

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 Aboriginal Affairs and Northern Development)

Respondent

- and -

CHIEFS OF ONTARIO and  
AMNESTY INTERNATIONAL CANADA

Interested Parties

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STATEMENT OF PARTICULARS OF  
THE FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA  
REGARDING SECTION 14.1 ALLEGATIONS OF RETALIATION

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1. Since filing the within complaint, the First Nations Child and Family Caring Society (the "Caring Society") and its Executive Director, Dr. Cindy Blackstock, have been subjected to retaliation from the Respondent and the Department of Justice ("DOJ") contrary to section 14.1 of the *Act*.
2. It is the role of the Caring Society and Dr. Blackstock to provide evidence-based advice, assistance and support to First Nations' representatives and

organizations regarding child welfare issues so that they can provide better care and support for First Nations children in need.

3. Prior to filing the human rights complaint, Dr. Blackstock and the Caring Society were regularly consulted by the Respondent. Together, Dr. Blackstock, the Caring Society and the Respondent worked collaboratively on studies and projects in order to help improve the outcomes of First Nations children in care.
4. On December 9, 2009, Dr. Blackstock was prohibited by the Respondent's officials from participating in a meeting in Gatineau, Quebec between the Chiefs of Ontario and the Respondent. Dr. Blackstock was asked by the Chiefs of Ontario to attend in order to provide technical support to the Chiefs of Ontario regarding child welfare matters. Out of four other technical aids who were asked to attend the meeting, Dr. Blackstock was the only person who was prohibited by the Respondent from taking part in the meeting.
5. Security personnel watched over Dr. Blackstock and the Chiefs of Ontario were told that the meeting would not proceed if they insisted on having Dr Blackstock participate. Although the Chiefs of Ontario were prepared to abandon the meeting, Dr. Blackstock decided to remain in the waiting room and not attend the meeting to ensure dialogue on vital child welfare issues could go forward.
6. A security guard remained in the waiting area standing directly across from Dr. Blackstock and appeared to be guarding her. There were no other members of the public present in the waiting room area.
7. This was not the first time the Respondent has prevented Dr. Blackstock from providing support and assistance to First Nations agencies and representatives. On April 3, 2008, First Nations child welfare agencies in British Columbia wanted to have Dr. Blackstock participate in a Working Group with federal, provincial and First Nations representatives. The Working Group was established to discuss implementation of the Respondent's "Enhanced Prevention Framework" in B.C. Linda Stiller was the Respondent's representative. Ms. Stiller advised the participants in no uncertain terms that the Respondent would not permit Dr. Blackstock to be involved with the Working Group.

8. Since December 2009, INAC and DOJ officials have also repeatedly monitored Dr. Blackstock's personal Facebook page and have reviewed and shared her personal information without her consent. This includes records regarding her Indian status, which were repeatedly accessed by the Respondent's officials without authorization and for no proper or legal purpose.
9. All of the Respondent's actions described above were motivated, in part or completely, by the fact that Caring Society filed the within complaint. Once a valued resource for the Respondent, the Caring Society has not been consulted on any matters by the Respondent, or invited to participate in any meetings or initiatives, since at least January 2008.
10. The Caring Society and Dr. Blackstock seek the following remedies:
  - a) An order obliging INAC and the DOJ to cease its retaliatory conduct towards the Caring Society and Dr. Blackstock;
  - b) \$20,000 in human rights damages to Dr. Blackstock which she will donate to the charity of her choice;
  - c) \$20,000 in human rights damages to the Caring Society;
  - d) An order obliging INAC and the DOJ to surrender all materials containing any personal information regarding Dr. Blackstock obtained without her consent;
  - e) An order obliging all INAC and DOJ officials involved in these retaliatory actions to undergo human rights and privacy training; and
  - f) An order obliging all INAC and DOJ officials to issue a written and public apology to Dr. Blackstock and the Caring Society for their actions.
11. The Caring Society will rely on the following witnesses in support of the retaliation complaint:
  - a) Dr. Cindy Blackstock;

- b) Mary Teegee, Executive Director, Carrier Sekani Family Services; and
- c) Randall Phillips, past Chief of the Oneida Nation on the Thames and past Grand Chief of the Association of Iroquois and Allied Indians.

Dated at Ottawa, this 29th day of January, 2013.



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