

FIRST NATIONS LEADERSHIP COUNCIL

News Release

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First Nations Leadership Council applauds landmark CHRT ruling for compensation for First Nations children and families who were unfairly discriminated against in child welfare system

Xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliiwətaʔ/səlilwitulh (Tsleil-Waututh) Territories/Vancouver:

The First Nations Leadership Council applauds today's ruling by the Canadian Human Rights Tribunal (CHRT) ordering compensation for First Nations children and youth removed from their homes by the child welfare system, and the parents and grandparents affected, including in cases where children were denied essential medical and other services. The First Nations Leadership Council views this as a major victory for human rights that must be respected by the Government of Canada, and will have a major impact in BC.

"In British Columbia, I have witnessed the harm to First Nations children and families caused by removing children when supports in their homes, families and communities should have been considered or improved," said Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs. "The Tribunal found massive systemic discrimination and said it was willful and reckless on the part of the Government of Canada. This is something we have known in our own families and communities for a long time, as we live every day with the personal struggle and challenge of repairing the damage done across many generations. We are working on rebuilding our child and family systems according to our culture, traditions, ceremony, laws and spirituality and there is much healing needed. The kinds of services we need today for mental health and wellness, addictions services, and family-based culturally appropriate support is simply not there yet. The system blamed and shamed us for what was happening while the truth was a colossal human rights failure due to discrimination by Canada. The fact that Canada opposed compensation up to this day, and tried to deny the harm it caused, is also unacceptable. The Government of Canada has a serious obligation to do the right thing and provide compensation on a principled basis to all of the children, youth, parents and grandparents who have suffered discrimination, without restricting it to particular years or cut-off dates, which are sure to leave people behind."

The CHRT decision follows a hearing on April 25 and 26, 2019. The CHRT agreed with the AFN's submissions and has ordered Canada to provide compensation of up to \$40,000 to:

- all First Nation children who were unnecessarily apprehended on or after January 1, 2006
- all parents or grandparents of children unnecessarily apprehended on or after January 1, 2006
- all children denied an essential service (Jordan's Principle) between December 12, 2007 and November 2, 2017.

The FNLC estimates that there will be more than 20,000 children, youth, parents and grandparents in British Columbia who will be impacted by this decision, possibly even more as record keeping and verification of First Nations identity has been deficient and left to provincial systems.



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Individuals can opt out of the compensation scheme if they do not wish to participate. There will need to be a process established to provide compensation for minors upon reaching the age of majority. The BC Public Guardian and Trustee must work more closely with First Nations on this and the First Nations Leadership Council hopes that the British Columbia Government, including MCFD, will cooperate fully in any procedural requirements to confirm or review records or other information to support a settlement process.

The CHRT has ordered Canada to begin discussions with the AFN and the First Nations Child and Family Caring Society, partners in the joint complaint at the CHRT, to establish an independent process for distributing compensation to the children and parents or grandparents covered by this decision.

Cheryl Casimer, First Nations Summit Task Group, stated, “Processes established must reflect the needs of British Columbia’s First Nations children, families and communities here and there must be no delays as many processes are underway that can serve to support compensation directly to victims. There are existing tables with Canada and British Columbia to discuss transformation of child welfare and implementation of new legislation given royal assent in May of this year. We will take the matter to this forum and advocate to ensure that compensation owed to First Nations children, youth, parents and grandparents is administered effectively and efficiently in British Columbia. We acknowledge and thank Cindy Blackstock and the AFN for their dedication and advocacy for this critical win.”

“We’ve spent years advocating for change because we knew our children were being harmed in child welfare systems, our families needlessly broken apart, and that we were living through a massive human rights failure,” said BCAFN Regional Chief Terry Teegee. “Now the Canadian Human Rights Tribunal has fully agreed with this position and ordered compensation to the victims—children, youth, parents and grandparents. It was hard at times to focus our efforts on Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*, which affirms First Nations jurisdiction over First Nations child welfare and was passed by the Parliament of Canada in May 2019, knowing full well that Canada was still fighting this issue against us in the Tribunal. For BC First Nations, the priority must always be on the children and families and justice must be done.”

The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).

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