

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

**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 and Northern Affairs Canada)**

Respondent

- and -

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

Interested Parties

**NOTICE OF MOTION OF THE COMPLAINANT  
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

---

**AFFIDAVIT OF CINDY BLACKSTOCK**

---

I, Cindy Blackstock, of the City of Ottawa in the Province of Ontario, make oath and say as follows:

1. I am the Executive Director of the First Nations Child and Family Caring Society (“Caring Society”), one of the complainants in the human rights complaint related to Canada’s racial discrimination against nearly 165,000 First Nations children for its inequitable funding for child welfare services and its failure to fully implement Jordan’s Principle. As such, I have knowledge of the matters herein deposed, except where stated that the matter is based on information and belief, and where so stated I believe the same to be true.
2. In addition to my position as the Executive Director of the Caring Society, I am also a Professor at McGill University School of Social Work.
3. I affirm this affidavit in support of the Caring Society’s motion for non-compliance, seeking declaratory and immediate relief for First Nations children living on reserve and in the Yukon.

#### **My Reaction to the CHRT January Decision**

4. On January 26, 2016 the Tribunal substantiated the Complaint and determined that the federal government’s provision of child welfare services and failure to implement Jordan’s Principle is discriminatory on the prohibited grounds of race and national ethnic origin. As I read the first words of *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, 2016 CHRT 2 (“the Decision”), “[t]his decision concerns children”, I felt an immense sense of relief and hope for this generation of First Nations children and those to follow.
5. The human rights case was filed on February 23, 2007. First Nations children, youth and their families waited 3259 days (8 years 11 months) for the Decision. The Tribunal found that Canada’s flawed and inequitable provision of First Nations child and family services is discriminatory and incentivizes the removal of First Nations children. This echoes the findings of reports dating back 16 years that I, among others, had been involved in. Most importantly the Decision affirmed the experience

of First Nations families who were seeing another wave of children being removed from their families due to deficits in culturally based family support services.

6. The Tribunal also determined that Canada has defined and implemented Jordan's Principle in a discriminatory manner. This affirmed the tragic, and in some cases life threatening, experience of many First Nations children resident on and off reserve who experienced service denials, delays and disruptions owing to federal government conduct relating to the child's First Nations status.
7. The Tribunal ordered Canada to immediately cease its discriminatory conduct. In my view, this order properly responded to the vital importance of immediately ending the discrimination given the unique developmental stages of children and the severity of the harm that the discrimination imposed.
8. As a Truth and Reconciliation Commission Honorary Witness, I expected Canada would learn from its role in the residential school tragedy by immediately and properly implementing the Decision. Such action would go a long way to satisfying the Truth and Reconciliation Commission's Calls to Action number 1 (child welfare) and 3 (Jordan's Principle).
9. As proffered during the hearing of the complaint before the Tribunal, in November 1907, the front page of the Ottawa Evening Citizen (now the Ottawa Citizen) newspaper revealed that Dr. Bryce, then Chief Medical Health Officer for Indian Affairs, found 25% of the children in residential schools were dying each year because the Government of Canada refused to address the conditions in the schools that aided the spread of the disease. The problem was worsened by Canada's refusal to provide equitable treatment for tuberculosis. Dr. Bryce continued to press for the life saving reforms despite active resistance and retaliation from Indian Affairs officials such as Duncan Campbell Scott. In 1922, Bryce published his pamphlet "A National Crime: being an appeal for justice for the Indians of Canada." Dr. Bryce's work inspired the title of Professor Milloy's book, an expert report filed at the

Tribunal, entitled “National Crime: the Canadian Government and the residential school system- 1879-1986.”

10. In my view, Canada’s failure to respond to the many reports documenting the inequalities in INAC’s First Nations Child and Family Services Program (i.e.: Caldwell report (1967), Joint National Policy Review (2000), Wen:de reports (2005) and Auditor General of Canada (2008, 2011)) in ways that fully remediated the harms is tragically consistent with the Department’s dismal reaction to Dr. Bryce’s calls for life saving reforms. Canada’s failure to comply with the Tribunal’s orders demonstrates a continued lack of insight into the irrevocable harms experienced by First Nations children who are unnecessarily removed from their families due to wayward and unlawful federal government conduct.
11. Canada’s ongoing discrimination related to its failure to comply with the Decision and the subsequent compliance orders has left me with a profound sense of sadness and worry about the safety and wellbeing of the children and their families. In my view, Canada’s conduct does not live up to the high expectations that were set when the Prime Minister made a commitment to implement the Truth and Reconciliation Commission’s Calls to Action or the joint announcement made by the Minister of Indigenous Affairs and the Attorney General of Canada on January 26, 2016 welcoming the Decision.
12. In honor of all of the First Nations and non-Indigenous persons who called on Canada to do better for First Nations children when it knew better, I felt an obligation to do everything I could to ensure the Decision is complied with and leads to real, meaningful changes for the nearly 165, 000 children and youth affected by it.

### **My Efforts to Help Canada Provide Immediate Relief Children**

13. Dating back before the Decision was released and thereafter, the Caring Society has made multiple and sustained efforts to propose evidence based methods and

mechanisms to Canada to decrease the harm experienced by First Nations children and their families.

14. In anticipation of the Decision, on December 14, 2015, I wrote to Paula Isaak, Assistant Deputy Minister of INAC, regarding the information needs for the National Advisory Committee (“NAC”) so we could move forward with dispatch in establishing the committee. Attached as **Exhibit A** to this Affidavit is a copy of this letter.

15. I also prepared a series of accessible and user-friendly information sheets presenting immediate relief measures that Canada could undertake within a short timeframe to lessen the discriminatory impact of its First Nations child welfare program and fully implement Jordan’s Principle. The vast majority of these recommendations are recommended reforms presented by the Auditor General of Canada and in joint First Nations/INAC reports on child and family services and previously agreed to by INAC. These information sheets respectively titled “Action Reforms of Directive 20-1, the Enhanced Prevention Focused Approach, and the 1965 Indian Child Welfare Agreement” were posted on the Caring Society’s website on January 10, 2016. Attached as **Exhibit B** of this affidavit are these information sheets. In particular, the information sheets made the following recommendations which are relevant to the motion:

- a) Approve child in care related legal expenses as an eligible expense under the maintenance budget and increase the maintenance budget to cover such costs.
- b) Fund agency building renovations by qualified contractors where facility conditions pose a health and safety hazard.
- c) Approve costs related to the receipt and investigation of child maltreatment reports at actual costs pending further review.
- d) Replace the current operations registered child populations thresholds of 251, 501, 801 and 1000 in the operations formula with the recommended funding increments per every 25 children on reserve as recommended in Wen:de.

- e) Increase the per child amount for prevention from \$100 per child to \$200 per child.
  - f) Immediately update the schedule of the 1965 Indian Welfare Agreement to include the current provisions of child welfare statutes ensuring statutory requirements such as covering the costs of band representatives and prevention services.
16. On January 11, 2016, I personally wrote the Honorable Carolyn Bennett to recognize her appointment as Minister of Indigenous and Northern Affairs. In my letter, I urged Minister Bennett to act quickly to reform the FNCFS Program and referred her to the Caring Society's information sheets referred to in paragraph 15. Attached as **Exhibit C** to this affidavit is a copy of this letter.
17. On February 11, 2016, Mr. Jonathan Thompson of the Assembly of First Nations and I met with Paula Isaak, Assistant Deputy Minister at INAC of Education and Social Development Programs and Partnership Sector and Cassandra Lang, INAC Director of the Child and Families Directorate, to discuss the implementation of immediate relief for First Nations children. Following the meeting, on March 1, 2016, Ms. Isaak wrote to me regarding the establishment of the NAC. On March 2, 2016, I responded to this letter stating that immediate relief could be provided prior to recalling the NAC. In particular, I stated that while the Caring Society supports the reconstitution of a national table and the region tables to negotiate medium and longer-term reform, we take the position that the reconstitution of the national and regional tables is not required before immediate relief measures are put in place. I also added that the government's procedural considerations and convenience does not shield it from its human rights obligations towards First Nations children. Attached as **Exhibit D** to this affidavit is a copy of this letter.
18. Though both the Minister of Indigenous and Northern Affairs and the Minister of Justice stated on the day of the release of the Decision that they welcomed the findings of the Tribunal, I am unaware of any steps taken by Canada from January 26,

2016 until the release of Budget 2016 to attempt to comply with the Decision or relieve the discrimination experienced by First Nations children.

19. On March 22, 2016, I had the opportunity to take part in the media lock-up for Budget 2016. As I reviewed Canada's budget allocation for First Nations child and family services, I was surprised that only \$ 71 million had been allocated for First Nations child and family services for 2016/2017 and nothing was allocated for the implementation of Jordan's Principle. I failed to understand how the \$71 million could have been calculated. In my over 20 years of intense study of INAC's funding arrangements, including the reading of approximately 80,000 INAC documents, I have never seen a calculation pegging the shortfall for formal or substantive equality at \$ 71 million. In fact, the \$71 million in child welfare, which included funding for INAC, was well below the \$108.13 million estimated by Canada to be required in 2012 as documented in the August 29, 2012 presentation of Odette Johnson, then Director of the Children and Family Services Directorate, entitled "First Nations Child and Family Services Program: The Way Forward" which was tendered as evidence before the Tribunal.

20. As a part of the media budget lock-up, federal officials make themselves available to answer questions. It was at this event where Paula Isaak, ADM of INAC, explained that the \$71 million took account of additional funds that INAC recently provided for prevention services. I asked for more information on the prevention funds she was speaking about as to my knowledge INAC had not provided any additional prevention funding since 2010 when the last region was added to the EPFA regime. She could not provide any more details on the alleged new prevention funding that Budget 2016 accounted for. I also asked if the \$71 million included provisions for inflation losses. Ms. Isaak was unable to respond to my questions and has not followed up since other than to refer me to the Respondent's submissions to the Tribunal.

21. On March 31, 2016, after having spent more time analyzing the funding for child welfare services in the 2016 Budget, I met with Minister Bennett to discuss the

importance of implementing immediate relief for First Nations children. I expressed my disappointment that the amounts in Budget 2016 were developed without consultation with First Nations. I asked how the amounts were calculated and expressed my view that the \$ 71 million was insufficient to address the immediate relief requirements in the Tribunal's Decision. I urged her to review the Caring Society's information sheets to inform improvements to the Department's budget allocations. I further urged her to ensure the Department moved quickly to establish the National Advisory Committee and Regional tables to address matters relating to medium and long-term reform.

22. On May 2, 2016, I again met with Minister Bennett, Rick Theis, the Minister's Chief of Staff, Deputy Minister Hélène Laurendeau, Ms. Lang, Ms. Isaak, Mr. Thompson, Peter Dinsdale, then AFN CEO, and other INAC officials. I again reiterated my disappointment with Budget 2016. I again asked federal officials for a detailed calculation of Budget 2016 and the forecasts for future years and a response to my calculations of the shortfall. I did not receive a response. I also presented my own detailed calculations of the shortfall in funding for child welfare based on information available departmental data.
23. On September 21, 2016, I again met with Minister Bennett, Mr. Theis and another official from the Minister's office. During this meeting, I expressed concerns with Canada's failure to comply with the Tribunal's orders and Canada's failure to provide FNCFS Agencies with funding for cultural visioning (Touchstones of Hope model) so they could better cost out culturally based approaches to child welfare delivery. I also expressed concern about Canada's unilateral decision-making on Budget 2016 and Jordan's Principle and subsequent failure to meaningfully respond to legitimate questions the Caring Society had posed to understand these announcements. I also expressed my view that Canada's unilateral decision-making was out of step with the government's commitment to a "Nation to Nation" relationship with First Nations. I also noted, with concern, that Canada's submissions to the Tribunal indicated that INAC officials were relying on existing policies and authorities to delay the



implementation of the Tribunal's orders even though they had been ruled discriminatory.

24. I was very concerned reading the Respondent's September 30, 2016 compliance report to the Tribunal which clearly stated that the 2016 Budget was developed in the Fall of 2015 prior to the release of the Decision.

### **The Public's Reaction to and Expectations about the Case**

25. I was constantly moved by the public interest in the case, particularly by children. This interest foretold the outpouring of public support and enthusiasm regarding the Decision after it was issued. I estimate that I personally received over 1000 messages, emails, phone calls and letters from people across Canada and around the world welcoming the Decision in the days and weeks following January 26, 2016. For example, on January 26, 2016, Chief Ron Evans from Norway House Cree Nation sent the Caring Society a letter thanking us for our work and congratulating us for the victory. Attached as **Exhibit E** of this affidavit is a copy of this letter.

26. In addition on March 10, 2016 I visited Walpole Island First Nations on Bkejwanong Territory thinking that I would visit the school and meet the students. When I arrived, the students surprised me with a celebration of the Tribunal's Decision. The school's walls had posters, thank you cards and cardboard hearts decorated by the students. One of the posters said "Thank you for caring for us Cindy. You are my hero." As I walked through the empty hallways, admiring the beautiful decorations, the children all ran out in unison, yelling "thank you" and then assembled in the school gym with their signs and pictures celebrating the decision. I was honored to meet with children as young as 5 years old who had participated in the celebration. When I thanked the students of Walpole Island for their support and reminded them of the collective effort so many had made to make the decision possible, I pledged that I would

continue to do everything I could to stop the discrimination affecting them. Attached as **Exhibit F** to this affidavit is a picture of the event.

27. On February 10, 2016, over 600 children participated in Have a Heart Day on Parliament Hill for First Nations children by writing letters to elected officials so First Nations children can grow up safely in their families, get a good education, be healthy and proud of who they are. Over 300 children who attended Have a Heart Day attended a luncheon later that day inside Parliament to celebrate the Tribunal's decision. The children read letters and sang songs and cut a cake in celebration of the decision. Across Canada, more than 5,500 Canadians celebrated Have a Heart Day in 2016. Attached to this affidavit as **Exhibits G** of this affidavit are pictures of the children at Have a Heart Day on Parliament Hill and of children cutting the cake honoring the Decision at the luncheon inside Parliament.

28. In May 2016, I visited Featherston Drive Public School in Ottawa to attend a celebration organised by the students in honor of the Decision. During the celebration, the students presented me with a poster entitled "What makes me a hero?". The poster features examples provided by the students of what being a hero means to them. The examples include stopping discrimination and inspiring children. Attached as **Exhibit H** to this affidavit is a picture of this poster which hangs in my office.

29. On June 6<sup>th</sup>, 2016, I visited the Pierre Elliot Trudeau School in Gatineau. Some of the students of the school come from Northern First Nations communities in Quebec. All of the students had closely followed the case and learned about the Decision in class. To mark the occasion, they organized a special party during which they prepared a lunch for the Caring Society's legal team and me. After the meal, the students presented me with a book they had made to thank me for my work with and for children. Attached as **Exhibit I** of this affidavit is a picture of the book.

30. On August 1, 2016, I attended the Jordan Principle's Parade in Norway House held every year in honor of Jordan River Anderson, founder of Jordan's Principle. Attached as **Exhibit J** to this affidavit are pictures of this event. The parade was extremely well attended by children and adults from the community, including members of Jordan's family, many of whom made hand-made floats honoring Jordan's Principle. There were prizes for the best dressed Jordan's Principle wheelchair, bike, stroller and teddy bear. After the parade, the community held a special ceremony to thank me, and others, for honoring Jordan's legacy.
31. On September 13, 2016, I attended the premiere screening of Alanis Obomsawin's documentary regarding the case entitled "We can't make the same mistake twice" at the Toronto International Film Festival ("TIFF"). The documentary was completely independent and I had no input into its content or production. I had also not seen any portion of the film prior to the TIFF Premiere with the exception of the publicly available film trailer. The premiere was sold out and was attended by over 450 people including Jordan River Anderson's sister and many children and youth. On November 21, 2016, the Caring Society hosted a viewing of the documentary at the Mayfair Theatre in Ottawa for over 250 elementary and secondary students, many of who had also attended the hearings. The documentary has been shown in Halifax, Sudbury, Gatineau, Vancouver, and Montreal and at the Imaginative Film and Media Art Festival in Toronto.
32. There are currently 15 238 registered witnesses for the "I am a Witness" campaign that encourages citizens and groups to follow the human rights case on First Nations child welfare and Jordan's Principle. Even though the hearing is over, the number of registered witnesses continues to grow and there is a great interest among registered witnesses in monitoring how Canada is responding to the findings of discrimination. I frequently receive emails, letters and messages from individuals and organisations inquiring about Canada's compliance with the Decision. Tragically, I also continue to regularly hear about the tragic impact that Canada's inequitable funding of child welfare services is having on children, families and communities. For example, on

July 7, 2016, I learned that the Mi'kmaw Family and Children's Services of Nova Scotia had a deficit of over \$ 2.5 million and was only receiving \$ 400,000 annually when I attended their annual general meeting. \$ 4 million is needed for immediate relief for that agency. Attached as **Exhibit K** to this affidavit is the statement of operations of Mi'kmaw Family and Children's Services of Nova Scotia dated March 31, 2016

### **Criticism of Canada's ongoing discrimination against First Nations children**

33. On February 1, 2016, the Caring Society submitted a shadow report to the UN Committee on Economic, Social and Cultural Rights ("CESCR") for the purpose of its Sixth Periodic Review of Canada. Based on the Caring Society's submissions and those of other Canadian human rights organizations such as the Feminist Alliance for International Action and Amnesty International, the CESCR released its Concluding observations regarding Canada dated March 22, 2016 attached as **Exhibit L** to this affidavit. Relating to Canada's welfare services to First Nations children, the CESCR stated:

35. The Committee is concerned at the higher likelihood that indigenous children be placed in childcare institutions, which is further exacerbated by the inadequate funding for child welfare services to indigenous peoples living on reserves. The Committee is also concerned that African-Canadian children are overrepresented in childcare institutions (art. 10).

36. **The Committee recommends that the State party:**

(a) **Review and increase its funding to family and child welfare services for indigenous peoples living on reserves and fully comply with the decision of the Canadian Human Rights Tribunal (January 2016) concerning the provision of family child welfare services to First Nations children and families living on reserves;**

(b) **Implement the recommendations of the Truth and Reconciliation Commission (2015) with regard to the Indian Residential Schools;**

(c) **Take effective measures to address the root causes of overrepresentation of African-Canadian children in care institutions.**

34. On February 16, 2016, Chief Ron Ignace of the Skeetchestn Indian Band sent a letter to Prime Minister Trudeau in relation to the Calls to Action of the Truth and Reconciliation Commission regarding child welfare and the Decision. The letter urged the Prime Minister, as Minister of Youth, to take a leadership role in ensuring that Canada fully and immediately ends its discriminatory practices towards First Nations children and their families. Attached as **Exhibit M** to this affidavit is a copy of the letter.
35. On February 25, 2016, Debbie Pierre, Executive Director of the Office of Wet'Suwet'en First Nation, wrote a letter to Prime Minister Justice Trudeau urging him to take immediate action to reform its First Nations child welfare services. The letter noted that Wet'Suwet'en First Nation has developed an innovative and culturally appropriate wellness conceptual model to design, plan, implement and evaluate all services provided to their children, youth and families but that none of these initiatives was currently funded by the government. Attached as **Exhibit N** to this affidavit is a copy of this letter.
36. On September 13, 2016, Joseph Damaso, a Program Advisor at INAC British Columbia Region, sent an email to FNCFS Agency representatives containing notes from a meeting held on September 8, 2016 between representatives of FNCFS Agencies, and officials from the Ministry of Children and Family Development and INAC, a travel expense form and an information note on the child and family services immediate remedies methodology for 2016-2017 prepared by INAC. On December 13, 2016, Mary Teegee of Carrier-Sekani Child and Family Services forwarded me this email. Attached as **Exhibit O** to this affidavit is a copy of this email, as well as the attached notes from the meeting and the information note regarding the child and family services immediate remedies methodology for 2016-2017.
37. On October 6, 2016, Debra Foxcroft, president of the Nuu-chah-nulth Tribal Council sent a letter to Minister Bennett expressing her concerns about Canada's failure to comply with the Decision and its upcoming October 31, 2016 compliance report to the Tribunal. Attached as **Exhibit P** to this affidavit is a copy of this letter.

38. On October 26, 2016, nine months following the release of the Decision, the Manitoba Legislature passed a motion condemning Canada for failing to comply with the ruling and urging immediate compliance.
39. On October 27, 2016, the New Democratic Party introduced an opposition motion to the House of Commons calling on Canada to comply with the Decision. On October 31, 2016, Chief George Ginnish and Chief Rebecca Knockwood, Chiefs of Mi'gmawel Tplu'taqnn sent a letter to all Members of Parliament from New Brunswick calling on them to support the motion. Attached as **Exhibit Q** to this affidavit is a copy of the letter.
40. On November 1, 2016, the House of Commons motion passed unanimously. It called on Canada to immediately comply with the Canadian Human Rights Tribunal's decision, properly and fully implement Jordan's Principle, inject \$155 million in new funding for the delivery of child welfare services for First Nations children and families and to stop fighting First Nations families in court who are trying to access government services for their children. Canada has failed to provide the \$155 million referenced in the motion and two days after the motion passed in the House of Commons, Canada continued litigation against a First Nations teenager requiring \$8,000 worth of medical treatment so she can eat and talk without chronic pain. Attached as **Exhibit R** to this affidavit of the Notice of Application and the proceedings queries from the Federal Court registry regarding the case.
41. On November 1, 2016, UNICEF Canada made a statement supporting the passage of the House of Commons motion attached as **Exhibit S**.
42. Relevant to the Auditor General of Canada's 2008 and 2011 audits on First Nations child and family services, on November 29, 2016, the Auditor General of Canada released his Fall 2016 report that included the following statement "Another picture

that reappears too frequently is the disparity in the treatment of Canada's Indigenous peoples. My predecessor, Sheila Fraser, near the end of her mandate, summed up her impression of 10 years of audits and related recommendations on First Nations issues with the word "unacceptable." Since my arrival, we have continued to audit these issues and to present at least one report per year on areas that have an impact on First Nations, including emergency management and policing services on reserves, access to health services, and most recently, correctional services for Aboriginal offenders. When you add the results of these audits to those we reported on in the past, I can only describe the situation as it exists now as beyond unacceptable." The message of the Auditor General is attached to my affidavit as **Exhibit T**.

43. On December 6, 2016, the First Nations Leadership Council, composed of the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations wrote an open letter to Minister Bennett urging her to take immediate action to comply with the Decision. The letter also expressed concerns about unilateral the appointment of Dr. Wesley-Esquimaux as the Ministerial Special Representative on First Nations child and family services. The First Nations Leadership Council also expressed concerns relating to Canada's failure to comply with the Canadian Human Rights decisions and about the vague goals and lack of transparency regarding the Ministerial Special Representative's discussions with First Nations and First Nations child and family service agencies relating to child welfare. It further expressed concern that Canada has not established the National Advisory Committee process. Attached as **Exhibit U** to this Affidavit is a copy of this letter.

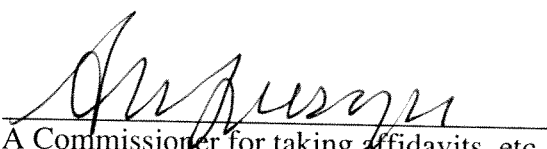
44. On December 6, 2016, the Office of the Parliamentary Budget Officer released a report entitled “Federal Spending on Primary and Secondary Education on First Nations Reserves.” The report concluded there are considerable funding shortfalls between INAC funding and funding provided under provincial formulas in the context of First Nations elementary and secondary education. Attached as **Exhibit V** is a copy of this report.
45. On December 6, 7 and 8, 2016, I attended the Special Chiefs Assembly of the Assembly of First Nations. During this time, numerous individuals advised me of their disappointment regarding Canada’s failure to comply with the Decision. Nine individuals provided letters expressing their concerns. Attached as **Exhibit W** to this affidavit are copies of these letters.
46. During the Special Chiefs Assembly, the Chiefs in Assembly unanimously passed a resolution expressing deep concern regarding Canada’s failure to immediately and fully comply with the Decision and the ensuing compliance orders. The resolution called on Canada to immediately comply with any and all orders issued by the Canadian Human Rights Tribunal without reservation and to establish the National Advisory Committee and Regional Tables. The resolution also expressed concern about the lack of accountability for the Ministerial Special Representative and called on INAC to reorient her mandate to increase the capacity of INAC to comply with the Decision and to implement the Truth and Reconciliation Commission’s Calls to Action. Attached as **Exhibit X** to this affidavit is a copy of the resolution.
47. On December 9, 2016, I appeared before the Inter-American Commission on Human Rights (“IACHR”) in Washington, D.C. on behalf of the Caring Society for a special hearing convened on the human rights situation of Indigenous children in Canada. The focus of my presentation was Canada’s failure to respect the Decision in violation of the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the American Convention

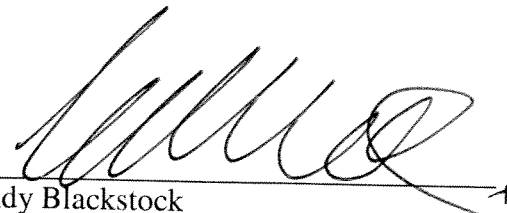


on the Rights and Duties of the Man, and the American Declaration of the Rights of Indigenous Peoples. The Caring Society's main requests to the IACHR were to urge Canada to comply with the Decision and for the IACHR to hold a follow-up hearing within one year to determine Canada's compliance with any observations and recommendations it made. Attached, as **Exhibit Y** to my affidavit is the Caring Society's brief to the IACHR. Following my presentation, the IACHR Special Rapporteur on the Rights of the Child of the IACHR, Esmeralda Arosemena de Troitiño, stated, "we need to protect every child, every last boy and girl".

48. On December 13, 2016, Amnesty International Canada (English Branch) and Amnestie internationale Canada (francophone) released their annual Human Rights Assessment of Year One of the current government. Although the report noted some positive "promises", it concluded that the current government's human rights record was still a work in progress. The assessment expressed serious concern about Canada's failing to take immediate remedial action as explicitly called for in the Decision. It graded the current government's policy on First Nations child welfare as "non progress". Attached as **Exhibit Z** of this affidavit is Amnesty International's Assessment of Canada.

49. I make this affidavit in good faith and for no other or improper purpose.

AFFIRMED BEFORE ME )  
at Ottawa, Ontario on December 17, 2016 )  
)  
)  
)  
)  
 )  
A Commissioner for taking affidavits, etc. )

  
Cindy Blackstock