

FEDERAL COURT OF APPEAL DISMISSES FEDS ATTEMPT TO STOP CHILD WELFARE CASE YET AGAIN

WEST VANCOUVER, BC, First Nations Child and Family Wellness Council (FNCFWC) – Canada’s attempt to overturn an earlier decision ordering the Canadian Human Rights Tribunal to hear the child welfare case, was dismissed in the Federal Court of Appeal yesterday.

The First Nations Child and Family Caring Society (FNCFCS) and the Assembly of First Nations (AFN) filed the discrimination case over six years ago followed by many attempts by the Federal Government to stop it from going public since 2008.

The Federal Government has consistently spent less on child welfare for children living on reserves than the provinces spend for children who live off reserves. FNCFCS has argued that the funding gap leaves on-reserve children with a reduced quality of programming and services resulting in children on reserves being removed into care quicker and more often than their off-reserve equivalents.

Canada’s latest appeal echoes their previous attempt to stop the case from being heard by restating their position that the Tribunal has no jurisdiction to hear the case because the Federal Government provides funding, not services and therefore does not fall under the human rights act.

Cindy Blackstock, Executive Director of the FNCFCS stated the Caring Society is overjoyed with this decision that allows the Tribunal to hear all the evidence to determine if Canada’s provision of First Nations child and family services is discriminatory. They 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 look forward to the Tribunal ordering the Canadian Government to remedy the inequality.

“Dr. Blackstock has done the work to prove that our children are discriminated against by the Crown and they are trying to disprove facts that are based in sound ethical research that AANDC supported and are now refuting,” Says Beverley Clifton-Percival, FNCFWC Co-Chair. “This hearing is about equality in services for Indigenous children.”

The FNCFWC continues to support the work of the FNCFCS, “Justice and equality for our children is what we seek; discrimination must end,” Says Clifton-Percival. “I applaud the court decision as a step towards justice for our children.”

The Government of Canada has 60 days to appeal the decision to the Supreme Court of Canada. Meanwhile, the hearings, which began in February with a 14 week schedule will resume April 2 in Ottawa.

The hearings are open to the public and APTN will provide daily updates on their National News. For more information or to become involved please visit www.fnwitness.ca

The FNCFWC respects and supports the inherent rights of each Nation and continues to take direction from BC First Nations Leadership to advocate politically for fundamental policy changes to protect the best interests of children and families.