



## Canada's Judicial Review Youth-friendly Guide

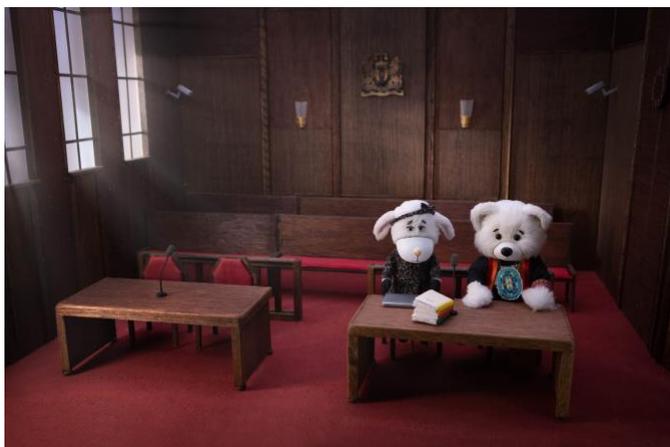


### What is a judicial review?

Judicial review is a way in which courts in Canada make sure that the decisions of Tribunals are fair and do not contain mistakes. When someone asks for judicial review, they are asking a court to change an original decision or ask the Tribunal to decide again if it made a mistake. Judicial Review doesn't mean we can re-argue the same arguments. It is an opportunity to show that the Tribunal made a mistake when it made its decision.

### What is a hearing for judicial review?

Once someone asks for a judicial review, they and the party (known together as "parties") who say the decision is unfair or has mistakes must give the documents that the Tribunal saw when it made its decision. There are time limits and other things that must be done before they can meet in court for the hearings on the judicial review. Once that is all done, they will have the opportunity to explain their arguments to a judge, which are called "hearings". These arguments must be new arguments and not the same ones they have argued before.



### Why is Canada asking for a judicial review?

To understand what is happening today, we need to go back in time to 2007, when the First Nations Child and Family Caring Society of Canada (we call it the "Caring Society") and the Assembly of First Nations filed a human rights complaint against the Government. They filed the complaint because the Government was not giving First Nations children and families the same child welfare services as other families in Canada (services that keep families safely together during hard times). The Canadian Human Rights Commission, Amnesty International, the Chiefs of Ontario and the Nishnawbe Aski Nation were part of the case too. The case went on for over 9 years!

Over 9 years, Canada tried many times to get the case thrown out on specifics. In 2013, 72 days of hearings started at the Canadian Human Rights Tribunal (called "the Tribunal," which is like a court).

In January of 2016, the Tribunal, ruled that the Government was discriminating against First Nations kids by not giving them the services they needed. It ordered Canada to take action to make the discrimination stop right away. The Government made some changes, but not enough, and the Tribunal made 19 more orders to try to get the Government to give First Nations children and families the help they deserve. The Government did a little more, but still not enough.

Since then, Canada has asked for judicial review on 2 of the Tribunal's decisions, one decision is on helping the youth by giving them funds for the problems they've faced in accessing child welfare services, and the other on ensuring that First Nations kids who are recognized by their communities as being a part of them, can access help for services through Jordan's Principle. They want both decisions to be thrown out.

## What still needs to be done?

It is very important to continue to follow the case to make sure the Government stops discriminating against First Nations kids right away, not just in child welfare but in other areas too, like education and health care. Please visit [fncaringsociety.com/7-free-ways-make-difference](https://fncaringsociety.com/7-free-ways-make-difference) to learn more about what you can do to help make a difference for First Nations children and families.

## Where can my family and I watch the judicial review hearings?

The hearings will begin at 9:30 EDT daily from June 14-18, 2021 and will continue for approximately 4–5 hours each day with a lunch break.

Members of the public can register to view the webcast of the hearings free of charge at: <https://www.fctcf.gc.ca/en/court-files-and-decisions/hearings-calendar>

## How can I learn more about the case?

The Caring Society has a website with lots of videos and other learning resources for kids. Go to [www.fnwitness.ca](http://www.fnwitness.ca) to learn more about the case on First Nations child welfare and Jordan's Principle. Another way to learn more about the case is to read Spirit Bear's books. Spirit Bear is a teddy bear who witnessed the entire case—he is 13 years old now! Learn more at [www.fncaringsociety.com/SpiritBear](http://www.fncaringsociety.com/SpiritBear).

Spirit Bear has many books:

- *Spirit Bear and Children Make History* – a book on the case and Spirit Bear's journey to be a witness of the hearings.
- *Fishing for Knowledge, Catching Dreams* – a book about traditional knowledge and a young girl named Shannen's dream for safe and comfortable schools
- *Honouring Memories, Planting Dreams* – a book about honouring the memories of children lost to the residential schools, and the survivors
- *Echoes of the Past* – a book about the good and bad parts of history and how we can learn from our past.

If you would like a copy of any of the books in your home, you can ask your parent or guardian to purchase copy at any of these locations: Good Minds, Chapters, Amazon

If you would like your school or library to purchase a copy, you can have them contact:

- Distribution: University of Toronto Press  
[www.utorontopress.ca](http://www.utorontopress.ca) | 1-800-565-9523
- Sales: Ampersand Inc.  
[www.ampersandinc.ca](http://www.ampersandinc.ca) | 1-416-703-0666

He also has a film that teaches all about the case, it's also called Spirit Bear and Children Make History. If you would like to have a copy in your school or library, they can contact:

- McIntyre Media Inc. Tel: 800-565-3036  
Email: [info@mcintyre.ca](mailto:info@mcintyre.ca) | [www.mcintyre.ca](http://www.mcintyre.ca)



