

**CANADIAN HUMAN RIGHTS TRIBUNAL**

**B E T W E E N :**

**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  
(representing the Minister of Indigenous Services Canada)**

**Respondent**

**- and -**

**CHIEFS OF ONTARIO and  
AMNESTY INTERNATIONAL CANADA and NISHNAWBE ASKI NATION**

**Interested Parties**

**- and -**

**THE FIRST NATIONS AND LABRADOR HEALTH AND SOCIAL SERVICES  
COMMISSION and THE ASSEMBLY OF FIRST NATIONS QUEBEC-LABRADOR**

**Applicants**

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**AFFIDAVIT OF MARC BOIVIN**

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I, MARC BOIVIN, of the City of Ottawa, in the Province of Ontario, AFFIRM:

1. I have held several positions with Indigenous Services Canada (“ISC”) and its predecessor departments since 2002. In March 2020, I joined the Child and Family Services Reform Sector as a Director. Since October 2022, I have held the position of Senior Director in the same Sector.
2. I played a significant role in the national negotiations on long-term reform of the First Nations Child and Family Services Program (“FNCFS”) Program that led to the draft *Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program* (the “**Draft Final Agreement**”), conditionally approved by Canada, the Assembly of First Nations (“AFN”), Chiefs of Ontario (“COO”), and Nishnawbe Aski Nation (“NAN”), as well as in advancing the *Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario* (“**Ontario Final Agreement**”) between COO, NAN, and Canada.
3. In my capacity as Senior Director, I have personal knowledge of the facts and matters deposed to in this affidavit. Where my information came from someone else, I identify the source of my information and I believe the information to be true.


*Availability of the Draft Final Agreement in both official languages*

4. At a press conference held by the parties to the Draft Final Agreement, on July 11, 2024, the National Chief of the AFN announced that the Draft Final Agreement had been reached and stated that it would be made available on the AFN website by the end of the day.
5. Following the AFN’s posting of the Draft Final Agreement in English only, departmental officials worked immediately and diligently with the AFN to ensure that a French version of the Draft Final Agreement would be available to the public without delay. ISC also ensured that all materials it provided respecting the Agreement were available simultaneously in both official languages.
6. ISC officials spoke with the AFN on July 15, 2025, on how to approach the translation of the Draft Final Agreement now that the document had been posted online by the AFN and was in circulation for purposes of the engagement.

7. ISC officials recommended that the AFN approach Fasken Martineau DuMoulin, a law firm in Montreal to ask that they translate the Draft Final Agreement. This approach was suggested because Fasken Martineau DuMoulin has expertise in translating legal agreements related to First Nations, and it would be the most expeditious means to have such a large and complex document translated. Fasken Martineau DuMoulin had previously been retained by AFN to translate the *First Nations Child and Family Services, Jordan's Principle and Trout Class Settlement Agreement*, which concerned compensation, and therefore also had familiarity with this file.
8. The AFN confirmed on July 19, 2024, that Fasken Martineau DuMoulin had agreed to undertake the translation and asked that ISC confirm that it would pay for the translation. ISC provided this confirmation on the same day.
9. On August 6, 2024, ISC posted an Executive Summary of the Draft Final Agreement on its website. ISC posted the Executive Summary in both official languages simultaneously.
10. The translated version of the Draft Final Agreement (provided by Fasken Martineau DuMoulin) was posted on the AFN's website on August 12, 2024. An updated version that was substantively the same but contained limited minor grammatical changes was posted on the AFN's website on August 19, 2024.
11. The AFN ultimately decided to postpone the Special Chiefs Assembly to vote on the Draft Final Agreement from September 17-19 to October 16-18, 2024. Thus, those who preferred to review and consider the French version of the Final Agreement had a nine-week period to do so before the ratification vote at the Special Chiefs Assembly.
12. Engagement sessions on the Draft Final Agreement took place in advance of the ratification vote on the Agreement. ISC ensured all information materials it provided to participants as part of these sessions were provided in both official languages.
13. ISC subsequently commissioned, from a translation firm, a thorough review of the translated document delivered by Fasken Martineau DuMoulin. This review did not reveal any significant issues with the translation; minor edits were made to the French version for consistency in language. Those revisions were implemented when the AFN revised the Agreement to address issues raised during the engagement sessions.

14. In negotiating the Ontario Final Agreement with COO and NAN on the long-term reform of the FNCFS Program, steps were taken proactively to ensure that the Ontario Final Agreement could be posted online concurrently in both languages.
15. On February 10, 2025, the draft Ontario Final Agreement was posted online by COO in both English and French.

16. On August 9, 2024, ISC received a Notice of intention to investigate a complaint pursuant to the *Official Languages Act* from the Office of the Commissioner of Official Languages. The complaint alleges that on July 11, 2024, ISC made available the Draft Final Agreement in English only. The complainant suggests that this was prejudicial to First Nations communities with French as their preferred official language since they would have had less time to fully familiarize themselves with the Draft Final Agreement before it was voted on.
17. ISC responded to the Office of the Commissioner of Official Languages on September 25, 2024, and received follow-up questions from the investigator on November 26, 2024. ISC responded to those questions on February 21, 2025, and received additional questions on April 4, 2025. ISC responded to the additional questions on April 15, 2025.
18. I make this affidavit in support of Canada's position in response to FNQLHSSC and AFNQL's joint amended notice of motion dated March 6, 2025, and for no other or improper purpose.

  
Barrister and Solicitor in and  
for the Province of Ontario

*Maree Smith*

MARC BOIVIN