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February 14, 2019

BY EMAIL

Judy Dubois
Registry Operations
Canadian Human Rights Tribunal
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

RE: *First Nations Child and Family Society of Canada et al v Canada*
Tribunal File No.: T1340/7008

The Chiefs of Ontario (COO) has received the Congress of Aboriginal Peoples' (CAP) letter dated January 30, 2019, expressing interest in intervening in this matter with respect to the extension of Jordan's Principle to non-status First Nations children who are not ordinarily resident on reserve. COO is also in receipt of Ms. Dubois' letter dated February 5, 2019 soliciting the parties' views on CAP's request.

We would like to thank the Panel for providing COO with the opportunity to share its views on this matter. For the reasons that follow, COO opposes CAP's participation in the proceedings:


1. CAP is not a rights-holder, an Indigenous government, or political body with authority to speak on behalf of First Nations. COO has provided and will continue to provide the Panel with positions informed by the leadership of Ontario First Nations. COO works with the Social Services Coordination Unit, the Chiefs' Committee on Social Services, and the Ontario Child Welfare and Family Well-Being Technical Table¹ on all matters of importance related to these proceedings. COO's positions are directly informed by rights-holders: the leadership of Ontario First Nations.

¹ The Chiefs' Committee on Social Services, the Social Services Coordination Unit, and the Technical Table are each composed of representatives of various political-territorial organizations in Ontario including: Anishinabek Nation, Nishnawbe Aski Nation, Grand Council Treaty 3, Association of Iroquois and Allied Indians, Six Nations, and Independent First Nations.

2. First Nations represent and act in the best interests of their citizens whether they are located on or off reserve. COO already advocates for equity in the treatment of off-reserve First Nations, as evidenced in its work at the Consultation Committee on Child Welfare respecting the extension of funding for Band Representative Services to off-reserve First Nations citizens. COO will continue to provide the Tribunal with the views of Ontario First Nations on the treatment of off-reserve First Nations citizens.
3. It is unclear that CAP's participation will add any new perspective to the matter at hand; this is especially true given that the Caring Society is already making submissions about the extension of Jordan's Principle to off-reserve non-status children. In its letter, CAP purports to support the Caring Society's position. Given that CAP's position is aligned with that of the Caring Society, it is unclear what unique or fresh perspective CAP can offer.
4. COO, and the other parties in this proceeding, have been actively involved in First Nations child and family well-being initiatives for decades. In contrast, CAP has provided no evidence of its background or expertise in matters of child and family well-being, substantive equality, or any domain related to Jordan's Principle.
5. CAP has provided few details about the proposed nature or content of its submissions, however it has been three years since the original decision and any further delay in proceedings is not acceptable to COO.

We would like to thank you again for considering COO's perspective on this matter.

Yours sincerely,



Sinead Dearman for Maggie Wentz

cc: Counsel for the Department of Justice Canada, Assembly of First Nations, First Nations Child and Family Caring Society, Chiefs of Ontario, Nishnawbe Aski Nation, Canadian Human Rights Commission, and Amnesty International.