

**CANADIAN HUMAN RIGHTS TRIBUNAL**

**BETWEEN:**

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and ASSEMBLY  
OF FIRST NATIONS,

Complainants,

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission,

- and -

ATTORNEY GENERAL OF CANADA  
(MINISTER OF INDIGENOUS AND NORTHERN AFFAIRS CANADA)

Respondent,

- and -

CHIEFS OF ONTARIO

- and -

NISHNAWBE ASKI NATION

- and -

AMNESTY INTERNATIONAL

Interested Parties.

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**NOTICE OF MOTION FOR INTERESTED PARTY STATUS –  
CONFEDERACY OF TREATY SIX FIRST NATIONS**

Pursuant to Rule 27 of the Canadian Human Rights Tribunal Rules of Procedure,  
SOR/2021-137

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**NOTICE OF MOTION**

**TAKE NOTICE THAT** the Confederacy of Treaty Six First Nations (“**CT6FN**”) applies to the Tribunal under rule 27 of the *Canadian Human Rights Tribunal Rules of Procedure*, SOR/2021-137, for an order granting CT6FN:

- (a) Interested party status in the OFA Approval Joint Motion filed by the Chiefs of Ontario (“**COO**”) and Nishnawbe Aski Nation (“**NAN**”);
- (b) Leave to file written submissions on the substance of the OFA Approval Joint Motion not exceeding twenty (20) pages;
- (c) Leave to make oral submissions at the hearing of the OFA Approval Joint Motion; and
- (d) Such further and other order as the Tribunal may deem appropriate.

**AND FURTHER TAKE NOTICE** that the motion shall be made on the following grounds:

**A. The Applicant**

1. CT6FN is a non-profit Treaty rights advocacy organization that was created in the Spring of 1993 to serve as the united political voice for affiliated Treaty No. 6 (Alberta) Nations for the continued protection of the fundamental Treaty, Inherent and Human Rights of the Treaty Peoples of our Nations. CT6FN is dedicated to ensuring that the terms, spirit and intent of Treaty No. 6 and the right of the Treaty No. 6 First Nations to self-determination is honoured and respected. CT6FN represents a total of 16 Treaty 6 First Nations, Cree, Dene, Nakota, and Saulteaux/Anishnaabe, located in Alberta.
2. CT6FN plays a vital role in representing Alberta Treaty 6 Nations and engages in advocacy on behalf of its member First Nations through a variety of channels. The Chiefs bring to bear the perspectives of their respective Nations and their expertise as long-time public officials. Unique among many tribal councils, the Grand Chief of CT6FN is a sitting Chief. CT6FN has an advisor in office who participates in the United Nations. CT6FN’s role as an advocacy organization for Treaty 6 Nations is made all the more important by the fact that the Alberta region has been without representation at the AFN since 2021.

**B. The Applicant's Interest and Perspective**

3. CT6FN can provide the Tribunal with the unique perspectives of its 16 member First Nations located in Alberta, all of whom will be impacted by the ultimate outcome of the Tribunal's decision on the OFA Joint Approval Motion. Without the participation of Confederacy of Treaty 6 First Nations as an interested party, the Tribunal will not have the benefit of these perspectives when determining the motion.

4. CT6FN has a long history of interest and involvement in matters touching on the health and safety of children, as well as child and family services in Treaty 6. On January 25, 2017, the Chiefs of CT6FN approved and ratified the *Declaration of the Rights of Treaty No 6 First Nations Child and Family Wholistic Wellness*, enshrining principles for the protection of children from harm and discrimination, for "as long as the sun shines, the rivers flow, and the grass grows." CT6FN was also involved in the preparation of a template child and family services law drafted a C-92 law template for the use of its Member Nations in exercising jurisdiction under *An Act respecting First Nations, Inuit and Metis children, youth and families* ("C-92"). This work was led and completed by Wilton Littlechild, who has been recognized for his work at the UN. Many of CT6FN's Member Nations are currently in the process of developing their own sovereign child welfare laws. Moreover, six of CT6FN's Member Nations through local tribal council Tribal Chiefs Ventures Inc. intervened in the Supreme Court of Canada C-92 reference case with the support of the Chiefs of CT6FN.

5. Given this mandate, and unique situation facing Alberta Nations, and Treaty 6 Nations in particular, CT6FN is in a unique position to speak to implications of the OFA that could have precedential impact for Alberta and Treaty 6 Nations.

**C. The Applicant Will Be Impacted by the Tribunal's Decision**

6. CT6FN's rights-holding Member Nations, including their children and families, stand to be adversely impacted by the Tribunal's decision regarding the approval of the proposed OFA, and in particular whether the OFA is sufficient to end the discrimination that the Tribunal found existed within the FNCFS program.

7. If the Tribunal approves the OFA, it will be used by Canada as the framework for any future negotiations on long-term reform of the FNCFS program across the country. This is very problematic as it fails to account for the unique circumstances of each Nation – and indeed, each provincial region and Treaty area – that ought to be taken into account when determining whether discrimination in the provision of child and family services will continue. Among other things, Treaty 6 has the most non-delegated agencies in Alberta, a perspective that was not taken into consideration in the OFA or the prior FSA.

8. Further, approval of the OFA also stands to impact ongoing negotiations with Canada in which many Treaty 6 Nations are involved, to take back jurisdiction over child and family services to their members. The approval of the OFA may adversely impact these negotiations in that Canada may utilize the funding provisions as a benchmark to be applied to all First Nations across the country.

**D. The Applicant's Proposed Submissions**

9. If granted interested party status, CT6FN anticipates making submissions regarding the impact of the OFA on funding for child and family services beyond Ontario, taking into consideration regional differences as exemplified by the unique factors at play

in Alberta and Treaty 6. Among other things, CT6FN anticipates making submissions in the following three areas:

- a. Issues with the OFA as a model or precedent for funding arrangements in Alberta and other jurisdictions across Canada;
- b. Implications of the OFA for the Treaty 6 Nations of Alberta in the negotiation of regional funding arrangements, Nation sovereignty, and the ongoing provision of child and family services to our children and families; and
- c. Risk of further discrimination to First Nations children and families as a result of the OFA.

April 15, 2025

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