



## Child Friendly Information Sheet

# **BIG LEGAL VICTORY FOR KIDS!** Canadian Human Rights Tribunal Decision on First Nations Child Welfare

January 26, 2016

### **Introduction**

First Nations kids have won their case against the Government of Canada so that their families get the child welfare services they need to get through hard times! Child welfare services help families safely care for their children and give them a good life. On January 26, 2016, the Canadian Human Rights Tribunal (Tribunal) made its final decision on a human rights complaint made by the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations in 2007. The Canadian Human Rights Commission, Amnesty International and the Chiefs of Ontario took part in the case too. The Tribunal is like a court where people called Tribunal members decide if someone is breaking the *Canadian Human Rights Act*.

### **What does the decision say?**

The *Canadian Human Rights Act* (CHRA) is a law that gives girls and boys of all races, ages, nationalities, and religions and those with disabilities the right to equality. The Tribunal decided the Government of Canada is breaking the law because First Nations children and families on reserves and in the Yukon get less child welfare services than other people get.

### **Best interest of the Child**

The Tribunal said child welfare services are very important because they protect kids and their families and help keep them safe. The Tribunal said that child welfare services must always respect the best interest of the child.

This means everyone must always do what is best for kids. We must meet their needs, respect their culture and take special care of kids who need help.

### **Unfair child welfare services**

The Tribunal decided that the Government of Canada was discriminating against First Nations kids. It said First Nations kids were not being treated fairly by the Government of Canada because its child welfare services were not as good as those given to kids living off-reserves and did not respect the needs and culture of kids living on-reserves. This means the Government of Canada is not giving First Nations kids a fair chance to grow up safely with their families, to live in their communities and to make their dreams come true.

### **Jordan's Principle**

The Tribunal also said the Government of Canada was not following Jordan's Principle. A lot of First Nations kids do not get the same services that other kids in Canada get because of where they live. The Tribunal said it was unfair and against the law to make First Nations kids wait longer than other kids to get things they need like dental exams, services at school, or a special bed and mattress they need when they are sick.

### **What does this mean?**

The Tribunal's decision is an order. This means the Government of Canada must do what the Tribunal says. The Tribunal says the Government of Canada needs to stop discriminating against First Nations kids right

now and make sure they get a fair chance to grow up safely at home.

The Tribunal also said the Government of Canada needs to do a much better job of respecting Jordan's Principle. This means it must make sure First Nations kids have the same services given to other kids in school, in health, childcare, culture and language and fun activities like sports and arts and crafts.

In three weeks, the Tribunal will have a meeting with everyone involved in the case to decide what else the Government of Canada needs to do to fix the problems in the child welfare services for First Nations kids.

### **What this means for First Nations kids**

This decision affects over 163 000 First Nations kids. It means the Government of Canada must give First Nations kids child welfare services that are as good as those given to kids living off reserve. These services must meet their needs and respect their cultures. This decision will give First Nations kids a fairer chance to grow up safely with their families and to live in their communities and make their dreams come true.

### **A victory for all kids**

The decision is a huge victory all people who believe kids should be treated fairly. Since this complaint started in 2007, thousands of kids got involved. Many kids watched the hearings in person or on TV, wrote letters to the Prime Minister of Canada, participated in marches, and wrote songs and drew pictures about what they learned. The decision shows that kids can make a big difference when they work together to do the right thing. Kids have the power to make the world a better place for everyone!

The Caring Society wants to say big thank you to all of the kids -you were a huge help!

### **More work to be done**

It will be very important to continue to follow the case closely to make sure the Government of Canada does not continue to break the law and stops discriminating against First Nations kids in other areas too like education and health care. Please visit [www.fncaresociety.com](http://www.fncaresociety.com) to learn more about what you can do to help.

### **WORDS TO UNDERSTAND**

**Best interest of the child:** means that we must always do what is best for kids. We must give all kids an equal chance to live a good life by meeting their needs, respecting their cultures and take extra care of kids who need special help.

**Canadian Human Rights Act:** is a law in Canada that says that everyone deserves to be treated equally. This law gives girls and boys and adults of all races, ages, nationalities, and religions and those with disabilities the right to equality.

**Canadian Human Rights Tribunal:** people who decide if someone is breaking the *Canadian Human Rights Act* by not treating someone fairly because of their age, race, ethnicity, nationality, religion, disability or because they are a girl or a boy.

**Discrimination:** to treat someone unfairly because of their age, race, ethnicity, nationality, religion, disability or because they are a girl or a boy.

**Jordan's Principle:** to make sure that First Nations kids have the same services that are given to other kids in school, in health, childcare, culture, language and fun activities. Learn more at [www.jordansprinciple.ca](http://www.jordansprinciple.ca)

**To read the Tribunal's decision and find more information go to  
[www.fnwitness.ca](http://www.fnwitness.ca) or contact [info@fncaresociety.com](mailto:info@fncaresociety.com)**