

**FEDERAL COURT OF CANADA**

**B E T W E E N:**

**FIRST NATIONS CHILD AND FAMILY  
CARING SOCIETY**

Applicant

- and -

**CANADIAN HUMAN RIGHTS TRIBUNAL,  
ASSEMBLY OF FIRST NATIONS,  
CANADIAN HUMAN RIGHTS COMMISSION,  
CHIEFS OF ONTARIO,  
AMNESTY INTERNATIONAL CANADA and  
ATTORNEY GENERAL OF CANADA**

Respondents

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**AFFIDAVIT OF CINDY BLACKSTOCK**

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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 of Canada (“FNCFCS” or “Caring Society”), and as such I have knowledge of the matters in which I hereinafter depose.
2. The Caring Society is a non-profit organization committed to research, policy development, professional development and advocacy, on behalf of First Nations

agencies that serve the well-being of Aboriginal children, youth and families in Canada.

3. On February 27, 2007, the Caring Society and the Assembly of First Nations filed a joint complaint 2006/1060 ("the Complaint") with the Canadian Human Rights Commission ("CHRC" or "the Commission"). The Complaint asserts that INAC's child and family services program results in inequitable child welfare services for Registered Indian children on reserve compared to those received by children living off reserve.

4. The Complaint also alleges that the jurisdictional disputes between and within governments adversely impact First Nations children and is discriminatory contrary to section 5 of the *Canadian Human Rights Act* ("the Act"). Attached as **Exhibit "A"** to my affidavit is a copy of the complaint.

### **Discrimination against First Nations' Children Living on Reserve**

#### ***(a) Inequalities in INAC's Child and Family Services and Programs***

5. Many government documents support the Complainants' view that First Nations children receive a lower and inequitable level of children welfare services on reserve. In June 2000, a Joint National Policy Review, conducted by INAC and the Assembly of First Nations, found that First Nations children on reserve received 22 percent less funding for child welfare than other children receive. It also identified significant problems with the structure of the formula including the lack of emphasis on least disruptive measures services and insufficient funding and policies required to achieve good, equitable and culturally appropriate social work practice. For example, it found that INAC provided few services to help children stay safely in their

home. It also found that First Nations children would be denied government services available to others due to jurisdictional disputes with the provinces. Attached as **Exhibit "B"** to my affidavit is a copy of the Joint Policy Review.

6. In 2004, a National Advisory Committee, co-chaired by the Assembly of First Nations and INAC, commissioned the Caring Society to complete a detailed review of INAC's First Nations child and family services policy and to provide recommendations for improvement. The Caring Society retained a team of over 20 leading researchers to conduct a multi-disciplinary and detailed review of INAC's First Nations child and family services program and to develop recommendations for improvement. The first report entitled "Wen:de: we are coming to the light of day" presented the research conducted in order to inform a new funding formula and policy improvements which were set out in the second report "Wen:de: the journey continues."

7. The Wen:de reports, released in 2005, confirmed the earlier findings of the Joint National Policy Review and identified key flaws and inequities in INAC's First Nations Child and Family Services Program. Specifically, the reports found that 0.67% of non Aboriginal children were in child welfare care in three sample provinces in Canada as compared to 10.23% of status Indian children. According to the reports, the dramatic over-representation of First Nations children in care was sourced in poverty, poor housing and caregiver substance misuse that could be linked back to colonization and residential schools. The reports suggested that additional and equitable funding, structured in proper ways with accompanying policy changes, would substantially improve the situation. Researchers stressed that the funding formula documented in *Wen:de: the journey continues* should be fully implemented as an interdependent program in order to achieve maximum benefit for children. Unfortunately, INAC failed to fully implement the recommended reforms even

though the federal government was reporting a surplus budget in the billions of dollars at the time.

8. In May 2008, the Auditor General of Canada released her report on INAC's First Nations Child and Family Service Program. The report concluded that all of INAC's programs and funding formulas for First Nations child and family services, including the enhanced prevention approach, were flawed and inequitable. The Auditor General set out recommendations for reform. Attached as **Exhibit "C"** to my affidavit is a copy of the Auditor General's Report.

9. In 2009, the Standing Committee on Public Accounts reviewed INAC's implementation of the Auditor General of Canada's 2008 recommendations for reforms. In its concluding statement the Committee notes, "Continuing to use a flawed funding formula means that First Nations child and family service agencies are often under - funded and First Nations children and families do not get the services they need." A copy of this statement is attached hereto as **Exhibit "D"**.

***(b) Jordan's Principle***

10. Jordan's Principle is named after Jordan River Anderson, a First Nations child from Norway House Cree Nation in Manitoba, who died in a Winnipeg hospital at the age of 5 after spending two years unnecessarily in hospital as Canada and Manitoba argued over who should pay for his at home care. If he was a non-Aboriginal child living off reserve, he would have gone to a family home when doctors said he was ready. Sadly for Jordan, Canada and Manitoba could not agree on who should pay for services for First Nations children on reserve even when that service is available to all other children. Jordan died in 2005 at the age of 5 in the hospital never having spent a day in a family home.

11. Jordan's family and community were determined that this type of dispute never again result in a First Nations child being denied, or delayed receipt of, all government services available to all other children. Jordan's Principle was developed to honour Jordan's legacy. It is a simple concept of equity that applies when a government service is available to all other children and a jurisdictional dispute arises within or between provincial/territorial or federal governments about who should pay for services to a First Nations child on reserve. It calls on the government that is first approached to provide and immediately pay for the services required by the First Nations child and then seek reimbursement from the appropriate government department or level of government later. Jordan's Principle aims to protect innocent and vulnerable children, when they are in desperate need of government services or assistance otherwise available to non-Aboriginal children, from being tragically getting caught in the middle of red tape and jurisdictional disputes between governments.

12. A Private Member's Motion in support of Jordan's Principle passed unanimously in the House of Commons on December 12, 2007, yet many believe that this Principle has not been fully implemented and First Nations children continue to be routinely denied services available to all others. As recently as February 15, 2011, Members of Parliament at the Standing Committee on the Status of Women were questioning INAC officials about the slow, and narrow, implementation of Jordan's Principle.

13. The human rights complaint filed by the Assembly of First Nations and the Caring Society sought to assert the cultural and non-discrimination rights of First

Nations children who are adversely affected by INAC's Child and Family Services Program and the jurisdictional disputes between and within governments.

### **History of the Complaint at the Tribunal**

14. The Canadian Human Rights Tribunal held its first preliminary case conference with respect to the Complaint on February 4, 2009. Grant Sinclair, Chairperson of the Tribunal at the time, presided over this case conference.

15. During the case conference, the Attorney General requested that the Human Rights Tribunal make preliminary determinations regarding the service and comparator issues for purposes of the discrimination analysis. Chairperson Sinclair refused to hear the motion, stating that the matter was complex and required a full hearing.

16. Over the ensuing months, the parties prepared their statements of particulars and lists of documents and potential witnesses. During this time, I began to prepare to myself to testify and helped my lawyers prepare other witnesses. I was pleased to see that the complaint was moving along smoothly.

17. On September 14, 2009, the adjudication of the complaint began. It was presided over by Chairperson Sinclair. The hearing started with my opening statement. Attached as **Exhibit "E"** to my affidavit is a copy of my opening statement. Following my opening remarks, Amnesty International and the Chiefs of

Ontario argued their request to obtain interested party status in the adjudication of the complaint. Both of their requests were granted by Chairperson Sinclair.

18. That same day, the Attorney General objected to the scheduling of further hearing dates and sought to have the hearing adjourned, arguing that the complaint was not sufficiently clear. Chairperson Sinclair refused this request.

19. Following the first day of hearing, Chairperson Sinclair issued a direction setting hearing dates for November 16-20, 2009; January 18-22, 2010; January 25-29, 2010; February 8-12, 2010 and February 15-19, 2010, for the hearing on the merits. Attached as **Exhibit "F"** to my affidavit is a copy of this direction, dated September 17, 2009. I was scheduled to be the first witness on the hearing on the merits which was scheduled to commence on November 16, 2010.

20. Given the time estimates of counsel and the scheduling of various witnesses, it was expected that these hearing dates would allow us to hear most or all of the evidence and that the hearing on the merits would be complete or near completion as of February 2010.

21. Based on the Tribunal's September 17, 2009 directive, I advised Elders, First Nations leaders, youth, social work and child rights experts and other citizens that the complaint was moving forward smoothly. Many were looking forward to learning about the child welfare programs and services provided by INAC on reserve to determine if they were discriminatory. First Nations Peoples from across the country asked me to provide them with regular updates on the progress of the case.

## **History of the Complaint Since Appointment of New Chairperson**

22. On November 2, 2009, Shirish Chotalia assumed her appointment as the new Chairperson of the Canadian Human Rights Tribunal.

23. On November 6, 2009, four days after assuming her appointment, Chairperson Chotalia convened a case conference with all of the parties. She did not indicate the purpose for the emergency case conference.

24. During the case conference, Chairperson Chotalia asked the Attorney General lawyers whether they would be seeking to have the proceeding before the Human Rights Tribunal stayed pending the outcome of the judicial review of the decision by the Canadian Human Rights Commission to refer the Complaint to the Tribunal. After the Attorney General's counsel indicated that they would not seek a stay, Chairperson Chotalia stated that she felt that the issues needed to be narrowed. The Chairperson Chotalia then asked the Attorney General lawyers whether they were intending to seek preliminary determinations on the issues of "services" and "comparator groups". Attorney General counsel said they had no such plans. Despite these responses, and without prior notice or a request from any of the parties, the Chairperson vacated the hearing dates for the week of November 16, 2009. She indicated that she wanted further pre-hearing discovery before the case proceeded.

25. I was extremely disappointed by Chairperson Chotalia's sudden decision to vacate the dates of the hearing on the merits. I was very concerned about the impacts the delays imposed by the Chairperson would have on the very vulnerable children and families who were subject to the alleged discrimination arising from Canada's policies, programs and actions. I did not want the children to wait any longer for the adjudication of the complaint. Moreover, I had already invested

considerable time with my lawyer preparing myself and other witnesses to testify. Travel arrangements had already been made and paid for with respect to some of the witnesses and persons who had planned to attend the proceedings as observers.

26. Members of the First Nations communities and social work and child rights experts and organizations were also very concerned about the Chairperson Chotalia's decision to vacate the hearing dates without notice. To my knowledge, at least forty First Nations people from Manitoba, Nova Scotia, British Columbia, Alberta and Ontario had made plans to personally attend the proceedings during the week of November 16, 2009. Several classes of school children had also planned to attend the hearing commencing on November 16, 2009.

27. On November 9, 2009, the Caring Society's lawyer, Paul Champ, wrote to Chairperson Chotalia asking her to confirm that Chairperson Sinclair was seized of the complaint. He also stressed that it was essential that the complaint be heard as soon as possible. Attached as **Exhibit "G"** to my affidavit is a copy of this letter.

28. On December 4, 2009, Mr. Champ again wrote to Chairperson Chotalia to reiterate how important it was that the hearing regarding this complaint be conducted in a fair and expeditious manner. His letter emphasized that the complaint was urgent as it concerned the lives of vulnerable First Nations children, including 8,000-9,000 children on reserves, who are in state custody. A copy of this letter is attached hereto as **Exhibit "H"**.

29. On December 14, 2009, another case conference was convened by the Chairperson. During this case conference, the parties also discussed the outstanding issues, such as expert evidence and how the evidence should be tendered during the hearing on the merits. The Attorney General's counsel advised the other parties

that the Respondent would be bringing motions to strike the Commission's expert reports and also a motion to strike the entire complaint on jurisdictional grounds.

30. During the case conference, the Chairperson advised the parties that the Attorney General's motions would proceed in January 2010 but the February 2010 hearing dates were not necessarily vacated. I was relieved to know the hearing dates were preserved in light of the vulnerability of the children and families.

31. On December 21, 2009, the Attorney General filed its formal notice of motion to dismiss the Complaint on a preliminary basis. The Attorney General alleged that the First Nations Child and Family Services Program was not a "service" under the *Canadian Human Rights Act* and asked the Tribunal to dismiss the case on that basis. The Attorney General also filed a notice of motion seeking to have the Commission's expert evidence excluded.

32. On December 22, 2009, the Caring Society filed a motion to amend its complaint in order to include allegations of retaliation. The notice of motion was filed with the Tribunal and served on all of parties, along with a supporting affidavit and full written submissions.

33. On December 23, 2009, Chairperson Chotalia issued a direction to the parties. The direction stated that the outstanding motions, including the Attorney General's jurisdictional motion, would be heard during the week of January 19, 2010. Chairperson Chotalia also directed the Commission, the Complainants and the interested parties to inform the Tribunal by December 30, 2009 whether they wished to proceed with the Attorney General's motion in January 2010. Attached as **Exhibit "I"** to this affidavit is a copy of these directions, dated December 23, 2009.

34. On December 30, 2009, the Caring Society's counsel wrote to the Tribunal arguing that the Attorney General's motion to dismiss was premature and that the issue of "service" needed to be determined based on a complete evidentiary record after a full hearing. Mr. Champ requested the opportunity to make submissions on the issue of prematurity during the week of January 19, 2010. Attached as **Exhibit "J"** to this affidavit is a copy of this letter. The AFN, Amnesty International, the Chiefs of Ontario, and the Commission all agreed with this proposal.

35. On January 8, 2010, Chairperson Chotalia issued a direction regarding the Attorney General's motion to dismiss the complaint. Again, without prior notice and without the consent or submissions of any of the parties, the Chairperson vacated further hearing dates, including all dates for the month of January, and February. The direction also provided the parties with a timeline, extending until April 2010, for the filing of affidavits and written submissions regarding the Attorney General's motion to dismiss the complaint. The Chairperson issued the direction without providing any of the parties with the opportunity to make submissions on whether the Attorney General's motion was premature and set no dates for the oral arguments of the motion. Attached as **Exhibit "K"** to this affidavit is a copy of this direction, dated January 8, 2010.

36. I was completely devastated by this news. In my view, the decision to vacate all of the hearing dates set back any potential resolution of this complaint, which could result in significantly improved child welfare services to vulnerable children and families living on reserves across Canada. Based on Sinclair's September 17, 2009 order, I had the expectation that the hearing on the merits would be completed by February of 2010. Now, the Attorney General's preliminary motion would not even be argued by this date.

37. On January 13, 2010, our counsel wrote to the Chairperson to raise our concerns about the decision to again adjourn the hearing without the consent of any of the parties and without having provided the parties with the opportunity to make submissions on the issue beforehand. Attached as **Exhibit "L"** to this affidavit is a copy of this letter, dated January 13, 2010. The letter expressed concerns about the Chairperson's decision to make a determination on the issue of prematurity and to prioritize the Attorney General's motion at the expense of all other motions, including the Caring Society's motion regarding the retaliation it was experiencing. The letter emphasized the concern that Chairperson Chotalia did not provide the parties with any opportunity to make submissions on the issue. Mr. Champ requested that a case conference be held in order to address these outstanding issues.

38. Chairperson Chotalia issued a direction on January 21, 2010, stating that the parties were free to make submissions on these issues during the hearing of the Attorney General's motion to dismiss the Complaint. No dates were set for the hearing of that motion.

39. By March 2010, the parties had exchanged affidavits and conducted cross examinations on the Attorney General's preliminary motion to dismiss. However, no dates for argument had been set by the Tribunal. On March 9, 2010, our counsel wrote to the Tribunal asking that dates be set for the oral arguments. Again, he stressed the urgency of the issues raised in the complaint and the vulnerability of the children and families the complaint affected. Attached as **Exhibit "M"** to this affidavit is a copy of this letter, dated March 9, 2010.

40. On March 12, 2010, the Chairperson wrote to all parties and set June 14 and 15 as the dates for the oral arguments to be heard. She also directed the parties to canvass their availability for August and September if the parties could not appear

on the June dates. On March 17, 2010, the Attorney General's counsel, Mr. Jonathan Tarlton, replied to the direction indicating that he was not available from June 10-14 to argue the motion.

41. In response to the direction and Mr. Tarlton's letter, the Commission wrote to the Tribunal to request an urgent case conference regarding scheduling. Counsel for the Assembly of First Nations also wrote to the Tribunal to stress the importance of this case proceeding in a timely manner. Similarly, on March 17, 2010, counsel for Amnesty International wrote:

My client is deeply concerned about the continuing delays in hearing this complaint. In our respectful submission, the hearing of this complaint, and at the very least, the jurisdiction motion, should have been expedited and could have commenced months ago.

The complaint involves the live if vulnerable First Nations children, who continue to suffer prejudice and irreparable harm given the delays in the hearing of this matter. Canada is continuing to breach its international human rights obligations as a result of this.

[...]

If Mr. Tarlton is unavailable on June 14 and 15, then other counsel for the Attorney General can be found. I note that the Attorney General has several counsel assigned to this matter. The Department of Justice is the largest law firm in the country. There is no reason why the Attorney General cannot assign other counsel to the argument of the motion.

Copies of all these letters are attached as **Exhibit "N"**.

42. Following numerous exchanges between counsel, it was determined that all parties were available to argue the motion on June 2 and 3, 2010. The Tribunal agreed to these dates.

43. On June 2-3, 2010, the parties made oral arguments regarding the Attorney General's motion to dismiss the complaint on a preliminary basis. Approximately 100

individuals came to witness the Canadian Human Rights Tribunal hearings on both days, including First Nations leaders from Saskatchewan, British Columbia, Ontario and child welfare and child rights experts from across Canada. Children advocates appointed by provincial governments also attended.

44. On July 30, 2010, the Attorney General wrote to the Chairperson seeking leave to file further submissions regarding a case released by the New Brunswick Court of Appeal on the issue of comparator groups. On August 6, 2010, Daniel Poulin, counsel for the Commission, wrote to the Tribunal to oppose the Attorney General's request. He argued that the Attorney General should not be given multiple chances to revisit issues once submissions are filed and oral arguments are completed. Our counsel also wrote to oppose this request. Copies of these letters are attached hereto as **Exhibit "O"**.

45. On August 10, 2010, the Chairperson directed all parties to file submissions regarding the judgement. Attached as **Exhibit "P"** to my affidavit is a copy of this direction.

46. On August 23, 2010, the Caring Society filed submissions in accordance with the Tribunal's direction. In our submissions, counsel again reiterated the urgency of the case. He asked the Chairperson to issue a "bottom line" decision on the outstanding motion as quickly as possible, with reasons to follow. Attached as **Exhibit "Q"** to my affidavit is a copy of these submissions. The Chairperson did not acknowledge or respond to his request.

47. On November 15, 2010, counsel for the Attorney General wrote to the Tribunal to again request the opportunity to file further written submissions regarding two Supreme Court of Canada cases pertaining to the division of powers and labour relations on reserves. Counsel for the Assembly of First Nations wrote to the

Tribunal on November 18, 2010, stating that if the Attorney General's request were allowed, the parties should also be given the opportunity to make submissions on the legal repercussions of Canada's signature of the United Nations Declaration on the Rights of Indigenous Peoples. Copies of these letters are attached hereto as **Exhibit "R"**.

48. On November 18, 2010, the Caring Society's counsel wrote to the Tribunal Chair to oppose the request to file further submissions. In his letter, he also emphasized that granting the Attorney General's request would only cause further delays in the proceeding. He pointed out that the Tribunal's own Practice Note required members to issue decisions within four months of the hearing. Attached as **Exhibit "S"** to my affidavit are copies of this letter as well as the Tribunal's Practice Note No. 1.

49. On December 1, 2010, the Chair directed the parties to file submissions on the recent Supreme Court of Canada cases and Canada's adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Attached as **Exhibit "T"** to my affidavit is a copy of this direction.

50. On December 17, 2010, the Caring Society filed submissions in accordance with the Tribunal's direction. In the letter, our counsel specifically requested that the Chair provide a firm date on which the parties can expect the decision. He again stressed that all delays in the case contribute to First Nations children and families being deprived of adequate and culturally relevant care. Attached as **Exhibit "U"** to my affidavit is a copy of this letter, dated December 17, 2010. The Chairperson did not acknowledge or respond to this request.

51. On February 4, 2010, Caring Society's counsel wrote to the Tribunal to request that the Attorney General's motion to dismiss be determined without further delay. The letter highlighted that since the filing of the complaint, independent provincial

bodies and coroners' inquests from across Canada had concluded that the continuing inequities in child welfare services were causing First Nations children and youth Canada to be at risk. Attached as **Exhibit "V"** to my affidavit is a copy of this letter. The Chairperson did not acknowledge or respond to this request. Counsel for the Attorney General replied to this letter, stating that it did not raise any important issues that needed to be addressed by the Tribunal. This letter is attached to my affidavit as **Exhibit "W"**.

52. Amnesty International and the Canadian Human Rights Commission subsequently wrote to the Tribunal expressing similar concerns about the delays to the proceedings. Copies of this correspondence is attached hereto as **Exhibit "X"**.

### **Impact of the Delays**

53. As a social worker, I find it extremely difficult to accept the delays in this case given its direct impact on the most vulnerable children and their families in the country. When I worked in a child protection agency, everything we did had to be in the best interests of the child. This often meant taking urgent action either immediately or within 24 hours of the receipt of a report. Delays in making important decisions about a child's life were generally seen as detrimental to the best interests, safety and well-being of children and their families. As such, cases involving children's rights were often heard on an urgent basis and Courts would convene just to hear these cases in order to avoid delays and possible harm to the children.

54. It is essential to understand that the children and families at the center of this case are at risk of maltreatment or are experiencing maltreatment. The failure to take expeditious action compromises the best interests of children. I have never encountered a case involving a child or children at risk that involved delays such as the ones presented in this case.

55. In my opinion as an expert in social work and the provision of child welfare services on reserves, a favourable resolution of this complaint will have a significant impact on the lives of thousands of vulnerable children across Canada. This complaint was filed four years ago and was referred to the Tribunal for adjudication in September 2008, almost two and a half years ago. Two years in a child's life is significant amount of time particularly when the child is in a very vulnerable situation. It can include some of the most special and formative periods of their lives. Those formative years can never be restored. Further delays in the resolution of this complaint will result in irreparable harm to children and their families.

56. Since the hearing on the merits has been derailed, I regularly receive multiple calls, letters and emails each week from First Nations Peoples, including parents, social workers, directors of child welfare agencies, Elders and children in care, from all over Canada expressing concern about the delays in these proceedings. Between June and September of 2010, I would often point to the Tribunal's Practice Note on the timeline for decisions when responding to inquiries from the public as to when a decision would be made on the Attorney General's motion to dismiss. However, as the Tribunal has exceeded the four month timeline by a factor of two without any explanation, I am now unsure of how to respond to inquiries from the public as to when a ruling will be forthcoming. As an example, during the week of February 14, 2011, I communicated with First Nations Peoples from New Brunswick, Manitoba, Ontario, Saskatchewan and Alberta who were concerned about the delay and the impacts that it was having on children. When I travel across the country, First Nations, child rights experts, citizens and children and youth themselves, often raise concerns about the delays in adjudicating this case and the impacts these delays have on children and families.

57. Citizens of Norway House Cree Nation, Manitoba, Jordan River Anderson's home community, are particularly concerned about these delays. Kinisao Sipi Minosowin, a First Nations child and family service agency in Norway House Cree Nation, is currently providing in home supports to over 30 children in order to keep the children in their families. The program has been very successful and the services are ensuring the children remain with their families. Unfortunately, the Government of Canada has advised Kinsao Sipi Minosowin that the federal government is cutting funding for this program effective March 31, 2011 throwing these families into crisis and placing many of these children at risk for being placed, unnecessarily into foster care as that is the only way to pay for the children's special needs given the poor structure of INAC's funding structures. Several members of the staff of the child welfare agency in that community have conveyed to me their extreme disappointment about the delays in this case. They have told me that by the time we get a decision, it will likely be too late for the children community's children.

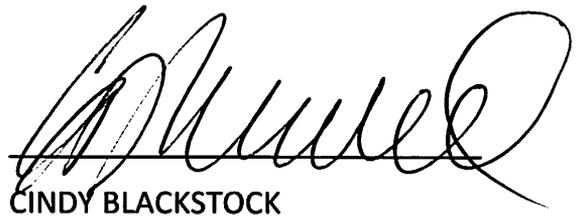
58. First Nations Peoples across the country have told me that they are following this case because they want to learn about Canada's human rights system and decide whether or not it is an effective mechanism for First Nations citizens to assert and protect their human rights. Currently, over 7150 individuals and organizations have formally registered to follow this case on [www.fnwitness.ca](http://www.fnwitness.ca). With thousands of Canadians watching the case, it is essential that the judicial body entrusted with the adjudication of human rights complaints, particularly complaints involving children, properly apply the law giving due consideration to the best interests of children and principles of neutrality, fairness and efficiency.

59. I fear that the delays in these proceedings will impact on First Nations Peoples' perceptions of the Canadian Human Rights system. It certainly has eroded my faith in the *Canadian Human Rights Act* and the fairness of the processes before

the Human Rights Tribunal to adjudicate rights violations for children in vulnerable situations. On numerous occasions when I have told members of the community about the delays, they have questioned whether it is an effective means for First Nations People to assert their right to be free from discrimination. Several people have told me that the delays raise concerns about the fairness of the system and they wonder if there is any use in filing future complaints. I believe that a timely decision is necessary to ensure that First Nations peoples in Canada do not lose faith in a system designed to protect them as members of a historically disadvantaged group.

60. I make this affidavit in support of the Caring Society's application

SWORN BEFORE ME at )  
The City of Ottawa, in the )  
Province of Ontario, this )  
28 day of February, 2011. )



CINDY BLACKSTOCK