



**ASSEMBLY OF FIRST NATIONS
FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY
BULLETIN**



February 28, 2011

**First Nations Child and Family Caring Society Pursues Court Order to Ensure
Human Rights Complaint Against Federal Government Moves Forward**

(Ottawa, ON) – The First Nations Child and Family Caring Society of Canada (FNCFCSC) took legal action today to force the Chair of the Canadian Human Rights Tribunal to rule on a jurisdictional motion brought by the federal government challenging the Tribunal’s ability to hear a human rights complaint against the federal government alleging it racially discriminates against First Nation children by providing inequitable child welfare services on reserves.

Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada, filed the application in Federal Court today and stated: “I regret that filing this application was necessary but it is time for the children to come first. They are in vulnerable situations and these repeated delays by the federal government perpetuate their vulnerability. Children and the facts need to come before legal loopholes and government efforts to keep Canadians in the dark.”

The case before the Tribunal was filed in 2007 by the Assembly of First Nations and the FNCFCSC following a number of reports which found that the federal government is not funding First Nations child welfare agencies at the same level as provincial services, resulting in inequitable services. First Nations children and families on reserve lack the same prevention services offered to other Canadians, case-workers are overburdened, and many agencies operate without basics like computers or safe office buildings, which are sorely needed to improve planning, evaluation and the effectiveness of the services offered to children.

Hearings on the facts were scheduled to begin at the Canadian Human Rights Tribunal (CHRT) in November of 2009 but, only four days into her appointment, Tribunal Chair Shirish Chotalia vacated the hearing dates for reasons that are still unclear. The federal government then filed a motion to dismiss the case at the CHRT and hearings were held on this motion on June 2 and 3, 2010. The Tribunal’s own guidelines require a ruling to be rendered within four months. That timeline expired and so did the Tribunal’s second guideline requiring a ruling within six months at the latest.

“As co-complainants in the Human Rights Tribunal matter, we are completely supportive of the steps taken by the First Nations Child and Family Caring Society,” said Assembly

of First Nations National Chief Shawn A-in-chut Atleo. “A great deal of time has passed since the parties argued the motion and, depending on the ruling, it is possible that the hearing on the complaint could be further delayed. This would lead to more time and effort being spent on technical, procedural matters while the status quo prevails, which is injurious to our children, families and communities. It is time to get on with addressing the real issues and ensure safety and security for our children. Justice delayed is justice denied.”

Evidence of the inequality in Indian and Northern Affairs child and family services program is overwhelming including reports from the Auditor General of Canada (May 2008), the Standing Committee on Public Accounts (2009) and numerous reports and papers authored, or commissioned by, the Federal Government.

The First Nations Child and Family Caring Society of Canada is a national non-profit organization providing services to First Nations child welfare organizations.

The Assembly of First Nations is the national organization representing First Nations citizens in Canada.

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