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## Court rejects Ottawa's efforts to shut down hearings to decide if the Federal Government is discriminating against First Nations children

OTTAWA, March 11, 2013 /CNW/ - In a landmark decision released today, the Federal Court of Appeal rejected the Canadian Government's application to stop the Canadian Human Rights Tribunal from continuing hearings to determine if the Federal Government's provision of First Nations child and family services is discriminatory toward First Nations children and families. Originally filed in 2007 by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada, the case alleges that the Federal Government's flawed and inequitable levels of funding for First Nations child and family services is discriminatory. Ottawa has failed to implement multiple evidence based solutions to address the problem even though government documents dating back nearly a decade link the inequity to growing numbers of First Nations children being placed in foster care. Since the case was filed, independent bodies like the Auditor General of Canada (2008, 2011) and the United Nations Committee on the Rights of the Child (2012) have confirmed the inequity and yet the Government of Canada has spent over 3 million dollars on its repeated and unsuccessful efforts to derail hearings before the Canadian Human Rights Tribunal instead of fixing the problem for children.

The Canadian Human Rights Tribunal began hearing evidence in this historic case on February 25, 2013 and this important ruling by the Federal Court of Appeal ensures that the Tribunal will have the opportunity to continue a "broad fact-based inquiry" to decide the case. The Government of Canada has 60 days to appeal the decision to the Supreme Court of Canada. In the meantime, hearings before the Canadian Human Rights Tribunal will resume in April and are expected to conclude in the summer of 2013. This case marks the first time that the Canadian Government's contemporary and systemic policies toward First Nations children have been under review by the Canadian Human Rights Tribunal which has the power to make a legal determination of discrimination and order a binding remedy.

Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society says "We fully support the decision by the Federal Court of Appeal that the Canadian Human Rights Tribunal should decide such a vital case for First Nations children and for all Canadians on the basis of a full set of facts. We are confident that the evidence before the Tribunal will show that First Nations children and their families are not receiving equitable and culturally based services and we look forward to the Tribunal ordering the Canadian Government to remedy the discrimination."

SOURCE: FNCFCFS

For further information:

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For more information on the case and to read the Federal Court of Appeal ruling go to [www.fnwitness.ca](http://www.fnwitness.ca) and click on Timeline and Documents

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