



Canadian Human Rights Tribunal on First Nations Child Welfare Update: July 2010

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PURPOSE: The federal government has filed a motion to dismiss at the Canadian Human Rights Tribunal to avoid a full and public hearing on the facts to determine if the Canadian Government (Indian and Northern Affairs – INAC) is discriminating against First Nations children and families on the basis of race and national ethnic origin by providing less child welfare funding, and benefit, than other children.

PARTIES: Assembly of First Nations, First Nations Child and Family Caring Society of Canada, Canadian Human Rights Commission, Amnesty International and Chiefs of Ontario **versus** the Attorney General of Canada representing the Minister of Indian Affairs and Northern Development

INFORMATION (reports, court documents and time line): www.fnwitness.ca

There are more First Nations children in child welfare care today than at the height of residential schools. First Nations children are driven into foster care at 6-8 times the rate of other children by poverty, poor housing and substance misuse. The good news is that these factors respond to services, the bad news is that according to leading experts, the Auditor General of Canada (2008), the Standing Committee on Public Accounts (2009) and INAC's own documents, the federal government provides inequitable child welfare funding to address the problems. According to INAC, its child welfare program effects 160,000 First Nations children including at least 8,000 children in foster care.

This historic case marks the first time that the federal government will be held accountable for its current treatment of First Nations children and families before a legal authority with the power to make enforceable orders. The precedent could help address other inequalities for children on reserve in areas such as education, health and other social services.

The federal government is trying to avoid a public hearing on the merits using legal loopholes. The federal government argues it only "funds" the child welfare services to the First Nations children while others "provide" the services and thus their "funding" no matter how inequitable, is not a service as defined in the Canadian Human Rights Act. Fortunately, Canada has already lost two efforts in Federal Court to derail the tribunal on the funding is not a service issue but, apparently desperate to avoid a hearing on the facts, Canada filed a motion to dismiss on the same grounds at the Canadian Human Rights Tribunal and this was heard on June 2, 3, 2010 in Ottawa. People from across Canada came to Ottawa to witness the hearing first hand as Canada has tried to block media from broadcasting the hearing.

YOU CAN HELP: Join over 6000 caring individuals and organizations who have committed to follow the tribunal by registering at www.fnwitness.ca making this case one of the most formally watched legal cases in history. It is free and takes under 2 minutes!