendments to Bill C-21.

On November 6, 2023, Regional Chief Teegee appeared before the Senate Committee to raise concerns with the “red flag” and “yellow flag” provisions and negative impacts on First Nations Inherent, constitutional, and Treaty rights. Additionally, Regional Chief Teegee called for an amendment to the Bill to include an oversight mechanism on the powers bestowed to Chief Firearms Officers to ensure orders do not restrict First Nations access to firearms used in sustenance hunting. Regional Chief Teegee explained to the Senate Committee that



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First Nations leadership were not adequately consulted nor was their consent obtained with respect to any potential affects Bill C-21 may have on First Nations. The lack of consultation fails to meet the minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and the Crown's duty to consult and obtain free, prior, and informed consent on legislation impacting First Nations constitutionally-recognized Inherent, Treaty, and section 35 rights.

The AFN supports legislation focused on promoting public safety and protection for vulnerable groups such as First Nations women and the 2SLGBTQQIA+ community. The AFN is concerned that Bill C-21 fails to consider the perspectives of women and the 2SLGBTQQIA+ community and the Bill's potential impact to effectively address related social issues facing First Nations. Bill C-21 requires a better balance between protecting First Nations communities against growing violence against women, girls, and gender-diverse individuals and protecting First Nations constitutionally protected Inherent rights.

Next Steps

The AFN continues to monitor the progress of Bill C-21. The AFN is calling upon the Government of Canada to conduct proper and adequate consultation with First Nations, as is required under UNDRIP prior to enacting laws that impact First Nations rights to sustenance hunting and harvesting. The AFN continues to advance amendments to the Bill and is seeking the Bill does not move forward until proper consultation and consent from First Nations leadership is obtained.