

FEDERAL COURT OF APPEAL

BETWEEN:

**STACEY SHINER IN HER PERSONAL CAPACITY, AND AS GUARDIAN OF
JOSEY K. WILLIER**

Appellant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

- and -

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA

Proposed Intervener

**MOTION RECORD OF THE PROPOSED INTERVENER
FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

David P. Taylor

Sébastien Grammond, Ad.E.
Anne Levesque

Conway Baxter Wilson LLP/s.r.l.
400-411 Roosevelt Avenue
Ottawa, ON K2A 3X9

University of Ottawa

Tel: 613.288.0149
Fax: 613.688.0271

Counsel for the First Nations Child and Family Caring Society of Canada

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NOTICE OF MOTION

TAKE NOTICE THAT the First Nations Child and Family Caring Society will make a motion to the Court in writing under Rule 369 of the *Federal Courts Rules*.

THE MOTION IS FOR an order granting the First Nations Child and Family Caring Society of Canada (the “Caring Society”) leave to intervene in the present proceedings, under the following terms:

- a. The Caring Society will file a 15-page memorandum of fact and law at a time set by the Court;
- b. The Caring Society will make oral submissions of 15 minutes at the hearing;

- c. The Caring Society will not lead any evidence or add in any way to the record that has already been filed;
- d. The Caring Society does not seek costs and asks that costs not be ordered against it, regardless of the outcome of the case.

THE GROUNDS OF THE MOTION ARE:

1. The Caring Society is a national non-profit organization serving First Nations children and their families, as well as service providers whose aims and mandate are directly related to this case. Moreover, the Caring Society has extensive public interest litigation experience and public education and engagement with regard to First Nations children's rights.
2. The Caring Society was granted intervener status and made written and oral submissions in this matter before the Federal Court of Canada.
3. The Caring Society will make submissions that are different from those of the Appellant and that will assist this Court in rendering its decision. More specifically, the Caring Society will argue that the reasonableness of decisions like the one at issue in this appeal must be assessed in light of a First Nations child's right to substantive equality, as guaranteed by section 15 of the *Canadian Charter of Rights and Freedoms* and the best interests of the child.
4. It is in the interests of justice to ensure that this Court hears arguments about the broad context of this case, given that this case is a rare opportunity for this Court to rule upon the principles that govern the provision of essential public services to First Nations peoples and children in particular.
5. The Caring Society's intervention will not delay the hearing of the case and will not require any new evidence.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. Affidavit of Cindy Blackstock, PhD affirmed October 22, 2017;
2. Such further material as Counsel may submit and this Court may allow.

Dated at the City of Ottawa, in the Province of Ontario, this 24th day of October 2017.


Sebastien Grammond
Anne Levesque

University of Ottawa


David P. Taylor

Conway Baxter Wilson LLP/s.r.l.
400-411 Roosevelt Avenue
Ottawa, ON K2A 3X9

Counsel for the Caring Society

SCHEDULE “A”

Court File. No. A-188-17

FEDERAL COURT OF APPEAL

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DRAFT ORDER

UPON MOTION by the Applicant, the First Nations Child and Family Caring Society of Canada (“Caring Society”), for an order pursuant to Rule 109 of the *Federal Court Rules*, 1998, S.O.R./98-106;

THIS COURT GRANTS LEAVE TO INTERVENE to the applicant in the aforementioned proceedings on the following terms:

1. The Caring Society shall be permitted to make arguments on points of law and may file a written argument of no more than 15 pages by ____ November, 2017 and may make oral submissions of 15 minutes at the hearing of the appeal;
2. The Caring Society shall not seek or be made subject to any order for costs; and
3. The style of cause shall be amended to include the Caring Society as an intervener.

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AFFIDAVIT OF CINDY BLACKSTOCK

**I, Cindy Blackstock, of the City of Ottawa, in the Province of Ontario, SOLEMNLY AFFIRM
THAT:**

1. I am a member of the Gitksan Nation, a professor at McGill University's School of Social Work, and the Executive Director of the proposed intervener, the First Nations Child and Family Caring Society of Canada (the "Caring Society"). As such, I have personal knowledge of the matters deposed to herein, save for those matters expressly stated to be on information and belief.
2. I have been the Executive Director of the Caring Society since 2002 and have worked in the field of child and family services for over 30 years.
3. I obtained a doctorate in social work from the University of Toronto in 2009. I received a Master of Jurisprudence in children's law and policy from Loyola University Chicago in 2016. I was awarded the Canadian Association of Social Work's Award for Outstanding Service in 2010

and have received honorary doctorates from Blue Quills First Nations University, Western University, the University of Saskatchewan, Waterloo University, Thompson Rivers University, Mount St. Vincent, Ryerson University, the University of Northern British Columbia, University of Winnipeg and Osgoode Law School.

4. I was an honorary witness for the Truth and Reconciliation Commission.

5. Prior to working at the Caring Society, I was the Executive Director of the Caring for First Nations Children Society in British Columbia (1999-2002), Assistant to the Social Development Director for the Squamish First Nation (1995-1999), and a senior social worker with the Province of British Columbia (1987-1995). I am a member of the Ontario Association of Social Workers and a registered social worker with the Alberta College of Social Workers, which is the province where the facts of this case arose.

6. Through my various positions and through my education, I have gained knowledge of the intersecting and compounding barriers often experienced by First Nations children and their families, the rights of Indigenous children and peoples, and the development of equality and human rights in Canada, particularly as they affect First Nations children and their families.

7. My curriculum vitae is attached as **Exhibit “A”** to my affidavit.

The Caring Society’s Mandate

8. The Caring Society is a national non-profit organization committed to research, training, networking, policy, and public education and engagement, on behalf of First Nations child and family service agencies that serve the well-being of First Nations children, youth and families, including those living on reserve. The Caring Society is the only national organization with the specific mandate to promote the welfare of First Nations children and families. The Caring Society believes First Nations communities are in the best position to design and implement their own solutions for child safety and well-being. As a national organization, the Caring Society provides quality resources for communities to draw upon and to assist them in developing community-focused solutions and promoting the Truth and Reconciliation Commission’s Calls to Action focused on First Nations children, youth and families.

9. The Caring Society does not receive any funding from the federal government and is entirely supported by a diversified funding plan and the support of First Nations child and family service agencies, its members and donors. In fact, in January 2017, the Caring Society refused \$149,000 in funding from the federal government because it did not pass the Caring Society’s “ethical screen”, due to Canada’s failure to comply with the Canadian Human Rights Tribunal’s January 2016 decision finding that Canada was racially discriminating against 165,000 First Nations children and ordering Canada to cease its discriminatory conduct immediately.

The Caring Society's National and International Work

10. As part of its research services mandate, the Caring Society's First Nations Children's Action and Research Education Service (FNCARES) initiative is a partnership with the University of Alberta aiming to generate and distribute research related to First Nations children's services and children's engagement in reconciliation, in order to inform best practices and policies benefiting First Nations children, youth, families and Nations.

11. The Caring Society also edits and publishes the First Peoples Child and Family Review. The First Peoples journal is a free online peer reviewed journal used by many students and instructors, as well as people working in Indigenous children's services, including front line child welfare practitioners and policy makers.

12. The Caring Society has also developed Guidelines for the Engagement of Young People, in partnership with a team of young leaders across Canada, to promote the ethical involvement of children and young people in Canadian organizations in a manner consistent with the United Nations Convention on the Rights of the Child.

13. As part of its training mandate, the Caring Society created and delivers the Touchstones of Hope program, which is a reconciliation framework that supports First Nations communities and allies in developing and implementing culturally based visions of healthy families, youth and children. The Touchstones of Hope process features five touchstone principles (self-determination, culture and language, structural interventions, holistic response and non-discrimination) set within a four-stage process of reconciliation. The Caring Society assists communities with the implementation of the Touchstones of Hope Program and trains Touchstone of Hope facilitators. The Touchstones of Hope is a key framework used by many First Nations across Canada, as well as by indigenous communities in the United States and Taiwan. It was recognized as a best practice in the Truth and Reconciliation Commission's Final Report.

14. With respect to our public engagement and policy activities, the Caring Society works closely with First Nations child-serving agencies, assisting them in working with local and national governments to address the needs of their communities. For example, the Caring Society worked closely with the Attawapiskat First Nation and the family of Shannen Koostachin to promote Shannen's Dream.

15. Shannen's Dream is an initiative to promote and secure access to equitable and culturally based education for First Nations children and youth. As a young leader, Shannen Koostachin of Attawapiskat First Nation dreamt of safe and proper schools and culturally based education for

First Nations children and youth. She worked tirelessly to try to convince the federal government to give First Nations children a proper education before her tragic death in 2010 at the age of 15. The Caring Society promotes Shannen's Dream by calling on the federal government to implement the Shannen's Dream Motion 571, which was unanimously adopted by the House of Commons in 2012.

16. In addition to the foregoing, a key goal of the Caring Society is to ensure that First Nations child and family service agencies are aware of and included in international discussions relevant to First Nations children, youth and family. The Caring Society has prepared and presented submissions to various bodies of the United Nations, including to the UN Committee on the Rights of the Child (the "UNCRC"), the UN Permanent Forum on Indigenous Issues, the UN Committee on Economic, Social and Cultural Rights, the Sub Group on Indigenous Child Rights, the UN Committee on the Elimination of Racial Discrimination ("CERD"), the UN Committee on the Elimination of Discrimination Against Women, the UN Human Rights Committee, and the UN Human Rights Council. Following the 2016 shadow report of the Caring Society to UN Committee on the Elimination of Racial Discrimination during Canada's periodic review under the *International Convention on the Elimination of All Forms of Racial Discrimination*, CERD stated that:

"The Committee is alarmed that despite its previous recommendation (CERD/C/CAN/CO/19-20, para. 19), and multiple decisions by the Canadian Human Rights Tribunal, less money is reportedly provided for child and family services to Indigenous children than in other communities, and that this gap continues to grow. The Committee is further concerned, that the federal government has adopted an overly narrow definition of the Jordan's Principle, as stated in the Canadian Human Rights Tribunal decision *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* in 2016, and has failed to address the root causes of displacement, while tens of thousands of children are needlessly removed from their families, communities and culture and placed in state care."

17. Attached as **Exhibit "B"** to this affidavit is a copy of CERD's concluding observations on the twenty-first and twenty-third period reports of Canada, dated August 25, 2017.

18. In my capacity as the Caring Society's Executive Director, I have made presentations in South Africa, New Zealand, Norway, Sweden, Ireland, Taiwan, Australia, the United Kingdom and the United States, making important connections with Indigenous peoples and international child rights organizations. The Caring Society has also collaborated with the Child Welfare League of America and the National Indian Child Welfare Association in the United States to support the implementation of the Touchstones of Hope child welfare model in several states.

19. In December 2016, the Caring Society took part in a hearing convened by the Inter-American Human Rights Commission regarding Canada's racially discriminatory treatment of 165,000 First Nations children and its failure to implement Jordan's Principle.

20. The Caring Society was also granted intervener status before the Supreme Court of Canada in *Moore v. British Columbia (Education)*, 2012 SCC 61. The Caring Society made submissions regarding the remedial role of human rights legislation in relation to historically disadvantaged groups, such as First Nations peoples, the inappropriateness of strictly requiring a formal comparator group analysis given the potential impact of such an analysis on the *sui generis* situation of First Nations peoples in the context of a human rights complaint, and the need for, and appropriateness of, a cross-jurisdictional analysis in assessing certain claims of discrimination.

21. In an order dated August 24, 2017, Justice Côté granted the Caring Society leave to file written submissions and make oral submissions before the Supreme Court in *Canadian Human Rights Commission v. Attorney General of Canada* (SCC No. 37208; appeal of *Canada (Human Rights Commission) v. Canada (Attorney General)*, 2016 FCA 200), a case involving the scope of application of the *Canadian Human Rights Act*. The appeal will be heard on November 28, 2017.

22. The Caring Society was also granted intervener status at the Federal Court of Appeal in *Canada (Attorney General) v Pictou Landing Band Council et al* (Court File No. A-158-13), by the January 29, 2014 order of Mr. Justice Stratas (2014 FCA 21). The Caring Society made submissions regarding: (i) the proper interpretation and scope of Jordan's Principle; (ii) the inappropriateness of narrowly construing Jordan's Principle, including the potential impact of such an approach on First Nations children living primarily on reserve; and (iii) the impact of narrowly construing Jordan's Principle on Canada's obligations under the United Nations Convention on the Rights of the Child (the "CRC"). Canada discontinued its appeal on July 11, 2014.

The Caring Society was granted intervener status in the Federal Court in this matter by the April 26, 2017 order of Prothonotary Aylen. A true copy of Prothonotary Aylen's April 26, 2017 order is attached to my affidavit as **Exhibit "C"**. The Caring Society made submissions regarding: (i) the best interests of the child, which mandates a consideration of the perverse incentives created by the Respondent's decision with respect to the application of provincial child welfare legislation; and (ii) First Nations children's right to substantive equality under section 15 of the *Canadian Charter of Rights and Freedoms*.

Jordan's Principle

23. Jordan's Principle is named after Jordan River Anderson, a five-year-old child from Norway House Cree Nation in Manitoba who died in a Winnipeg hospital in 2005. Although

cleared by his doctors to return to a family home, Jordan's illness meant he was unable to live outside of the hospital without in-home care. The governments of Canada and Manitoba disagreed as to which government entity should pay for Jordan's in-home care, given his on-reserve First Nations status. As a result of this disagreement, Jordan remained in a hospital room until he died at the age of five, never having the opportunity to live in a family home.

24. In memory of Jordan, and in keeping with the non-discrimination provisions entrenched in the *Canadian Charter of Rights and Freedoms*, as well as the *Convention on the Rights of the Child* ("CRC"), I worked with Jordan's family, Norway House Cree Nation ("Norway House"), the Assembly of Manitoba Chiefs ("AMC") and the Assembly of First Nations ("AFN"), to develop and promote Jordan's Principle.

25. Indeed, Jordan's Principle was inspired by Jordan and by the significant advocacy undertaken by Jordan's family, Norway House and AMC during Jordan's life and after he passed away. Recognizing the significant work done by Jordan's family, community and others to advocate for a child first policy to resolve these disputes, I drafted the language now known as "Jordan's Principle" and the Caring Society hosts the Jordan's Principle website (www.jordansprinciple.ca).

26. Jordan's Principle is a child first principle aimed at ensuring that First Nations children can access public services that meet their unique cultural, historical and geographical needs.. It states that where a government service is available to all other children or where a service is available to a First Nations child but does not meet his or her unique cultural, historical and geographical needs, the government of first contact must pay for the service to be provided immediately without delay.

27. Throughout the winter of 2006 and the spring of 2007, I met with Jean Crowder, then Member of Parliament for Nanaimo-Cowichan, who prepared Private Member's Motion 296 and introduced it in the House of Commons. The motion stated as follows:

In the opinion of the House, the government should immediately adopt a child-first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children.

28. On December 12, 2007, I attended at the House of Commons with members of Jordan's family and other families who had been denied services due to jurisdictional disputes within and between governments to witness the vote on Motion 296 by Members of Parliament. Motion 296 passed unanimously and was followed by all Members of Parliament giving a standing ovation to the Anderson family and other families from Norway House Cree Nation attending at the vote in the House of Commons who experienced similar government jurisdictional disputes regarding services for their children.

29. It is the Caring Society's position that the federal government failed to implement Jordan's Principle pursuant to the intention of the House of Commons and the language of Motion 296. As a result, First Nations children living on reserve continued to be unjustly denied public services available to all other Canadian children or, at the very least, were required to meet additional eligibility criteria or procedural requirements prior to receiving the service. In particular, Canada tried to narrow Jordan's Principle by applying it only to children with complex medical needs involving multiple service providers. The Caring Society raised its concerns at the Standing Committee on Aboriginal Affairs and Northern Development on December 8, 2010. A true copy of these submissions is attached to my affidavit as **Exhibit "D"**.

30. The Canadian Paediatric Society ("CPS") urged all levels of government to implement Jordan's Principle, without delay, to work in partnership with First Nations communities on its implementation, and to provide First Nations children and youth with the care they are entitled. A true copy of the CPS 2012 Status Report on Canadian Public Policy and Child and Youth Health is attached to my affidavit as **Exhibit "E"**.

31. Jordan's Principle was also adopted by the Legislatures of New Brunswick, British Columbia, Ontario and Manitoba.

32. On April 4, 2016, the Canadian Nurses Association urged the federal government to take action on recommendations to implement Jordan's Principle. A true copy of a letter from Anne Sutherland Boal, Chief Executive Officer of the Canadian Nurses Association, to Prime Minister Trudeau, dated April 4, 2016 and on which I was copied, is attached to my affidavit as **Exhibit "F"**.

33. On July 13, 2016, the Chiefs in Assembly at the Assembly of First Nations adopted a resolution calling on the federal government to take immediate and concrete action to implement Jordan's Principle. A true copy of Resolution No. 62/2016 is attached to my affidavit as **Exhibit "G"**.

34. I have published peer-reviewed articles regarding Jordan's Principle on three occasions in the Canadian Paediatric Society's Journal *Paediatrics & Child Health*.

35. On February 16, 2016, I presented before the Standing Committee on Finance. Attached as **Exhibit "H"** is a true copy of my submissions.

Jordan's Principle and the United Nations Convention on the Rights of the Child ("CRC")

36. The Caring Society works actively to promote the CRC, particularly as it applies to First Nations children in Canada. A true copy of the CRC is attached to my affidavit as **Exhibit "I"**.

37. In my capacity as Executive Director of the Caring Society, I convened the Indigenous Sub-Group, which consisted of children rights experts and Indigenous rights experts from around the world, which assisted the UNCRC in developing and drafting General Comment 11 on Indigenous Children and their Rights. General Comment 11 was adopted by UNCRC in 2009. Attached as **Exhibit “J”** to this affidavit is a true copy of the General Comment 11.

38. The Caring Society follows and comments on Canada’s implementation of its obligations pursuant to the CRC through its publications and ongoing research. On January 28, 2011, the Caring Society presented its Shadow Report: Canada 3rd and 4th Periodic Report to the UNCRC, which addressed Canada’s failure to implement Jordan’s Principle pursuant to its obligations under the CRC. A true copy of the Caring Society’s Shadow Report is attached to my affidavit as **Exhibit “K”**.

The Human Rights Complaint of the Caring Society and the AFN

39. The Caring Society and the AFN filed a joint complaint (the “Complaint”) with the Canadian Human Rights Commission (the “Commission”) on February 23, 2007. The Complaint alleged that the Government of Canada's failure to properly implement Jordan’s Principle and its provision of First Nations child and family services were discriminatory on the basis of race and national or ethnic origin contrary to the *Canadian Human Rights Act* (the “Act”).

40. Specifically, the Complaint asserted that the child and family service program funded and controlled by what was formerly named Indian and Northern Affairs Canada, now called Indigenous and Northern Affairs Canada (“INAC”), uses flawed and inequitable funding policies, practices and services resulting in inequitable child welfare services and benefits for on-reserve First Nations children compared to those services received by children living off reserve, contrary to the *Act*.

41. The Complaint also alleged that the federal government’s failure to fully and properly implement Jordan’s Principle results in First Nations children being denied or delayed receipt of public services available to other children, constituting discrimination, contrary to Section 5 the *Act*. A true copy of the Complaint is attached as **Exhibit “L”**.

42. On March 14, 2011, the then-Chairperson of the Canadian Human Rights Tribunal (the “Tribunal”) dismissed the Complaint on the basis that on-reserve First Nations children receiving child welfare services from the federal government cannot be compared to off-reserve children receiving the same services from provincial and territorial governments. The Chairperson concluded that since there was no “comparator group” of other individuals receiving the same services from the federal government, there could not possibly be discrimination.

43. The Caring Society, along with the AFN and the Commission, sought judicial review of the Chairperson's decision. On April 18, 2012, the Federal Court granted all three judicial review applications and remitted the Complaint to a differently constituted panel of the Tribunal.

44. Canada appealed the Federal Court's decision. The Federal Court of Appeal dismissed Canada's appeal on March 11, 2013.

45. The Tribunal began the hearing on the merits of the Complaint on February 25, 2013 and took the matter under reserve at the conclusion of closing arguments October 24, 2014. I gave evidence during the hearing on the merits for approximately 15 days. My evidence related to Canada's child welfare policies, to services available off-reserve, the story of Jordan River Anderson, and the development of Jordan's Principle. I also spoke to the federal government's flawed implementation of, Jordan's Principle and the adverse impact on First Nations children and their families.

46. The Tribunal ruled in favour of the complainants on January 26, 2016 (2016 CHRT 2), finding that Canada's First Nations Child and Family Services Program ("FNCFS Program") and the federal approach to Jordan's Principle discriminated against First Nations children and families living on-reserve and in the Yukon, contrary to the *Act*. The Tribunal made an initial ruling regarding immediate relief measures on April 26, 2016 (2016 CHRT 10) and a further ruling regarding immediate relief measures on September 14, 2016 (2016 CHRT 16). The Tribunal heard further motions of non-compliance and requests for immediate relief measures from March 22-24, 2017.

47. On May 26, 2017, the CHRT released its decision regarding immediate relief with respect to Jordan's Principle (2017 CHRT 14). The Tribunal found that Canada had failed to comply with its orders relating to Jordan's Principle and made a series of specific orders aimed at ensuring Canada's future compliance. For example, the Tribunal ordered Canada to use only a broad definition of Jordan's Principle, put out ads on the Aboriginal Peoples Television Network in order to promote Jordan's Principle, set up a processing and tracking system for Jordan's Principle requests, and produce detailed reports to the Tribunal describing the measures taken to comply with its orders. Finally, the Tribunal ordered Canada to review previous requests for funding that were denied, whether made pursuant to Jordan's Principle or otherwise, dating from April 1st 2009, to ensure compliance with its orders. It ordered Canada to complete this review by November 1st 2017. Based on the May 2017 Order of the Tribunal, Canada ought to have reviewed the request for funding made by Stacy Shiner.

48. The decision on the motions relating to the funding of the FNCFS Program is under reserve. The Tribunal will decide on medium and long-term relief, compensation for children and families affected by Canada's discriminatory conduct and the federal government's obstruction of justice related to failure to meet disclosure obligations at a later date.

Implications of the Present Case for First Nations Children and Families

49. The Caring Society decided to seek intervener status in this matter before the Federal Court of Appeal because the ruling may have a significant impact on the Caring Society's work on behalf of First Nations children and families and First Nations child and family services agencies, including its continued efforts to promote the full and proper implementation of Jordan's Principle.

50. I have followed Ms. Shiner's application for judicial review, and am familiar with the issues in this case. In particular, I understand that the objective of the Non-Insured Health Benefits Program is to "contribute to better health outcomes in a fair, equitable and cost-effective manner, while recognizing the unique needs of First Nations and Inuit clients." I have also reviewed the decision of Justice Harrington, dated May 19, 2017, under appeal.

Submissions to be advanced by the Caring Society

51. The Caring Society is uniquely positioned to offer a useful and different perspective on the way in which the Respondent ought to consider the best interests of the child. The Caring Society has long been involved in efforts to support culturally based and equitable services for First Nations children and their families. Indeed, with the support and advocacy of Jordan's family, the Norway House First Nation, and the AMC, the Caring Society drafted Jordan's Principle and consulted with Ms. Crowder as she introduced Motion 296 to the House of Commons. Moreover, the Caring Society has an established involvement with the historical and social disadvantages experienced by First Nations peoples in general, and First Nations children in particular.

52. If granted intervener status in this case, the Caring Society would not seek to lead its own evidence or to tender documents for the Court's consideration. The Caring Society's participation would be limited to making written submissions regarding the law and participating in oral arguments at the hearing of the appeal.

53. The Caring Society would not repeat arguments already made by Ms. Shiner. Rather, if granted intervener status, the Caring Society would make useful and different submissions. In particular, the Caring Society will argue that the reasonableness of the Respondent's decision must be assessed in light of the child's best interests and First Nations children's right to substantive equality, as guaranteed by section 15 of the *Canadian Charter of Rights and Freedoms*.

54. On March 30, 2017, I received a letter from Treaty 8 First Nations of Alberta expressing its support for Ms Shiner in this case. A true copy of this letter is attached as **Exhibit "M"**.

55. As the only national organization specifically focused on serving First Nations children and families, the Caring Society is uniquely positioned to advance the foregoing arguments. The Caring Society's perspective on these issues is distinct from those of the other parties to this complaint and I am not aware of any proposed intervener planning to make similar submissions.

56. I make this affidavit in good faith and for no improper purpose.

AFFIRMED BEFORE ME this)
22 th day of October, 2017)
in the City of Ottawa, in the)
Province of Ontario.)



Commissioner for taking affidavits



CINDY BLACKSTOCK

This is **Exhibit "A"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22th day of October 2017.



Public Notary

***Cindy Blackstock (Gitksan First Nation), Executive Director,
First Nations Child and Family Caring Society of Canada
Professor, School of Social Work, McGill University***

Academic Degrees (4 Academic; 10 Honorary Doctorates)

PhD (Social Work)	University of Toronto, Toronto, Ontario (2009)
Doctor of Laws (Honorary)	University of Northern British Columbia Prince George, BC (2012)
Doctor of Letters (Honorary)	Thompson Rivers University, Kamloops, BC (2015)
Doctor of Laws (Honorary)	University of Saskatchewan (2016)
Doctor of Iyiniw Kiskeyihtamowing Asonamakew (Passing Knowledge on)	Blue Quills First Nations University (2016)
Doctor of Laws (Honorary)	Western University (2016)
Doctor of Laws (Honorary)	Waterloo University (2016)
Doctor of Letters (Honorary)	Mount Saint Vincent University (2016)
Doctor of Laws (Honorary)	University of Winnipeg (2017)
Doctor of Laws (Honorary)	Ryerson University (2017)
Doctor of Laws (Honorary)	Osgoode Law School (2017)
Master Degree (Management)	McGill University Montreal, Quebec (2003)
Master Degree (Jurisprudence)	Loyola University (Faculty of Law) Chicago, Illinois (2016)
Bachelor of Arts (Psychology)	University of British Columbia Vancouver, British Columbia (1987)

Awards and Honors (66)

2017	Gitksan First Nation Honouring
2017	Treaty 8 Honouring for work on Jordan's Principle and the CHRT
2017	Senior Fellow, Raoul Wallenberg Centre for Human Rights
2017	Fellow, Broadbent Institute
2017	Presbyterian Church of Canada, Dr. E. H. Johnson Memorial Award
2017	United Church of Canada, Human Rights Award
2017	Amnesty International, Ambassador of Conscience Award
2017	Canadian Labour Congress, Award for Outstanding Service to Humanity
2017	Janusz Korczak Medal for Children's Rights Advocacy

2017	Jack Layton Award, Broadbent Institute
2017	Law Society of Upper Canada, Human Rights Award
2017	150 Great Canadians @Canadians150
2016	Canadian Institute of Child Health Award
2016	Ontario Association of Social Workers: Social Change and Human Rights Champion award
2016	Assembly of Manitoba Chiefs Honoring
2016	Neil Reimer Award : UNIFOR
2016	Jordan's Principle Honoring: Norway House Cree Nation
2016	Champion for Children: Defense for Children International
2016	Honorary Recipient, Peter Henderson Bryce Award
2016	Honoring: BC First Nations Leadership Forum on Child Welfare
2016	Golden Whistleblower Award: Canadians for Accountability
2016	Liberty Award (individual): BC Civil Liberties Association:
2016	Order of the Buffalo Hunt, Government of Manitoba
2015	Assembly of First Nations Honoring for work on Canadian Human Rights Tribunal
2015	Courage in Law Award, UBC Indigenous Law Students
2015	Distinguished Patron, Defense for Children International
2014	Canadian Society for Training and Development, President's Award
2014	Canadian Civil Liberties Association, Community Award
2014	University of Alberta, Community Scholar Award
2014	Honorary Witness, Truth and Reconciliation Commission
2014	The Federation of Community Social Services of BC Award of Excellence
2013	Human Rights Activist, 16 Days of Activism, Nobel Women's Initiative
2013	Human Rights Defender, Frontline Defenders (Dublin, Ireland)
2013	Friend of Child and Youth Award, North American Council on Adoptable Children
2013	Distinguished Person endorsing the Joint Statement against the Physical Discipline of Children
2013	Champion of Child and Youth Rights Award, First Call (BC)
2012	Recognition, Canadian Journalists for Free Expression
2012	Honorary Lifetime Member, Indigenous Bar Association
2012	Essential Piece Award: Kasohkowew Child Wellness Society
2012	Trudeau Foundation Mentor
2011	National Aboriginal Achievement Award (Public Policy)
2011	Ashoka Fellow (announced 2010 and formally inducted in 2011)
2010	J.W. McConnell Family Foundation Social Innovation Generation Fellowship
2010	Canadian Association of Social Workers Outstanding National Service Award
2010	Ontario Municipal Social Services Association, Outstanding Human Services Award
2009	Manitoba First Nation Child Welfare Gala Leadership Award
2009	Yellowhead Tribal Services Recognition Award
2009	Atkinson Foundation Economic and Social Justice Fellowship
2009	Defense for Children International, Canada: Champion for Children Award
2008	University of Western Australia, Healthway Indigenous Scholar Fellowship
2008	Leader in Social Work, National Social Work Week, Ontario Association of Social Workers
2008	Adel Sedra Distinguished Scholar Award, University of Toronto
2008	Inclusion in the United Nations database on Indigenous experts and professionals, United Nations Permanent Forum on Indigenous Issues
2007	Assembly of Manitoba Chiefs Recognition Award, Jordan's Principle
2007	Perry Shawana Aboriginal Child Care Advocacy and Leadership Award

2007	Norway House Cree Nation Recognition Award for Jordan's Principle
2007	Canada Graduate Scholarship (PhD), Social Science and Humanities Council
2006	Wi Chi Ti Zon Group Home Recognition Award
2006	Victor Marchessault Advocacy Award, Canadian Paediatric Society.
2005	Honorary Foster Parent, Aboriginal Foster Doll Project, BC Youth in Care Network; Aboriginal Foster Parents Association and the BC Federation of Foster Parents
2003	Sarah Berman Memorial Award for Public Speaking, North American Council on Adoptable Children
2003	Queen's Golden Jubilee Medal
2003	Yellowhead Tribal Services Child and Family Services Recognition Award
2002	Caring for First Nations Children Society Recognition Award
2001	Province of British Columbia Ministry for Child and Family Development, Instructor Recognition Award
1998	Sto: lo Nation recognition for Instruction of the Aboriginal Social Worker Training Program

Academic Appointments (6)

2014-2015	OISE, University of Toronto, External Scholar, Faculty of Graduate Studies
2013	Dalhousie University, External Scholar, Faculty of Graduate Studies
2011-2015	University of Ottawa, Faculty of Women's Studies and Graduate Studies
2005	University of Toronto, Senior Instructor
2005	University of Victoria, Adjunct Professor
2000	University of Manitoba, Professional Affiliate

Professional Appointments (6)

2016- Present	Professor, McGill University, School of Social Work
2011- 2016	Associate Professor (tenured), University of Alberta, Faculty of Extension
2003 – Present	<i>Executive Director</i> First Nations Child and Family Caring Society Web site: www.fncaringsociety.com
1999- 2003	<i>Executive Director</i> Caring for First Nations Children Society Web site: www.cfncs.com
1995-1999	<i>Assistant to the Social Development Director</i> <i>The Squamish First Nation</i>
1987-1995	<i>Senior Social Worker,</i> Province of British Columbia

Research (12)

- 2015 SSHRC Journal Grant for First Peoples Child and Family Review (2015-2018): Principal Investigator: Cindy Blackstock.
- 2015 Advisor, New Zealand Royal Society Marsden Fund Research Program "Children visiting a museum: information gathering or creative capacity building?"
- 2012 Building Capacity with First Nations and mainstream Youth Protection services in Quebec. Collaborator: Principal Investigator: Nico Trocmé.
- 2011 SSHRC grant for First Peoples Child and Family Review. Principal Investigator: Cindy Blackstock
- 2009 Nova Scotia Department of Community Services and Mi'kmaw Family and Children's Services. *When Everything Matters: Comparing the factors contributing to the reunification or continuance in child welfare care for First Nations and non-Aboriginal children in Nova Scotia.*
- 2007 National Collaborating Centre on Aboriginal Health. *Development of the Scientific Vision for NCCAH.* 2007. Public Health Agency of Canada and the United Nations Committee on the Rights of the Child. *Supporting the development of the UNCRC general comment on Indigenous child rights.*
- 2005 Department of Indian Affairs and Northern Development. *Wen: de: The Journey Continues.* Available on line at www.fncaringsociety.com
- 2005 Department of Indian Affairs and Northern Development. *Wen: de: We are coming to the light of day.* Available on line at www.fncaringsociety.com
- 2004 Department of Indian Affairs and Northern Development. *Bridging Econometrics with First Nations child and family service practice.* Available on line at www.fncaringsociety.com
- 2004 Department of Indian Affairs and Northern Development. *Staying at Home: Least Disruptive Measures*
- 2004 Health Canada. *Keeping the Promise: The United Nations Convention on the Rights of the Child and the Lived Experience of First Nations Children and Young People*
- 2003-2004 Voluntary Sector Initiative, Government of Canada. *Caring Across the Boundaries: Exploring the Nature and Extent of Engagement of the Voluntary Sector with First Nations Children and Families.*

Services Related to Research (18)

- 2017 Research Steering Group Member, Global Child CIHR project to develop compliance indicators for the UN Convention on the Rights of the Child.

2016	Co-convenor, Reimaging Child Welfare Symposium. Partnership with Osgoode Law School, TAG, African Canadian Legal Centre and the Caring Society
2016	Moderator: Big Thinking Lecture by Noami Klein; Federation of the Humanities and Social Sciences
2015	Moderator: Big Thinking Lecture by Justice Murray Sinclair: Federation of Humanities and Social Sciences.
2015	Symposium participant, Neocolonialism and Indigenous children's rights: University of Technology, Sydney: AU
2014	Moderator, Big Thinking Lecture by Dr. Jim Miller, House of Commons, Federation of Humanities and Social Sciences.
2014	Board Member, Federation of the Humanities and Social Sciences
2013-present	Director, First Nations Children's Action Research and Education Centre (FNCARES), University of Alberta
2010	Reviewer, Research Grants for the Social Science and Humanities Council
2009	Advisor, Centre of Excellence for Child and Youth Mental Health at CHEO
2006- 2009	Facilitating consultation with the Indigenous Sub Group for the United Nations Committee on the Rights of the Child in the development of the General Comment on Indigenous Child Rights
2006	Reviewer, Harvard University John F. Kennedy School of Government, American Indian Program evaluation of the Longitudinal Survey on Aboriginal Health
2006- 2008 2004-2008	Expert Panel on Health Literacy, Canadian Public Health Association Canadian Incident Study on Reported Child Abuse and Neglect, research team member.
2003- 2009 2001 2002 1997-2002	Co-director, Centre of Excellence for Child Welfare Grant Reviewer, Centre of Excellence for Child Welfare. Advisory Committee Member, Joint National Policy Review of First Nations Child and Family Services, the Assembly of First Nations and Department of Indian Affairs and Northern Development.
2000-2002	Advisory Committee Member, Centre of Excellence for Child Welfare.

Advisory Boards/Expert Advisor (9)

2016-Present	Commissioner, Pan American Health Organization, Review of Health Inequities and Inequalities in the Americas.
2014	Reviewer, Indigenous Ethics of Predictive Risk Modeling for Maori Children and Families
2011- 2013	Expert Advisor, UNICEF on UN Declaration on the Rights of Indigenous Peoples

2010-2011	Advisor to Microsoft Corporation Canada, First Nations education initiative
2010-2012	Ashoka Changemaker's First Nations, Metis and Inuit Changemaker's Competition Advisory Committee
2010- 2012	Mount Royal University, Continuing Education Department. Child and Youth Human Rights Extension Certificate Advisory Committee
2010	Member, Audit Advisory Committee, Auditor General of Canada
2010	Expert Child Welfare Committee, Northwest Territory Government
2010	Expert Panelist, United Nations Permanent Forum on Indigenous Issues

Executive Producer of Films and Photography Exhibit Curator (5)

2016	<i>(Dis)placed: indigenous youth and the child welfare system.</i> Cindy Blackstock- co-producer. Melisa Brittain: Director and film maker.
2013	<i>Fighting for Shannen and all the kids too!</i> Cindy Blackstock , Executive Producer. Andree Cazabon: Director and film maker.
2013	<i>Letters to Canada.</i> Cindy Blackstock , Executive Producer. Andree Cazabon: Director.
2012	<i>I am a witness: A short film.</i> Cindy Blackstock , Executive Producer. Andree Cazabon: Director.
2009 - Present	Caring Across Boundaries: Reconciliation in a child's world. Cindy Blackstock , Curator with photography by Liam Sharp. Premiered at First Canadian Place (Bank of Montreal headquarters) in Toronto. Since toured to the AFN Special Chiefs Assembly, New Brunswick First Nations, University of Ottawa and the Canadian Labour Congress National Conference.

Refereed Journal Editorial Boards/Reviews (17)

2017	Reviewer, Lancet
2015	Reviewer, Fernwood Publications
2014	Editor in Chief, First Peoples Child and Family Review
2014	Reviewer, International Indigenous Policy Journal
2013	Reviewer, Canadian Medical Association Journal
2012	Reviewer, Child Abuse and Neglect
2012	Reviewer, Child Abuse and Neglect
2012	Reviewer, First Peoples Child and Family Review
2011	Reviewer, <i>Violence Against Women</i>
2011	Reviewer, <i>Child Abuse Review</i>
2009- present	Reviewer, <i>First Peoples Child and Family Review</i>
2007	Co-wrote editorial, <i>First Peoples Child and Family Review</i>

2007	Reviewer, <i>Violence Against Women</i>
2006	Reviewer, <i>Violence Against Women</i>
2005	Guest Editor, <i>Pediatrics and Child Health</i>
2004-Present	Founding Editorial Board Member, <i>First Peoples Child and Family Review</i>
2003	Guest Editor, <i>Journal on Developmental Disabilities</i>

Publications in Refereed Journals (40)

- Blackstock, C.** (2016). The Complainant: The Canadian Human Rights Tribunal on First Nations Child Welfare. *McGill Law Journal*, 62:2, 285-328.
- King, J., Wattam, J. & **Blackstock, C.** (2016). Reconciliation: the kids are here! *Canadian Journal of Children's Rights*, 3 (10), 32-45.
- Blackstock, C.** (2016). Toward the full and proper implementation of Jordan's Principle: An elusive goal to date. *Paediatric Child Health* 21(5), 245-246.
- Blackstock, C.** (2016). Social movements and the law: addressing engrained government-based discrimination against Indigenous children. *Australian Indigenous Law Review*. 19 (1),5-19.
- Levesque, A., Clarke S. & **Blackstock, C.** (2016). La plainte de discrimination devant le Tribunal des droits de la personne canadien de portant sur les services d'aide a l'enfance aux enfants des Premiere Nations Principe et le de Jordan. *Journal enfance, famille, generations.*, 16 (25).
- Cross, T., **Blackstock, C.**, Formsma, J., George, J. & Brown, I. (2015). Touchstones of hope: still the best guide to Indigenous child welfare. *First Peoples Child and Family Review* 10(2), 6-11.
- Fallon, B., Chabot, M., Fluke, J., **Blackstock, C.** & Sinha, V. (2015). Exploring alternate specification to explain agency-level effects in placement decisions regarding Aboriginal children: Part C. *Child Abuse & Neglect* (May, 2015), 97-106.
- Blackstock, C.** (2015). Should governments be above the law? The Canadian Human Rights Tribunal on First Nations child welfare. *Children Australia*, 40 (2), 95-104.
- Blackstock, C.** (2013). Opening statement of the First Nations Child and Family Caring Society of Canada: Canadian Human Rights Tribunal. *Kanata*, 6 (Winter, 2013), 16-21.
- Blackstock, C.** & Auger, A. (2013). Pursuing human rights for community level resilience: the Jordan's Principle case, process and initiative as resilient community action. *International Journal of Child and Journal Resilience*, 1 (1).
- Fallon, B., Chabot, M., Fluke, J., **Blackstock, C.**, Maclaurin, B., & Tonmyr, L. (2013). Placement decisions and disparities among Aboriginal children: further analysis of the Canadian Incidence Study on Reported Child Abuse and Neglect part A: comparisons of the 1998 and 2003 surveys. *Child Abuse and Neglect*, 37 (1), 47-60.
- Blackstock, C.** (2012). Aboriginal child welfare self-government and the rights of Indigenous children: A book review. *Children and Youth Services Review*, 34(12), 2504-2506.
- Blackstock, C.** (2012). Jordan's Principle: Canada's broken promise to First Nations children? *Paediatrics and Child Health*, 17(7), 368-370.

- Cross, T. & **Blackstock, C.** (2012). We are the manifestations of our ancestor's prayers. *Child Welfare*, 91 (3), 9-14.
- Blackstock, C.** (2011). *Wanted moral courage in child welfare. First Peoples Child and Family Review*, 6 (2), 36-47.
- Blackstock, C.** (2011). The emergence of the breath of life theory. *Journal of Social Work Values and Ethics*, 8(1), 1-16. Retrieve at <http://www.socialworker.com/jswve/content/view/143/73/>
- Blackstock, C.** (2011). Why if Canada wins, Canadians lose: The Canadian Human Rights Tribunal on First Nations child welfare. *Children and Youth Services Review*, 33 (2011), 187-194.
- Tommyr, L. & **Blackstock, C.** (2010). Commentary: public health approach in First Nations communities. *International Journal on Mental Health and Addictions*, 8(2), 135-144.
- Fluke, J., Chabot, M., Fallon, B., MacLaurin, B., & **Blackstock, C.** (2010). Placement decisions and disparities among aboriginal groups: an application of the decision making ecology through multi-level analysis. *Child Abuse and Neglect*, 34(1), 57-69.
- Chabot, M., Fallon, B., Tonmyr, L., MacLaurin, B., Fluke, J. & **Blackstock, C.** (2010). Exploring alternate specifications to explain agency level effects in placement decisions regarding Aboriginal children: further analysis of the Canadian Incidence Study on Reported Child Abuse and Neglect. *Child Abuse and Neglect*, 37 (1), 61-76.
- Blackstock, C.** (2009). First Nations children count: enveloping quantitative research in an Indigenous envelope. *First Peoples Child and Family Review*, 4(2), 135-144.
- Blackstock, C.** (2009). Why addressing the over-representation of First Nations children in care requires a new theoretical approach. *Journal of Social Work Values and Ethics*, 6(3).
- Blackstock, C.** (2009). The occasional evil of angels: learning from the experiences of Aboriginal peoples with social work. *First Peoples Child and Family Review*, 4(1), 28-37.
- Blackstock, C.** (2009). After the apology: why are so many First Nations children still in foster care? *Children Australia*, 34 (1), 22-31.
- Trocmé, MacLaurin, Fallon & **Blackstock, C.** (2008). *Mesnmik Wasatek. World perspective, 8th edition*. Chicago: International Society for the Prevention of Child Abuse and Neglect.
- Blackstock, C.** (2008). Rooting mental health in an Aboriginal world view inspired by Many Hands One Dream. *Paper prepared for the Provincial Centre of Excellence for Child and Youth Mental Health at CHEO*.
- Blackstock, C.** (2008). *Jordan's Principle: editorial update*. *Paediatrics and Child Health*, 13 (7), 589-590.
- Blackstock, C.** & Cross, T. (2007). Indigenous child rights. *Encyclopedia on violence against children*. California: Sage Publications.
- Blackstock, C.** (2007). If reindeer could fly: dreams and real solutions for Aboriginal children. *Education Canada*, 7(1), 4-8.

- Blackstock, C.** (2007). The breath of life versus the embodiment of life: Indigenous knowledge and western research. *World Indigenous Nations Higher Education Consortium Journal*, 2007. Porirua, New Zealand.
- Blackstock, C.** (2007). Are residential schools closed or have they just morphed into child welfare? *Indigenous law journal* 6(1), 71-78.
- Wien, F., **Blackstock, C.**, Loxley, J. and Trocmé, N. (2007). Keeping First Nations children safely at home: how a few federal policy changes could make a big difference. *First Peoples Child and Family Review*, 3(1), 10-15.
- Blackstock, C.** & Alderman, J. (2005). The untouchable guardian: the state and Aboriginal children in the child welfare system in Canada. *Early childhood matters*, December 2005, No. 105, 19-23.
- Blackstock, C.** (2005). The occasional evil of angels: Learning from the experiences of Aboriginal Peoples with social work. *World Indigenous Nations Higher Education Consortium Journal*, Vol. 2. New Zealand.
- Saylor, K. & **Blackstock, C.** (2005). Many hands one dream: healthy Aboriginal children and youth. *Paediatrics and child health*, 10 (9), 533-534.
- Blackstock C.** (2005). Voices from the field - First Nations children in care. *Encyclopedia on Early Childhood Development*. Centre of Excellence for Early Childhood Development Website, http://www.excellence-earlychildhood.ca/liste_theme.asp?lang=EN&act=32
- Blackstock, C.** (2005). Same Country: Same Lands; 78 Countries Away: An exploration of the nature and extent of collaboration between the voluntary sector and First Nations Child and Family Service Agencies. *First Peoples Child Welfare Review*, 2 (1), 130-157.
- Trocmé, N., Knoke, D. and **Blackstock, C.** (2004). Pathways to the over-representation of Aboriginal children in the child welfare system. *Social Services Review*, Volume 78, (4), 577-600.
- Blackstock, C.**, Trocmé, N. and Bennett, M. (2004). Child welfare response to Aboriginal and Non Aboriginal Children in Canada; a Comparative Analysis. *Violence Against Women*, 10(8), 901-917.
- Blackstock, C.** (2004). Embracing our Distinct Humanity in *Journal of Developmental Disabilities*, 10(2), vii-1.

Non Juried Books, Periodicals and Submissions (20)

- Blackstock, C.**, Bianchi, E. & Smith, S. (in press). *Reconciling History*, History Magazine.
- Blackstock, C.** & Grammond S. (2017). Reforming child welfare first step toward reconciliation: Opinion. *Toronto Star*, August 1, 2017.
- Blackstock, C.** (2017). *A National Crime: Part Two?* Op. Ed. Ottawa Citizen, June 3, 2017.
- King, J. & **Blackstock, C.** (2017). On Canada's 150th, What are First Nations kids losing out to? *The Catalyst: Citizens for Public Justice*, Spring 2017, 1.

- Blackstock, C. (2016).** The long history of discrimination against First Nations children. *Policy Options Politiques*, October 6, 2016. Retrieved October 16, 2016 at <http://policyoptions.irpp.org/magazines/october-2016/the-long-history-of-discrimination-against-first-nations-children/>
- Blackstock, C. (2016).** Expert Analysis: Cindy Blackstock. *Buried voices: changing tones: an examination of media coverage of Indigenous issues in Ontario, media monitoring report: 2013-2016*. Toronto: Journalists for Human Rights, 13-14.
- Brittain, M. & **Blackstock, C. (2015).** *First Nations child poverty: a literature review and analysis*. Edmonton: First Nations Children's Action Research and Education Service, University of Alberta.
- Blackstock, C. (2015).** *Canada knows better and is not doing better*. Submission for the First Nations Child and Family Caring Society of Canada to the United Nations Committee on Economic, Social and Cultural Rights.
- Blackstock, C. (2014).** *Historic legal cases on First Nations children's equity*. Eastern Branch, Ontario Association of Social Workers Bulletin, 40(1), 12.
- Pierro, R., Barrera, J., **Blackstock, C.**, Harding, R., McCue, D. & Metawabin, M. (2014). *Buried voices: media coverage on Aboriginal issues in Ontario*. Toronto: Journalists for Human Rights. Retrieved September 20, 2015 at http://www.jhr.ca/en/wp-content/uploads/2015/08/Buried_Voices.pdf
- Blackstock, C. (2013).** Secretariat of the Permanent Forum on Indigenous Issues, Indigenous Youth Caucus, UNICEF. *Know your rights: UN Declaration on the Rights of Indigenous Peoples for Indigenous adolescents*. New York: UNICEF.
- Blackstock, C. (2012).** *Reconciliation in action: educators and students standing in solidarity with First Nations children and Canadian Values*. Perspectives, 9 (October, 2012). Retrieved October 12, 2012 at http://www.ctffce.ca/Priorities/default.aspx?ArtID=1998&year=2012&index_id=4685&lang=EN
- Blackstock, C. (2011).** *Jordan's Principle and Maurina Beadle's fight for implementation*. Eastern Branch, Ontario Association of Social Workers Bulletin, 37(3), 12-14.
- Blackstock, C. (2012).** *Jordan and Shannen: First Nations children demand that Canada stop racially discriminating against them. Shadow report for Canada's 3rd and 4th periodic report to the United Nations Committee on the Rights of the Child*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C. (2011).** *Reconciliation means not saying sorry twice: How inequities in Federal Government child welfare funding drive children on reserve into foster care*. Submission to the Standing Committee on the Status of Women. Ottawa: First Nations Child and Family Caring Society of Canada.
- Alderman, J., Balla, S., **Blackstock, C.** & Khanna, N. (2011). *Guidelines for the ethical engagement of young people*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C., Cross, T., Brown, I., George, J., & Formsma, J. (2006).** *Reconciliation in child welfare: touchstones of hope for Indigenous children, youth and families*. Ottawa: First Nations Child and Family Caring Society of Canada.
- Blackstock, C., Bruyere, D., & Moreau, E. (2006).** *Many Hands One Dream: principles for a new perspective on the health of First Nations, Inuit and Métis children and youth*. Ottawa: Canadian Paediatric Society.

Alderman, J., Balla, S., **Blackstock, C.** & Khanna, N. (2006). *Declaration of accountability on the ethical engagement of young people and adults in Canadian organizations*. Ottawa: First Nations Child and Family Caring Society of Canada.

Blackstock, C., S. Hobenshield and M. Kovach (2005). *In the future First Nations children will*. West Vancouver: Caring for First Nations Children Society.

Book Chapters (23)

Blackstock, C. (In press). *What will it take? Ending the Canadian Government's chronic failure to do better for First Nations children and families when it knows better*. In David Newhouse and Kathleen Graham (Eds.) *Sharing our land; Sharing our future*. Winnipeg: University of Manitoba Press.

Blackstock, C. (2017). *Ending Discrimination Against First Nations Children*. In Heather MacIvor and Arthur H. Milnes, eds., *Canada at 150: Building a Free and Democratic Society*. Toronto: LexisNexis Canada, (2017), pp. 238-239

Blackstock, C. (2017). Does social work have the guts for social justice and reconciliation? In Elaine Spencer (Ed.) *Social work ethics in action*. London: Oxford University Press, pp. 115-128.

Blackstock, C. (2016). The occasional evil of angels: learning from the experience of Aboriginal peoples and social work. In Steven Hick & Jackie Stokes (Eds) *Social Work in Canada, fourth edition*. Toronto: Thompson Educational Publishing, pp. 54-63.

Blackstock, C. (2016). Shannen Koostachin: I will never give up. In Rachel Vincent, Nobel Women's Initiative (Ed.) *When we are bold*. Ottawa: Art and Literature Mapale & Publishing Inc., pp. 223-232.

Blackstock, C. (2014). The government of Canada: on trial for the racial discrimination of First Nations children. In Sven Hesse (Ed.) *Environmental change and sustainable social development: social work- social development: Volume II*. Surrey: Ashgate, pp. 7-13.

King, J., Edwards, C., & **Blackstock, C. (2013).** A time for dreams: the right to education for First Nations children and youth living on reserve. In Kate Tilleczek and Bruce Ferguson (Eds.) *Youth, education and marginality: local and global expressions*. Waterloo: Sir Wilfrid Laurier Press and Sick Kids.

Blackstock, C. (2013). Mosquito advocacy: change promotion strategies for small groups with big ideas. In Hilary Weaver (Ed.) *Social issues in contemporary Native America: reflections from Turtle Island*. Surrey: Ashgate, 219-232.

Blackstock, C. (2012). Child welfare: lessons from the emperor's new clothes. In Don Fuchs, Ivan Brown & Sharon McKay (Eds.), *Awakening the Spirit* (pp. ix-xi). Regina: Canadian Plains Research Center Press.

Blackstock, C. (2012). A National Crime: Canada faces charges of racial discrimination against First Nations children in 2010. In Ellen Murray (Ed.), *Children Matter: Exploring child and human rights issues in Canada*, pp. 87-111.

Blackstock, C. (2012). The Canadian Human Rights Tribunal: why if Canada wins; equality and justice lose. In Michelle Webber & Kate Bezanson (Eds.), *Rethinking society in the 21st century; critical readings in sociology*. Toronto: Canadian Scholars Press.

- Sinha, V., Trocmé, N., **Blackstock, C.**, MacLaurin, B. & Fallon, B. (2011). Understanding the overrepresentation of First Nations children in Canada's child welfare system. In Kathleen Kufeldt & Brad McKenzie (Eds.), *Connecting research, policy and practice child welfare* (2nd Ed.). (pp. 307-322). Waterloo: Sir Wilfred Laurier Press.
- Blackstock, C.** (2011). First Nations children and families: the search for the voluntary sector. In Fred Bird & Frances Wesley (Eds.), *Voices from the voluntary sector* (pp. 173-190). Toronto: University of Toronto Press.
- Blackstock, C.** (2009). Jordan's Principle: how one boy inspired a world of change. *Canadian supplement to the state of the world's children, 2009: Aboriginal children's health – leaving no child behind*, 46-52. Toronto: UNICEF.
- Blackstock, C.** (2008). Reconciliation means not saying sorry twice: lessons from child welfare. *From truth to reconciliation: transforming the legacy of residential schools* (pp. 163-178). Ottawa: Aboriginal Healing Foundation.
- Blackstock, C.**, Brown, I., & Bennett, M. (2007). Reconciliation in child welfare (2007). In Brown, Chaze, Fuchs, Lafrance, McKay & Thomas Prokop (Eds.) *Putting a human face on child welfare: voices from the prairies*, (pp. 59-89). Toronto: Center of Excellence for Child Welfare.
- Blackstock, C.** (2007). Dream Catcher: The UN Convention on the Rights of the Child and the lived experiences of First Nations children. In *International Indigenous Child Rights*, Philip Cook, Cynthia Price-Cohen, Eds.
- Mandell, D., **Blackstock, C.**, Clouston- Carlson, J., & Fine, M. (2006). From child welfare to child, family and community welfare: The agenda of Canada's Aboriginal peoples. In *Towards Positive Systems of Child and Family Welfare*. Nancy Freymond and Gary Cameron, Eds. (pp. 211-236). Toronto: University of Toronto Press.
- Bennett, M. & **Blackstock, C.** (2005). First Nations child and family services and indigenous knowledge as a framework for research, policy and practice. In *Towards Positive Systems of Child and Family Welfare*. Nancy Freymond and Gary Cameron, Eds. , (pp. 269-288). Toronto: University of Toronto Press.
- Blackstock, C.** & Trocmé, N. (2004). Community based child welfare for Aboriginal children: Supporting Resilience through Structural Change in *Pathways to Resilience: A handbook of theory, methods and interventions*. Michael Unger, Ed., (pp.105-120). Thousand Oaks, California: Sage Publications.
- Sinclair, M., Bala, N., Lilles, H., and **Blackstock C.** (2004). Aboriginal child welfare in *Canadian Child Welfare Law: Children, Families and the State, Second Edition*, Nicholas Bala, Michael Kim Zapf, R. James Williams, Robin Vogle, & Joseph P. Hornick, Eds. (pp.199-244). Toronto: Thompson Educational Publishing Inc.
- Foxcroft, D and **Blackstock, C.** (2003). USMA Cherished ones, Precious ones, the children A First Nations approach to child, family and community well-being In *Community Collaboration and differential response*, Nico Trocmé, Della Knoke and Catherine Roy, Eds., (pp. 105-112). Ottawa: Centre of Excellence for Child Welfare.
- Blackstock, C.** (2013). Restoring peace and harmony in First Nations communities. In *Child Welfare: Connecting Research Policy and Practice*. K. Kufeldt and B. McKenzie Eds., (pp. 341-343). Waterloo, ON: Wilfrid Laurier University Press.

Research Reports (7)

Blackstock, C. (2009). *When Everything Matters: Comparing the factors contributing to the reunification or continuance in child welfare care for First Nations and non-Aboriginal children in Nova Scotia*. University of Toronto: Toronto, ON.

Loxley, J.; DeRiviere, L.; Prakash, T.; **Blackstock, C.**, Wien, F. & Thomas Prokop, S. (2005). *Wen:de – the Journey Continues*. Ottawa: First Nations Child and Family Caring Society of Canada.

Blackstock, C., Prakash, T., Loxley, J., & Wien, F. (2005). *Wen:de: We are Coming to the Light of Day*. Ottawa: First Nations Child and Family Caring Society of Canada.

Trocmé, N., Fallon, B., MacLaurin, B., Daciuk, J., Felstiner, C., Black, T., Tonmyr, L., **Blackstock, C.**, Barter, K., Truscott, D., Cloutier, R. (2005). *Canadian Incidence Study on Reported Child Abuse and Neglect: Major Findings-2003*. Ottawa: Public Health Agency of Canada

Blackstock, C., Clarke, S., Cullen, J. D' Hondt, J. & Formsma, J. (2004). *Keeping the Promise: the United Nations Convention on the Rights of the Child and the Lived Experience of First Nations Children*. Ottawa: First Nations Child and Family Caring Society of Canada.

Nadjiwan, S. & **Blackstock, C.** (2003). *Annotated Bibliography on the Nature and Extent of Collaboration Between the Voluntary Sector and First Nations Child and Family Services Agencies in Canada*. Ottawa: First Nations Child and Family Caring Society.

Bennett M. & **Blackstock, C.** (2002). *First Nations Child and Family Services and Indigenous Knowledge as a Framework for Research, Policy and Practice*. Available on line at www.cecw-cecb.ca.

Book Reviews (3)

Blackstock, C. (2012). Aboriginal Child Welfare Self-Government and the Rights of Indigenous Children: A book review. *Children and Youth Services Review* 34(12), 2504-2506.

Blackstock, C. (2009). *Review of walking this path together*. Walking this path together. Susan Strega and Jeannine Carriere Eds. (Cover). Winnipeg: Fernwood Publishing.

Blackstock, C. (2007). The story of Tikinagan Child and Family Services: A book review. *Ontario Association of Childrens Aid Societies Journal*, Winter 2007, 51 (1), 27-28.

Curriculum (10)

2017	First Peoples Social Work, Bachelor of Social Work, McGill University
2011	Mosquito Advocacy. Master degree level course. Faculty of Extension, University of Alberta
2008	<i>Touchstones of Hope: Bachelor of Social Work Course</i> . Centre of Excellence for Child Welfare, University of Toronto.
2005	<i>Leadership and Followship: the Honor of Both in Effective Indigenous ECD Management</i> . University of Victoria.
2002	<i>Negotiations Module, Supervisory Training</i> , Aboriginal Social Worker Training Project (1/2 day course)

2002	<i>Ethics Module</i> , First Nations Partnership Program, University of Victoria
2002	Blackstock, C and Kovach, M. <i>Social Work 451 Curriculum</i> . Faculty of Social Work, University of Victoria.
2000	<i>Aboriginal Child and Family Service Programs</i> , Aboriginal Social Worker Training Program (1/2 day course)
2000	<i>Team Assistant Training Curriculum</i> , Ministry for Children and Families
1999	<i>Aboriginal Child and Family Services</i> , Ministry for Children and Families CORE Training (1 day course)

United Nations Committees and Organizations (16)

2017	Presenter, United Nations Committee on the Elimination of Racial Discrimination
2016	Presenter, Inter-American Commission on Human Rights
2016	Commissioner, Pan American Health Organization Review of Equity and Health Inequalities in the Americas.
2013	Presenter, Special Rapporteur on Indigenous Issues, Ottawa, Canada
2012	Presenter, United Nations Committee on the Rights of the Child pre-session for review of Canada, Geneva
2012-2013	Expert Advisor, UNICEF New York
2011	Presenter, United Nations Permanent Forum on Indigenous Issues side event on Indigenous children and youth, New York
2010	Expert Member, United Nations Permanent Forum on Indigenous Issues forum on Indigenous children and youth, Vancouver, BC
2009	Presenter, United Nations Permanent Forum on Indigenous Issues. Side Event, New York
2006-2009	Assisted the United Nations Committee on the Rights of the Child in the development of a General Comment on Indigenous child rights.
2007	Presenter, United Nations Permanent Forum on Indigenous Issues, Side Event, New York
2007	Presenter, United Nations Committee on the Rights of the Child, Geneva
2006	Presenter, United Nations Permanent Forum on Indigenous Issues, Side Event. New York
2006	Presenter, United Nations Committee on Economic, Social and Cultural Rights, Geneva
2006	Presenter, NGO Group for the UN Convention on the Rights of the Child, Geneva
2004	Presenter, United Nations Permanent Forum on Indigenous Issues Side Event, New York
2003	Participant, United Nations Committee on the Rights of the Child Day of General Discussion on Indigenous Children

Presentations to Senate Committees and House of Commons Committees (13)

2017	Presentation to the House of Commons Committee on Indigenous Affairs (youth suicide)
2016	Presentation to the House of Commons Finance Committee
2016	Presentation to the House of Commons Indigenous Affairs Committee
2016	Presentation to the House of Commons Finance Committee

2014	Presentation to the Special House of Commons Committee on Violence Against Indigenous Women
2011	Presentation to the Standing Committee on Women on First Nations child and family services
2010	Presentation to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities on First Nations Adoption
2010	Presentation to the House of Commons Aboriginal Affairs Committee on First Nations child welfare funding
2009	Presentation to the Senate Committee on Human Rights
2007	Presentation to the Senate Committee on Sexual Exploitation
2006	Presentation to the House of Commons Aboriginal Affairs Committee on First Nations child welfare policy
2006	Presentation to the Senate Standing Committee on Human Rights on First Nations child welfare policy
2005	Presentation to the Senate Standing Committee on Aboriginal children off reserves who come into contact with the child welfare system

Provincial/Territorial/Judicial Child Welfare Review Services (9)

2017	Presenter, Alberta Ministerial Panel on Child Intervention
2016	Witness, Inquiry into the deaths of 7 First Nations youth, Thunder Bay, ON
2016	Presenter: Government of Manitoba Premier's Council on First Nations Child Welfare
2014	Presenter: Government of Manitoba Premier's Council on First Nations child welfare
2014	Presenter: Government of Alberta on First Nations child welfare
2014	Witness, Canadian Human Rights Tribunal on First Nations Child Welfare
2013	Expert Witness, Phoenix Sinclair Inquiry
2013	Witness, Canadian Human Rights Tribunal on First Nations Child Welfare
2010	Expert Committee Member, Standing Committee of the Legislature, Northwest Territories Review on child welfare
2010	Expert Committee Member, Auditor General of Canada: Audit of Nunuvut child and family services
2009	Advisor, New Brunswick Child and Youth Advocate review of First Nations child welfare

Presentations at Juried Conference (135)

2017	Keynote: Yukon Bar Association (Canadian Human Rights Tribunal Case)
2017	Keynote: PSA Super Conference (First Nations children and reconciliation)
2017	Keynote: Ontario Tribunals (Canadian Human Rights Tribunal Rights Case)
2017	Keynote: Yukon Bench Association (Canadian Human Rights Tribunal Case)
2017	Keynote: Federal Family Court of Australia (Indigenous child welfare)
2017	Keynote: University of New South Wales, Bringing them Home 20 th Anniversary (Engaging children in reconciliation)
2017	Keynote: City of Ottawa (Reconciliation and Municipalities)

2017	Keynote, Alberta School Superintendents Association (Equity and First Nations children)
2017	Keynote, Expanding Horizons for Early Years (Stigma and effect on First Nations children)
2017	Keynote, Legal Education Action Fund (LEAF), Vancouver
2017	Keynote, Equity and Child Welfare, London, UK (engaging children in equity)
2017	Grand Rounds, Queens University School of Medicine (Jordan's Principle)
2016	Keynote, ISPCAN (First Nations children's equity)
2016	Keynote, Prairie Child Welfare Consortium (First Nations children's equity)
2016	Big Thinking Lecture, Parliament Hill (The Perils of Incremental Equality for First Nations children).
2016	Keynote, 50 th Anniversary of Sir Wilfred Laurier Faculty of Social Work
2016	Keynote, Office of the Senior Practitioner, New South Wales, AU (Child participation in reconciliation)
2016	Keynote, Crown Counsel Summer School (Canadian Human Rights Tribunal)
2016	Keynote, Gov't Great Failure: Not Doing Better for First Nations Children when they Knew Better (Congress 2016)
2016	Panel Presentation, Ontario Court of Justice (Reconciliation and Children's Rights)
2016	Keynote, Pathways to Reconciliation (Reconciliation and children)
2016	Keynote, Defense for Children International (Canadian Human Rights Tribunal)
2016	Keynote, Indigenous Health Conference (Equity)
2016	Workshop, Royal Society of Rural and Remote Physicians (Jordan's Principle)
2016	Webinar, Canadian Bar Association (Canadian Human Rights Tribunal)
2016	Keynote, Jack Layton Lecture, Ryerson, ON (Indigenous children's rights)
2016	Keynote, Broadbent Institute Progress Summit, Ottawa, ON (Incremental equality)
2016	Keynote, Upstream, Ottawa, ON (Incremental equality)
2016	Keynote, Better Outcomes, Connexus (Reconciliation)
2015	Panel presentation, SNAICC, Perth, AU (Neocolonialism and child welfare)
2015	Workshop, SNAICC, Perth, AU (Mosquito Advocacy)
2015	Panel presentation, Federation of the Humanities and Social Sciences Congress (Equity and Aboriginal children)
2015	Keynote, C & K Conference, Brisbane, AU: Reconciliation: the children's version
2015	Master class, C & K Conference: Mosquito Advocacy
2015	Panel Presentation, SPUR Festival, Disposable Lives: Murdered and Missing Indigenous Women
2015	Keynote, CIEC Diversity, Equity and Inclusivity Symposium (Equity)
2015	Keynote, Royal Society of Rural and Remote Medicine (Jordan's Principle)

2015	Keynote, MacEwan University: Aboriginal lecture series (Reconciliation)
2015	Expert panel: 6 th International Meeting on Indigenous Health (equity)
2015	Keynote: Weld Kernohan Lecture, Dalhousie University
2015	Keynote: Wiichitaakewin Lecture, Confederation College
2015	Keynote: Woodrow Lloyd Lecture, University of Regina
2014	Keynote: Una Ridley Lecture, University of Lethbridge Faculty of Health Sciences: Reconciliation
2014	Keynote: SSHRC Imagining Canada's Future: Reconciliation
2014	Keynote: Mallory Lecture, McGill University: First Nation's Children's Equity
2014	Master class: Childhood Trauma Conference, Melbourne, AU: Mosquito Advocacy
2014	Expert panel: Childhood Trauma, Melbourne, AU
2014	Keynote: Childhood Trauma Conference, Melbourne, AU: Touchstones of Hope
2014	Keynote: Leading Practice Conference, Sydney, AU: Reconciliation and children
2014	Keynote: W.K. Kellogg Foundation American Healing Panel: Addressing Indigenous children at the international level (Indigenous children's rights)
2014	Keynote: Wunusweh Lecture on Aboriginal Law, (First Nations children's rights, University of Saskatchewan.
2013	Keynote: Inaugural Kagedan Lecture on Social Work and Human Rights, (Equity Matters), McGill University
2013	Workshop presenter, (Equity Matters), International Conference and Summit on Violence, Abuse and Trauma, San Diego, USA
2013	Plenary panel presenter, (Prevention- moving from ideas to action across the lifespan), International Conference and Summit on Violence, Abuse and Trauma, San Diego, USA
2013	Keynote speaker, SNAICC (Canadian Human Rights Tribunal and child engagement), Cairns, Australia
2013	Master class presenter, SNAICC (Mosquito Advocacy), Cairns, Australia
2013	Keynote speaker, Mowafaghian Visiting Scholar Lecture, Simon Fraser University (Mosquito advocacy)
2013	Keynote speaker, Rheal Brant Memorial Lecture, Carleton University (First Nations children's rights)
2013	Keynote speaker, Connexus, Ottawa, ON (Children's Voices have Power)
2013	Keynote speaker, <i>Te Rangi Pūahotanga, Otaki, New Zealand (Children standing in solidarity with First Nations children)</i>
2013	Keynote speaker, Montreal Women's Canadian Club (Children's Voices have Power)
2012	Keynote speaker, British Columbia Association of Social Workers (Moral Courage: Kids have it and adults need it)
2012	Keynote speaker, National Child Maltreatment Symposium (UN Convention on the Rights of the Child and First Nations Children)
2012	Speaker, Montreal Children's Hospital Grand Rounds (First Nations child welfare)
2012	Keynote speaker, New Zealand Public Health Association (Mosquito Advocacy)
2012	Keynote speaker, World Conference on Social Work, Stockholm (First Nations human rights)

2012	Keynote speaker, University of Saskatchewan Indigenous Law Conference (First Nations child welfare case and UNDRIP)
2012	Keynote speaker, Ottawa/Carleton Elementary Teachers Federation (human rights for First Nations children)
2011	Panel presenter, Canadian Association of Health Sciences
2011	Keynote speaker, First Nations Education Steering Committee
2011	Keynote speaker, British Columbia Nurses Union
2011	Presenter, Indigenous Bar Association, Ottawa
2011	Presenter, Canadian Association of School Boards, Ottawa
2011	Presenter, Grand Rounds, Children's Hospital Eastern Ontario
2011	Presenter, Webinar Canadian Association of Social Workers
2011	Keynote speaker, Hidden Legacy Conference
2011	Plenary speaker, US National District Attorneys Association
2013	Carol Harrison Memorial Lecture, Sick Kids Hospital, Toronto
2010	Keynote speaker, Ontario Association of Social Workers
2010	Keynote speaker, World Indigenous Women's Conference, Darwin, Australia
2010	Keynote speaker, SNAICC conference, Alice Springs, Australia
2010	Workshop presenter, SNAICC conference, Alice Springs, Australia
2010	Keynote speaker, PrevNet conference, McMaster University
2010	Keynote speaker, Canadian Paediatric Society Resident's Seminar
2010	Keynote speaker, Waterloo University, Social Innovation Generation Speakers Series
2010	Panel presenter, Osgoode Law School, Post-Gladue Conference
2010	Keynote speaker, National Indian Child Welfare Conference, Portland, Oregon
2010	Workshop presenter, National Indian Child Welfare Conference, Portland, Oregon
2010	Keynote speaker, Alberta Association of Social Workers Conference, Edmonton
2010	Keynote speaker, Early Childhood Conference, Victoria
2009	Keynote speaker, Indigenous Child Welfare Research, Victoria
2009	Keynote speaker, Canadian Council on Social Development, Calgary
2009	Keynote speaker, Towards 2020 Conference, Ottawa
2009	Presenter, Aboriginal Health Conference, Taipei
2009	Keynote speaker, Compassion International Conference on Child Welfare, Taipei
2009	Keynote speaker, Aboriginal Head Start, Edmonton
2009	Keynote speaker, Ontario Children's Mental Health Organization conference, Toronto
2008	Keynote speaker, Department of Community Services, Sydney, Australia
2008	Keynote speaker, World Conference for Women's Shelters, Edmonton
2008	Keynote speaker, Legal Services Society, Vancouver
2008	Keynote speaker, Association of Child Welfare Agencies, Sydney, Australia
2008	Presenter, Association of Child Welfare Agencies, Sydney, Australia
2008	Keynote speaker, North American Council on Adoptable Children, Ottawa
2008	Keynote speaker, Cultural Diversity and Vulnerable Families, Universite du Quebec, Montreal
2008	Presenter, Community of Practice Tele-symposium. American Institute for Research, Washington, DC
2007	Keynote speaker, Canadian Association of Pediatric Health Centers, Annual Conference, Montreal, Quebec
2007	Keynote speaker, Childhoods conference. Hamilton, New Zealand
2007	Keynote speaker, SNAICC conference, Adelaide, Australia
2007	Keynote speaker, Yellowhead Tribal Services National Conference on First Nations child welfare, Edmonton

2007	Keynote speaker, Indigenous Law Conference, Toronto, Ontario
2007	Workshop presenter, National Indian Child Welfare Conference, Oklahoma City, USA
2007	Plenary speaker, National Indian Child Welfare Conference, Oklahoma, USA
2007	Keynote speaker, Third International Conference on Domestic Violence, London, Ontario
2007	Plenary speaker, North American Indigenous Health Conference, Montreal
2007	Workshop presenter, North American Indigenous Health Conference, Montreal
2007	Abstract co-presenter, North American Indigenous Health Conference, Montreal
2006	Keynote speaker, C and K Early Education Conference, Cairns, Australia
2006	Keynote speaker, Forum on Epidemiology, University of Ottawa School of Medicine.
2006	Keynote speaker, Aboriginal Health Symposium, University of Ottawa, School of Medicine.
2006	Keynote speaker, National Indian Child Welfare Association Conference, San Diego, USA.
2005	Keynote speaker, World Indigenous Peoples Conference on Education, Hamilton, New Zealand
2005	Keynote speaker, Many Hands: One Dream Conference on Aboriginal Child Health, Victoria, BC
2005	Keynote speaker, Canadian Association for Community Living, Saskatoon
2005	Keynote speaker, Millennium Scholarship Conference. Ottawa
2005	<i>Structural Risks to Aboriginal Children</i> , Workshop, Childhoods Conference, Oslo, Norway
2005	<i>Indigenous Children's Rights</i> , Workshop, United Nations Permanent Forum on Indigenous Peoples, New York, USA.
2005	Plenary speaker, Rethinking Development, Antigonish, NS
2005	Keynote speaker, Resiliency Conference, Halifax, NS
2005	<i>National Policy Review</i> , Workshop, Yellowhead Tribal Services National Conference, Victoria, BC
2005	Plenary speaker, Courageous Conversations, Harvard University
2005	Keynote speaker: Sparrow Lake Alliance Conference, Sparrow Lake, ON
2005	Keynote speaker: Walking in Both Worlds, Winnipeg, MB
2004	Keynote speaker, What Works in Social Policy, New Zealand
2004	Keynote speaker, Pacific Islander Indigenous Research Fono, New Zealand.
2004	Plenary speaker, ISPCAN Conference, Brisbane, Australia
2004	<i>Caring Across the Boundaries</i> , ISPCAN Conference, Brisbane, Australia
2004	Plenary speaker, International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON
2004	<i>Making Child Welfare Research Accessible: Workshop for Young People</i> , International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON
2004	Keynote speaker, Rheel Brant-Hall Memorial Lecture, Carleton University. Ottawa, ON
2003	Keynote speaker, International Promises into Practice Conference
2003	Keynote speaker, North American Council on Adoptable Children, Vancouver, BC
2003	Keynote speaker, Association of Native Child Welfare Agencies conference. Sault St. Marie, ON
2002	Keynote speaker, Canada's Children: Canada's Future. Toronto, ON
2000	Keynote speaker, Child Welfare Symposium. Cornwall, ON

Presentations at Community Events/Conferences (238)

2017	Presentation: FNCARES (Incremental Equality)
2017	Keynote: Elizabeth Fry Society of the Yukon Territory (First Nations children and reconciliation)
2017	Keynote: Elizabeth Fry Society of Quebec in collaboration with the Universite de Montreal (First Nations children and reconciliation)
2017	Keynote, Presbyterian Women's Organization (Learning from history to engage in reconciliation today)
2017	Panel presentation, Peter Henderson Bryce: Honouring a Man of Conscience (reconciliation)
2017	Presentation: Bringing them Home in University of Technology in Sydney in collaboration with the Jumbunna Indigenous House of Learning (First Nations child welfare tribunal and child engagement).
2017	Keynote, Presbyterian Church of Canada (Reconciling history).
2017	Keynote, Community Foundations of Canada (BELONG), First Nations children's equity)
2017	Presenter. Canadian Labour Congress (First Nations children's equity)
2017	Ottawa Muslim Women's Association (human rights and First Nations children)
2017	Keynote, Manitoba Nurses Association (Jordan's Principle)
2017	Keynote, Representative for Children and Youth BC (CHRT)
2017	Manitoba School Superintendents Conference, Winnipeg (First Nations children's equity and Shannen's Dream)
2017	Panel, TIFF (Foster Child) Panel with Jesse Went
2017	Master Class: McGill Students Indigenous Solidarity Week (advocacy)
2017	Keynote, Student Nurses Association of Canada
2017	Keynote, McGill Global Nursing Conference
2017	Presentation, McGill Journal on Health and the Law
2016	Keynote, McGill Indigenous Alumni Gathering
2016	Keynote, Rotary Winnipeg
2016	Panel, Ontario Bar Association: 2016 CHRT 2
2016	Keynote, TAG- the action group to access justice, enveloping legal cases in social movements
2016	Keynote, Rotary Clubs Zone 23 and 32 Institute, First Nations children and reconciliation
2016	Question period, Calgary International Film Festival ("We Can't Make the Same Mistake Twice")
2016	Question period. Toronto International Film Festival ("We Can't Make the Same Mistake Twice")
2016	Keynote, QCAIPP, Gold Coast, Australia (Mosquito Advocacy)
2016	Keynote, New Brunswick First Nations CFS (CHRT case)
2016	Keynote, UFCW North American Women's Conference
2016	Keynote, High Risk Youth Conference (First Nations human rights)
2016	Panel, Ontario Court of Justice AGM (Canadian Human Rights Tribunal)
2016	Keynote, Lighting the Fire (First Nations education and Jordan's Principle)
2016	Keynote, BC First Nations Leadership Forum
2016	Keynote, Law Society of Upper Canada (Canadian Human Rights Tribunal)
2016	Keynote, Association of Native Child and Family Service Agencies in Ontario
2016	Panel, Economic Club of Ottawa (Leadership)

2016	Keynote, University of Alberta Alumni Association- Edmonton (Reconciliation and First Nations children)
2016	Keynote, University of Alberta Alumni Association- Calgary (Reconciliation and First Nations children)
2016	Keynote, School Board 57 Aboriginal Education (First Nations children and education).
2016	Keynote, Walpole Island First Nation Special Needs Conference
2016	Keynote, McGill Faculties of Law and Social Work (Canadian Human Rights Tribunal)
2016	Keynote, Aboriginal Nurses Association (Jordan's Principle)
2015	Presentation: Assembly of First Nations Special Chiefs Assembly (Tribunal update).
2015	Keynote: BC Non-Profit Housing Conference (First Nations children's rights)
2015	Keynote: First Nations Education Steering Committee (First Nations education)
2015	Panel: University of Alberta (Reconciliation in Post-Secondary)
2015	Presentation: Indigenous Bar Association (Mosquito Advocacy)
2015	Workshop: Federation for the Humanities and Social Sciences and SSHRC (Touchstones of Hope)
2015	Panel: Assembly of First Nations (First Nations Child Welfare)
2015	Presentation: Voices-Voix Parliamentary Breakfast
2015	Briefing: Union of BC Indian Chiefs (First Nations Child Welfare Tribunal)
2015	Keynote: Toronto Rotary Club (Reconciliation)
2015	Keynote: UNIFOR (Reconciliation)
2015	Briefing: First Nations Summit (First Nations Child Welfare Tribunal)
2015	Presentation: First Nations of Quebec and Labrador (Canadian Human Rights Tribunal and Best Practices in First Nations child welfare)
2015	Master class, First Nations child welfare (Secwepmc Child and Family Services, Kamloops)
2015	Presentation, Union of BC Indians (Canadian Human Rights Tribunal and best practices in First Nations child welfare)
2015	Moderator: Youth Panel, Journey to Reconciliation, Edmonton
2015	Keynote: University of Alberta Indigenous Knowledge Conference
2015	Master class: Independent First Nations of Ontario Youth Gathering (Mosquito advocacy)
2015	Keynote: Independent First Nations of Ontario Youth Gathering (First Nations' children's rights)
2015	Keynote: Wabano Health Center
2015	Workshop: National Indian Child Welfare Association of the USA: Touchstones of Hope
2015	Keynote: Lawyer's Rights Watch (Canadian Human Rights Tribunal case on First Nations child welfare)
2014	Keynote: University of Alberta Gall Lecture on Human Rights
2014	Presentation, Assembly of First Nations (Canadian Human Rights Tribunal on First Nations child welfare)
2014	Presentation, FNCARES (Government surveillance)
2014	Keynote, LEAF Ottawa
2014	Keynote, LEAF Edmonton
2014	Keynote, Wikwemikong First Nation (First Nations children's rights)
2014	Presentation, Whitefish River First Nation (First Nations children's rights)
2014	Keynote, Prairie Child Welfare Consortium, Saskatoon, Sask. (First Nations child welfare human rights tribunal)
2014	Keynote, IAP2 Conference, Winnipeg Manitoba (Reconciliation: the children's version). Collaboration with Fiona Cavanagh, Faculty of Extension U Alberta).

2014	Keynote, British Columbia Teachers' Federation (First Nations children's human rights)
2014	Presentation, Alberta First Nations Child and Family Service Agencies (Canadian Human Rights Tribunal on First Nations child welfare)
2014	Keynote, Catholic Women's Association, Thunder Bay (Reconciliation and children)
2014	Presentation, Sioux Lookout Health Authority (First Nations child rights and the Canadian Human Rights Tribunal)
2014	Keynote, Ontario Association of School Board Trustees (Equity in First Nations education)
2014	Presentation, Federation of Saskatchewan Indian Nations Health and Social Services Forum (Canadian Human Rights Tribunal)
2014	Moderator, Truth and Reconciliation Commission Youth Panel (Toronto Event)
2014	Keynote, Mi'kmaq Confederacy of PEI and Canada World Youth Aboriginal Youth Gathering (Indigenous children's rights)
2014	Presentation, First Nations Child and Family Services Directors' Forum (Canadian Human Rights Tribunal)
2014	Keynote, Justice, Diversity and Inclusion for All (Children's Rights)
2014	Keynote, Central Alberta Social Worker's Association (Mosquito Advocacy)
2014	Plenary Presentation, Privacy Conference hosted by Faculty of Extension of U Alberta (Domestic Government surveillance of Human Rights Defenders)
2014	BC Civil Liberties Association (Domestic Government surveillance of Human Rights Defenders)
2014	Workshop presenter, National Indian Child Welfare Association, Fort Lauderdale (trajectories of First Nations children in care)
2014	Moderator, Truth and Reconciliation Commission Youth Panel (Edmonton Event)
2014	Keynote, Moving forward- building culturally safe organizations (First Nations children's equity)
2014	Keynote, Ontario Association of Social Workers (First Nations children's equity)
2014	Panel Discussion, Hi-Ho Mistahey, FNCARES
2014	Presentation, Aboriginal Youth Advisory Circle, Alta. Child and Youth Advocate (Mosquito advocacy)
2014	Keynote, Alberta Association of Services for Children and Families (First Nations children's rights)
2013	Keynote, HIPPY Canada, Calgary (First Nations children's rights)
2013	Keynote, Peel Teachers Association, Shannen's Dream
2013	Keynote, (First Nations child welfare tribunal), Best practices in legal representation, Jasper, Alta.
2013	Testimonial, Frontline Defenders, Dublin, Ireland (Civil society and protection against government repression)
2013	Keynote Presenter, Aboriginal Foster Parent's Federation of BC, Penticton (equity and First Nations children)
2013	Keynote Presenter, Prevention Matters, Saskatoon, Saskatchewan (children's rights and child welfare)
2013	Keynote Presenter, Waving the Magic Wand, Enoch Cree Nation, Alberta (structural risks and responses)
2013	Presenter, Pacific Business and Law Institute (First Nations child welfare human rights tribunal)
2013	Keynote Presenter: Algonquin College Aboriginal Graduation
2013	Keynote Presentation: Alberta Aboriginal Child Welfare Forum (Structural risks and solutions)
2013	Keynote Presenter: Walkers of Nishiyuu Youth Forum (First Nations human rights)

2013	Keynote Presenter: Elementary Teachers Federation of Ontario (First Nations children's rights)
2013	Keynote Presenter: University of Ottawa Education Student's Forum (First Nations children's rights)
2013	Keynote Presenter: First Call (First Nations children's rights)
2013	Keynote Presenter: Indigenous Physicians Association of Canada (First Nations children's rights and Jordan's Principle)
2012	Plenary Presenter: Assembly of First Nations Special Chiefs Assembly
2012	Keynote Presenter: West Region CFS (First Nations child rights)
2012	Keynote Presenter: Advocate's Society (First Nations child rights)
2012	Keynote Presenter: Atlantic Policy Congress Health Conference (Canadian Human Rights Tribunal on FN Child Welfare and Jordan's Principle)
2012	Human Concern International and Youth for Northern Communities (First Nations children's rights)
2012	Keynote Presenter: West Region CFS Women's Gathering (First Nations Child Rights)
2012	Keynote Presenter: BC Association of Social Workers (Moral Courage)
2012	Keynote Presenter: Manitoba First Nations (First Nations child welfare)
2012	Keynote Presenter: KAIROS (Mosquito advocacy)
2012	Presenter, Assembly of First Nations education forum (First Nations children's human rights)
2012	Keynote, Temagami First Nation (Children's voices have power)
2012	CUP Annual General Meeting (Children's voices have power)
2012	Presentation, Directors of Child Welfare (First Nations child welfare)
2012	Keynote presentation, QCAIPP, Brisbane, Australia (Voices of children in human rights)
2012	Presentation, Yirkalla Community, Australia (First Nations children human rights)
2012	Keynote presentation, Supporting Aboriginal Children Together, Darwin, Australia (Children have voices)
2012	Keynote presentation, United Church of Canada General Council, Ottawa (Residential school and First Nations children today)
2012	Panel presentation, Assembly of First Nations Annual General Assembly
2012	University of Ottawa, Forum on Reconciliation (Reconciliation: implications for the current generation of FN children)
2012	Keynote presentation, Wabano Health Centre (Structural issues for FN children and Touchstones of Hope)
2012	Keynote presentation, Westboro Church, Ottawa (Equity and Social Justice for FN children)
2012	Keynote presentation, University of Ottawa Bachelor of Education Conference (Shannen's Dream)
2012	Plenary presentation, BC Government (Touchstones of Hope)
2012	Keynote presentation, Ottawa/Carleton Native Studies Teachers Conference (Shannen's Dream)
2012	Keynote presentation, Best Start Conference, Ontario (First Nations children's rights)
2012	Keynote presentation, Chiefs of Ontario ECD conference (structural risks and human rights)
2012	Presentation, Canadian Council of Child Advocates (structural risks and human rights)
2011	Presentation, Sir Wilfrid Laurier Secondary School. (Shannen's Dream, Jordan's Principle and I am a witness campaigns)
2011	Panel presentation, Assembly of First Nations Special Chiefs Assembly (First Nations children's rights)

2011	Keynote presentation, Indian Child Welfare Forum in Saskatoon (First Nations children's rights)
2011	Workshop, Assembly of First Nations Health Forum (Mosquito Advocacy)
2011	Panel presentation, Assembly of First Nations Health Forum (Jordan's Principle)
2011	Keynote, Cowichan Tribes Child Welfare Forum (7 ways to make a difference)
2011	Northern BC Chiefs Forum (First Nations children's rights)
2011	Keynote, KAIROS Women of Courage Tour (Social Justice)
2011	Keynote, Whitefish River First Nation (Touchstones of Hope)
2011	Keynote, Manitoba FN CFS (Touchstones of Hope)
2011	Keynote, Native Women's Association AGM (First Nations children's rights)
2011	Presentation, Combined Voices, Brisbane, Australia
2011	Keynote, Victoria Council of Social Services, Melbourne, Australia
2011	Keynote, Queensland Council of Social Services, Brisbane, Australia
2011	Keynote, Victoria Leadership Forum, Adelaide, Australia
2011	Master Class: Berry Street Family Services, Melbourne, Australia
2011	Panel Presentation, Queensland Council of Social Services, Brisbane, Australia
2011	Panel Presentation, Two Ways Together, Melbourne, Australia
2011	Presentation, Assembly of First Nations Social Development Forum
2011	Presentation, Assembly of First Nations Education Forum
2011	Keynote Presentation CAPDHHE Conference, Edmonton
2011	Presentation, KAIROS Banner March, Ottawa, ON
2011	Presenter: Building Bridges, Carleton Place
2011	Keynote Presentation, OASIS
2011	Presentation: Anglican Church Conference
2011	Keynote Presentation, Building Bridges Partnership
2011	Keynote Presentation, UBC Aboriginal Social Work Gathering
2011	Keynote Presenter, Guelph Children's Aid Society Aboriginal Conference
2011	Panel Presenter, Manitoba School Board's Association
2011	Keynote speaker, Ontario Aboriginal Child Welfare Conference
2011	Keynote speaker, Wesley Prankard's Camp out, Niagara Falls
2011	Workshop, Attawapiskat First Nation
2011	Catholic High school, Ottawa
2011	Presenter, UCFW Human Rights Committee
2011	Keynote speaker, Payukotayno CFS, Moose Factory FN
2011	Plenary speaker, International Indigenous Health Conference
2011	Keynote speaker, Early Childhood Development Support Services, Edmonton
2011	Keynote speaker, National Aboriginal Health Survey Conference
2011	Keynote speaker, Chiefs of Ontario Health Forum
2011	Keynote speaker, Wabano Health Center Youth Forum
2011	Presenter, Public Service Alliance of Canada, Aboriginal Forum
2011	National Women's Legal Association Forum
2013	Ontario University Students Association
2010	Workshop presenter, Rise up for Rights, Canadian Labour Congress
2010	Keynote speaker, National Youth in Care Network 25 th anniversary
2010	Keynote speaker, Native Women's Centre of Hamilton
2010	Workshop presenter, Rise up for Rights, Ottawa
2010	Workshop presenter, Covenant Chain Aboriginal Conference
2010	Keynote speaker, Assembly of First Nations Youth Gathering
2010	Workshop presenter, Yellowhead Tribal Services National Conference
2010	Keynote speaker, Saskatchewan Association of Social Workers
2010	Keynote speaker, the Charter and You, Ontario Bar Association
2010	Plenary speaker, Post-Gladue, Osgoode Law School

2010	Keynote speaker, Carrier-Sekani Northern Chiefs Summit on Child Welfare
2010	Keynote speaker, BC Provincial Touchstones of Hope Forum
2010	Keynote speaker, Treaty 6, 7 and 8 Chiefs Health Forum
2010	Keynote speaker, Carleton University Aboriginal Awareness Week
2009	Keynote speaker, CECW International Prevention of Child Abuse Event, Toronto
2009	Keynote speaker, Manitoba First Nations CFS Gala
2009	Keynote speaker, New Brunswick Ombudsman's Expert Panel
2009	Keynote speaker, Northern Social Workers Conference, Whitehorse
2009	Keynote speaker, George Hull Centre, Toronto
2009	Keynote speaker, Uniting Care, Australia
2009	Keynote speaker, SNAICC, Australia
2009	Keynote speaker, Department of Communities, Australia
2009	Keynote speaker, Allied Iroquois and Algonquin Indians Health Retreat, Niagara Falls, Ontario
2009	Keynote speaker, Nicola Valley Institute of Technology, Burnaby, BC
2009	Keynote speaker, Nurturing Families, Prince George, BC
2009	Keynote speaker, Southern First Nations Network of Care, Winnipeg
2009	Touchstones of Hope Conference, Toronto, Ontario
2009	Keynote speaker, Ktunaxa Kinbasket Child and Family Services Conference, Cranbrook, BC
2008	Keynote speaker, Treaty 7 Child and Family Service Conference, Calgary, AB
2008	Keynote speaker, Northern Social Workers Association, Yellowknife, NWT
2008	Keynote speaker, University of Western Australia Rural and Indigenous Health, Geraldton, Australia
2008	Keynote speaker, Vancouver Island Chiefs Forum, Vancouver, BC
2008	Keynote speaker, Benevolent Society, Orange, Australia
2008	Presentation, Government of Australia FACSIA, Canberra, Australia
2008	Keynote speaker, Indigenous Child at the Centre 2, Vancouver, BC
2008	Keynote speaker, Vancouver Island Chiefs Forum, Duncan, BC
2004	Keynote speaker, Indigenous Research Symposium, University of Victoria, BC
2005	Keynote speaker, Canadian Association of Social Workers Conference, Toronto, ON
2008	Keynote speaker, Quebec First Nations, Quebec City, PQ
2008	Keynote speaker, University of Alberta Medical School, Edmonton, AB
2008	Keynote speaker, Indigenous Child at the Centre Forum, Vancouver
2007	Speaker, Alberta Ministry for Children's Services Native Unit, Calgary AB.
2007	Keynote speaker, 50 th Anniversary of the New Brunswick Community Living Association Conference, Fredericton, NB
2007	Keynote speaker, North Peace School Board
2007	Keynote speaker, Wee-chi-te-win CFS
2007	Keynote speaker, Ontario Association of Municipal Social Services
2007	Keynote speaker, Federation of Saskatchewan Indian Nations
2007	Keynote speaker, Many Hands One Dream, Ottawa
2007	Keynote speaker, Council of Health and Social Development, First Nations of Quebec
2007	Workshop presenter, National Children's Alliance, Middle Childhood Forum, Ottawa.
2007	Keynote speaker, Superintendents of Schools, Regina
2006	Keynote speaker, Superintendents of Schools Association, Winnipeg
2006	Keynote speaker, Wi Ci Ti Zon Child Welfare Conference, Saskatoon
2006	Keynote speaker, Awasis FNCFS Annual General Meeting, Prince Albert

2006	Presenter, Assembly of First Nations Executive Council, Rama First Nation.
2006	Keynote speaker, Métis Nation of Ontario, Annual General Assembly. Garden River First Nation, Sault St. Marie.
2006	Keynote speaker, National Association of Friendship Centers National Youth Forum, Saskatoon
2006	Keynote speaker, Boys and Girls Clubs of Canada
2006	Keynote speaker, Canadian Political Science Students Association
2005	Presentation, Amnesty International
2005	Presenter, Joining Hands Across the World for Indigenous Children, Toronto
2005	Keynote speaker, Annual General Meeting of Superintendents of Schools, Winnipeg, Manitoba
2005	Keynote speaker, Nog da win da min Child and Family Services Annual General Meeting.
2005	Plenary speaker, Rethinking Development Conference, St. Francis Xavier University, Nova Scotia.
2005	Keynote speaker, Resiliency Conference, Halifax, Nova Scotia
2005	Keynote speaker, Heart of the Matter, Malaspina University College
2005	Workshop, <i>Caring Across the Boundaries</i> , Heart of the Matter, Malaspina University College.
2005	Workshop, <i>Community Development and First Nations Child Welfare</i> , Heart of the Matter, Malaspina University College
2004	Plenary speaker, International Indigenous Child Rights Symposium, University of Victoria.
2004	Keynote speaker, Policy Link Conference, New Brunswick
2004	Plenary speaker, Assembly of First Nations General Assembly
2004	Keynote speaker, Saskatchewan Adoptive Parents Association
2004	Plenary speaker, National Indian Child Welfare Association Conference
2004	Presenter, Big Brothers Big Sisters of Canada Annual Meeting
2004	Keynote speaker, Family Resource Programs of Canada Annual General Meeting
2004	Keynote speaker, First Nations Youth At Risk Conference
2004	Keynote speaker, Yellowhead Tribal Services Agency, National Conference
2004	Panel presentation, National Children's Alliance Annual Meeting
2003	Keynote speaker, Winnipeg Planning Council, AGM
2003	Keynote speaker, Prairie Child Welfare Consortium Conference
2003	Presenter, FNCFCS Indigenous Research Workshop, Halifax
2003	Presenter, Malaspina College Conference

Academic Placement Supervision/PhD Committee Service (29)

2017	MSW Thesis Supervisor (Tyson Kendall), McGill University
2017	PhD Internal, McGill University (Amal El Sana), McGill University
2016	MSW Placement Supervisor, Carleton University
2015	BSW Placement Supervisor, Carleton University
2015	PhD Committee Member: York University (Farihah Ali)
2015	MSW Placement Supervisor, Carleton University
2015	External Examiner, Australian Catholic University, AU (Bindi Bennett) "Developing identity as a light-skinned Aboriginal person with little or no community and/or kinship ties."
2015	BSW Placement Supervisor, Carleton University
2014	BSW Placement Supervisor, University of Calgary
2014	External Examiner, UTS, Sydney, AU (Susan Green) "The History of Aboriginal Welfare in the Colony of NSW"
2014	BSW Placement Supervisor, Carleton University

2014	External Examiner, University of Toronto OISE
2014	BSW Placement Supervisor, Carleton University
2013	MSW Placement Supervisor, Carleton University
2013	MSW Placement Supervisor, Laurentian University
2013	MSW Placement Supervisor, Carleton University
2012- 2015	Doctoral Committee Member, McGill University, School of Social Work (student withdrew from program)
2012-Present	Doctoral Committee Member, Dalhousie University, School of Social Work (candidate: Nancy MacDonald)
2012	BSW Placement Supervisor, Carleton University
2012	BSW Placement Supervisor, Sir Wilfred Laurier University
2011	Placement Supervisor, University of Ottawa
2011	BSW Placement Supervisor, Carleton University
2011	MSW Placement Supervisor, University of Victoria
2010-2011	BSW Placement Supervisor, Carleton University
2010-2016	Doctoral Committee Member, University of Ottawa (candidate: Cynthia Stirbys)
2010	Lauren Scholar Supervisor, McGill University
2009	Lauren Scholar Supervisor, University of British Columbia
2007	MSW Social Work Placement Supervisor, Carleton University and the University of Lapland, Finland
2005	MSW Social Work Student Placement Supervisor, Carleton University
2004	MSW Social Work Student Placement Supervisor, Carleton University
2003	BSW Social Work Placement Supervisor, Carleton University
1999	BSW Social Work Placement Supervisor, University of British Columbia

Selected Invited Teaching (107)

2017	St. Thomas University, School of Social Work (First Nations human rights)
2017	McGill University, Indigenous Student's Assoc. (Mosquito Advocacy)
2017	Thompson Rivers University Faculty of Global Studies (Equity)
2017	Thompson Rivers University Faculties of Social Work/Nursing (CHRT)
2017	University of Ottawa, Faculty of Education (Equity and reconciliation)
2016	University of Ottawa, Faculty of Education (Equity and Reconciliation)
2016	University of Alberta, School of Public Health (Mosquito Advocacy)
2015	University of Toronto, Faculty of Social Work (Breath of Life Theory)
2015	University of Toronto, Faculty of Social Work (Mosquito Advocacy)
2015	University of Toronto, Faculty of Social Work (Reconciliation)
2015	Charles Sturt University, Bathurst AU (Breath of Life Theory)
2015	Charles Sturt University, Bathurst AU (Mosquito Advocacy)
2015	University of Alberta, Sociology (Privacy)
2015	University of Alberta, Human Ecology (Mosquito Advocacy)
2015	University of Ottawa, Faculty of Management (Communications)
2015	University of Ottawa, Faculty of Education (First Nations education)
2015	University of Ottawa, Faculty of Law (Mosquito Advocacy)
2015	University of Regina, Indigenous Students Association (Leadership)
2015	University of British Columbia, Faculty of Law (First Nations children's rights)
2014	University of Alberta, Public Health (Mosquito Advocacy)
2014	University of Calgary, Faculty of Social Work (First Nations children's rights)

2014	University of British Columbia Okanagan, Faculty of Social Work (First Nations children's equity)
2014	University of Saskatchewan, Faculty of Law (First Nations child welfare tribunal and Jordan's Principle)
2014	University of Alberta, Human Ecology (Mosquito Advocacy)
2014	University of Ottawa, Faculty of Education (First Nations Education)
2014	University of Toronto, Faculty of Social Work (Quantitative methods)
2013	University of Alberta, Public Health, (Mosquito Advocacy)
2013	Vanier College, Social Sciences, (Children's voices have power)
2013	University of Ottawa, Political Science, Indigenous Peoples
2013	University of Alberta, Human Ecology (First Nations children's human rights)
2013	University of Alberta, Sociology (First Nations children's human rights)
2013	University of Alberta, Extension (Breath of Life Theory)
2013	University of Ottawa, Indigenous Studies (Mosquito Advocacy)
2013	McGill University, Indigenous Studies (First Nations children's rights)
2013	Kew Beach Public School, Toronto (Shannen's Dream)
2013	University of Toronto, Faculty of Social Work (Evidence based advocacy)
2012	University of Alberta, Faculty of Public Health (Mosquito Advocacy)
2012	Sacred Heart Secondary School (Children's Voices have Power)
2012	University of Ottawa, Faculty of Law (First Nations child welfare tribunal)
2012	McGill University Faculty of Social Work and Faculty of Law (First Nations child welfare tribunal)
2012	Georgian Bay College (First Nations children's human rights)
2012	University of Moncton (First Nations children's human rights)
2012	University of Manitoba (First Nations children's human rights)
2012	Red River College (First Nations children's human rights)
2012	University of Ottawa, Graduate Students Association (Shannen's Dream and Jordan's Principle)
2012	Dalhousie University, Faculty of Political Science, (structural risks)
2012	Workshop, Milne Valley Middle School, Toronto (Equity for FN children)
2012	McGill University, School of Social Work (structural risks and human rights)
2012	Carleton University, Bachelor of Social Work (Breath of Life Theory)
2012	University of Alberta, Human Ecology (structural risks and human rights)
2012	Pierre Elliott Trudeau Elementary School (Have a Heart for First Nations Children Day)
2012	University of Alberta Aboriginal Student's Association (structural risk and human rights)
2012	University of Ottawa, Faculty of Law (human rights case)
2012	University of Toronto, The case for courage in quantitative research for First Nations children
2011	University of Alberta (CUP), Evidence base for advocacy
2011	Carleton University, Aboriginal Students Association (First Nations Human Rights)
2011	University of Ottawa Law School (Human Rights Case)
2011	University of Northern British Columbia (Breath of Life Theory)
2011	Dalhousie University, School of Social Work (First Nations children's rights)
2011	University of Alberta, Faculty of Nursing (First Nations children's rights)
2011	University of British Columbia, Aboriginal Forum (Breath of Life Theory)
2011	NVIT, Social Work
2011	Carleton University, Social Work
2011	St. Pius X Catholic High School, Ottawa

2012	University of Ottawa, Faculty of Law
2013	University of Toronto, Social Work
2012	University of Ottawa, Faculty of Law
2012	York University, Children and Youth Studies
2012	University of Ottawa, Faculty of Law
2010	St. Paul University, Social Work
2010	University of Toronto, Faculty of Law
2010	Ryerson University, Faculty of Social Work
2010	University of Ottawa, International Development
2010	University of Toronto, Research Methods, Faculty of Social Work
2009	University of Toronto, Faculty of Social Work
2009	Queensland University of Technology, Australia
2009	University of Queensland, Australia
2009	James Cook University, Australia
2009	Nicola Valley Institute of Technology, Faculty of Social Work
2009	University of Toronto, Faculty of Social Work
2009	University of Manitoba, School of Social Work
2009	Ryerson University, School of Social Work
2009	Carleton University, School of Social Work
2008	Faculty of Social Work, University of Toronto
2008	University of Ottawa Law School
2008	School of Graduate Studies, University of Toronto
2008	Faculty of Social Work, University of Toronto
2008	Symposium, University of New South Wales, Australia
2009	Symposium, Murdoch University, Australia
2008	Symposium, University of Western Australia
2008	Faculty of Social Work, University of Victoria
2008	Faculty of Social Work, University of Toronto
2007	Faculty of Social Work, University of Toronto
2006	Human Rights, Carleton University
2006	Faculty of Social Work, University of Toronto,
2006	Department of Aboriginal Health, University of Western Australia.
2005	Master of Social Work program, University of Toronto
2005	American Indian Program, Harvard University
2005	Human Rights, Carleton University.
2004	MSW program, Carleton University
2004	PhD. and MSW programs, University of Toronto
2003	MSW program, Carleton University
2003	School of Social Work, University College of the Caribou

Instruction (8)

2014	Instructor, Mosquito Advocacy, University of Alberta
2012	Instructor, Mosquito Advocacy, University of Alberta
2006	Instructor, Aboriginal Early Childhood Development Program, University of Victoria
2002	Instructor, Aboriginal Social Work module, Provincial Social Worker Training Program, Justice Institute of British Columbia
2002	Instructor, Aboriginal Social Worker Training Program
2001	Instructor, Aboriginal Social Worker Module, Provincial Social Worker Training Program, Justice Institute of British Columbia
1998-2001	Instructor, Aboriginal Social Worker Module, Provincial Social Worker Training Program, Province of British Columbia
1998	Instructor, Pilot Program of the Aboriginal Social Worker Training Program.

Selected Media Coverage (189)

2017	The Guardian, First Nations youth suicide
2017	CBC, First Nations youth suicide and equity
2017	CBC, PM Trudeau's statements about Indigenous Peoples in Rolling Stone Magazine
2017	APTN Face to Face, CHRT and Jordan's Principle
2017	Global Television, Jordan's Principle
2017	Chatelaine Magazine http://www.chatelaine.com/news/first-nations-kids-cindy-blackstock/
2017	CBC: As it Happens (Budget 2017- CHRT Non-Compliance Hearings)
2017	CBC the National (Budget 2017- First Nations children)
2017	APTN: Canadian Human Rights Tribunal non -Compliance Hearings
2017	CPAC: Budget 2017 and CHRT Non-Compliance Hearings
2017	Toronto Star: Canada's non-compliance with Jordan's Principle
2017	APTN Nation to Nation: Jordan's Principle
2016	Global News: Canada's non-compliance with CHRT orders
2016	Canadian Press: Canada's non-compliance with CHRT orders
2016	Aljazeera, Canadian Human Rights Tribunal
2016	CCTV America, The Heat (Inequity for First Nations children)
2016	McGill Reporter (Cindy Blackstock joins Faculty of Social Work)
2016	The National, Attawapiskat Suicide Crisis
2016	CBC Peter Mansbridge One on One: Systemic discrimination
2016	CTV Canada AM: Canadian Human Rights Tribunal
2016	CBC: The National: Canadian Human Rights Tribunal
2016	Sunday Edition: Cultural Diversity?
2016	Global National News: Canadian Human Rights Tribunal
2016	APTN National News: Canadian Human Rights Tribunal
2015	APTN National News: Federal election
2015	CBC National News: First Nations water
2015	Sunday Edition: Canadian Values?
2015	CBC Radio: Dr. Peter Henderson Bryce
2015	APTN: Dr. Peter Henderson Bryce
2015	CTV: Truth and Reconciliation Commission Report
2015	CBC National News: Truth and Reconciliation Commission Report
2015	APTN National News: Truth and Reconciliation Commission Report
2015	CBC Winnipeg: Connection between childhood inequity and MMIW
2015	CTV National News: Child in care assault in Manitoba
2015	APTN Nation to Nation: Access to Information
2015	APTN In Focus: Jordan's Principle
2015	CBC Halifax: First Nations child welfare tribunal
2015	CBC Regina: First Nations children's equity
2015	Global TV Regina: Woodrow Lloyd Lecture
2015	CTV Regina: First Nations children's equity
2015	Georgia Straight: Equity for First Nations children
2015	APTN In Focus: Jordan's Principle
2014	CBC Ottawa: Big Thinking Lecture with Jim Miller
2014	CBC Thunder Bay, Jordan's Principle
2014	CBC Edmonton AM: Truth and Reconciliation Commission
2014	APTN Nation to Nation: First Nations child welfare tribunal
2014	CTV Powerplay: First Nations education announcement
2014	CBC As it Happens: First Nations education announcement
2014	CBC National News: Phoenix Sinclair Inquiry
2014	APTN National News: Run away children in foster care
2013	CBC Sunday Edition: What do we owe the future?
2013	CBC radio, Edmonton (Over-representation of Aboriginal children in child welfare care)

2013	APTN, Canadian Human Rights Tribunal
2013	Irish Medical Times: First Nations children's equity
2013	CTV National News: Nutrition Experiments on Indigenous children
2013	ABC Life Matters: Children's rights in Indigenous communities
2013	Koorie Radio: Canadian Human Rights Tribunal
2013	CTV Powerplay, Privacy Commissioner's report
2013	Maclean's magazine, Privacy Commissioner's report
2013	CBC Power and Politics, Privacy Commissioner's report
2013	Toronto Star, Privacy Commissioner's report
2013	APTN National News, Privacy Commissioner's report
2013	CBC As it Happens: Privacy Commissioner's report
2013	Globe and Mail, Canada withholding documents in Indigenous human rights case.
2013	Aboriginal Peoples Television Network: Canada withholding documents in FN child welfare case.
2013	CTV National News: Federal Budget 2013
2013	CBC radio, Yukon: Federal Court of Appeal
2013	CBC radio, Saskatchewan: Federal Court of Appeal
2013	APTN National News: First Nations child welfare tribunal
2013	CBC radio, Ottawa: First Nations child welfare tribunal
2013	Nationtalk, First Nations child welfare tribunal
2013	CBC radio, Saskatoon: First Nations child welfare tribunal
2013	CBC radio, Northern BC: First Nations child welfare tribunal
2013	Metro News, First Nations youth employment
2013	CBC Sunday Edition: Idle no More
2013	CTV National News: Idle no More
2012	Toronto Star: Retaliation complaint CHRT
2012	CBC Radio: As it Happens: Retaliation complaint CHRT
2012	APTN: UNCRC concluding observations for Canada
2012	Canadian Press: Federal government spending millions on advertising while cutting social programs
2012	CTV Powerplay: Canada spending millions to avoid hearing on FN child welfare case
2012	Globe and Mail: Canada spending millions to avoid hearing on FN child welfare case
2012	Toronto Star: Canada spending millions to avoid hearing on FN child welfare case
2012	CBC radio: Canada spending millions to avoid hearing on FN child welfare case
2012	APTN National News: Dates set for FN child welfare case
2012	CTV National News: Assembly of First Nations AGA
2012	Aboriginal Peoples Television Network: Assembly of First Nations National Chief Election
2012	CTV Newshour: Assembly of First Nations National Chief Election
2012	Prince George Citizen: Cindy Blackstock to receive Honorary doctorate degree from UNBC
2012	National Maori Radio, New Zealand: First Nations children's health
2012	CTV National News: First Nations health
2012	CTV National News: Federal budget and First Nations education
2012	CBC BC Region: Federal budget and First Nations education
2012	CBC the Current: UN attention to First Nations child rights
2012	APTN: First Nations Child Welfare Federal Court Case
2012	Ottawa Citizen: Have a Heart for First Nations Children's Day
2012	CBC: First Nations Child Welfare Federal Court Case
2012	Toronto Star: First Nations Youth Ambassadors
2012	CTV: First Nations Child Welfare Federal Court Case
2012	Edmonton Journal: First Nations Child Welfare Case
2012	CTV Powerplay: Crown-First Nations gathering
2012	CBC Power and Politics: Crown-First Nations gathering
2012	Aljazeera: Crown- First Nations gathering

2012	CBC National Radio: Trailblazers: Profile of Cindy Blackstock
2012	Guelph Mercury: Canada's native communities deserve justice now
2012	APTN: CHRT Chair Chotalia responsible for harassment of staff
2011	Toronto Star: Three women who fought back against the Conservatives
2011	CTV Powerplay: Monitoring by the Government of Canada
2011	CTV: Sexual abuse and First Nations Communities
2011	CBC, the Current: Government surveillance of Native youth advocate
2011	Midnorth Monitor: From nightmare to dream
2011	Montreal Gazette: FN school conditions
2011	National Post: Residential school memorial and education inequities
2011	Vancouver Sun: UNCRC report with KAIROS
2011	Winnipeg Free Press: UNCRC report with KAIROS
2011	CBC NWT: UN CRC report with KAIROS
2011	CBC Atlantic: UN CRC report with KAIROS
2011	CTV: UN CRC report with KAIROS
2011	Rutherford Show, Alberta: UNCRC report
2011	CBC Yukon: UN CRC report with KAIROS
2011	Toronto Star: UN CRC report with KAIROS
2011	Australian Broadcasting Company: Indigenous child welfare
2011	Aboriginal Peoples Television Network: Jordan's Principle
2011	Canada AM: Shannen's Dream
2011	Reuters: Our Dreams Matter Too
2011	Silobreaker: Our Dreams Matter Too
2011	India Times: Our Dreams Matter Too
2011	CNBC: Our Dreams Matter Too
2011	Money Magazine (on line): Our Dreams Matter Too
2011	La Press Canadien Ottawa négligerait les jeunes autochtones dans le domaine de l'éducation
2011	Frankfurter Rundschau: Our Dreams Matter Too
2011	Toronto Star: Atkinson Fellowship
2011	CTV: First Nations Child Welfare and Education (AFN)
2011	The Globe and Mail: First Nations Child Welfare and Education (AFN)
2011	Toronto Star: Risks to First Nations Students Attending School Away from Home
2011	CBC the Current: Shannen's Dream
2011	CKVU radio: Shannen's Dream
2011	Toronto Star: Aboriginal Child Welfare Summit
2011	National Post: letter to the Editor on Child Welfare
2011	CBC Radio: Child Welfare Northwest Territory
2011	CBC Radio: FN children's equity as an election issue
2011	Global Television and APTN: Aboriginal Achievement Awards
2011	APTN: Child Welfare Tribunal Rules
2011	APTN Investigates: Child Welfare Tribunal
2011	APTN In Focus: Jordan's Principle
2010	CBC Radio: Shannen's Dream
2010	CTV Powerplay: Shannen's Dream
2010	Aboriginal Peoples Television Network: <i>Sisters in Spirit</i>
2010	Aboriginal Peoples Television Network, In Focus: <i>Child Welfare</i>
2010	Caama Radio, Alice Springs, Australia: <i>Human Rights Tribunal</i>
2010	CBC Sunday Edition: <i>Human Rights Tribunal</i>
2010	CBC The Current: <i>Native Child Welfare</i>
2010	Aboriginal Peoples Television Network: <i>First Nations Child Welfare Tribunal</i>
2010	CBC radio, Yukon Territory: <i>First Nations Child Welfare Tribunal</i>
2009	Toronto Star: <i>Caring Across Boundaries Photography Exhibit</i>
2009	CBC The Current: <i>Jordan's Principle</i>
2009	Toronto Star: <i>Atkinson Social Justice Fellowship</i>
2009	Toronto Star: Shortage of Funds: Surplus of Suffering

2009	CBC radio: Yukon Territory: <i>First Nations Child Welfare Tribunal</i>
2009	Aboriginal Peoples Television Network: <i>First Nations Gala</i>
2009	CHOU radio: <i>Canadian Human Rights Tribunal</i>
2009	The Aboriginal Peoples Television Network: <i>Canadian Human Rights Tribunal</i>
2009	The Devoir: <i>First Nations Child Welfare</i>
2009	The Courier Mail, Queensland: <i>First Nations Child Welfare</i>
2009	Contact, Aboriginal Peoples Television Network- <i>Child and Family Services</i>
2009	Globe and Mail: <i>Federal Budget</i>
2009	Aboriginal Peoples Television Network: <i>Is this our Canada? project</i>
2008	CBC radio: <i>First Nations Child Welfare Tribunal</i>
2008	CBC radio: <i>Dr. PH Bryce and Cindy Blackstock</i>
2008	Aboriginal Peoples Television Network: <i>Canadian Human Rights Complaint</i>
2008	Globe and Mail: <i>Child Welfare in BC</i>
2008	The Australian: ACWA Conference
2008	Indigenous radio-Northern Territory, Australia
2008	APTN: <i>Human Rights Case in Child Welfare</i>
2008	CBC news: <i>Attawapiskat School</i>
2008	APTN: Nomination for International Children's Peace Prize
2008	Maclean's Magazine: <i>First Nations child welfare</i>
2008	Victoria Times Colonist: <i>Jordan's Principle</i>
2008	Aboriginal Peoples Television Network: <i>Jordan's Principle</i>
2007	Australian Broadcasting Network (ABC): <i>Jordan's Principle</i>
2007	Te Ao Hou: The Maori Magazine: <i>Human Rights Complaint and Jordan's Principle</i>
2007	CBC news: <i>Manitoba Child Welfare</i>
2007	CBC news: <i>Jordan's Principle CMAJ editorial</i>
2007	Globe and Mail: <i>Jordan's Principle CMAJ editorial</i>
2007	Edmonton Sun: <i>Jordan's Principle CMAJ editorial</i>
2007	Belleville Intelligencer Newspaper: <i>First Nations child welfare</i>
2007	Press conference: Launch of the First Nations family and community institute in Saskatchewan, Saskatoon
2007	CTV news: <i>Launch of First Nations family and community institute in Saskatchewan</i>
2007	CBC radio: <i>Many Hands One Dream</i>
2007	Aboriginal Peoples Television Network: <i>Jordan's Principle tabled in the House of Commons</i>
2007	News conference- House of Commons, Canada: <i>Jordan's Principle</i>
2007	Aboriginal Peoples Television Network: <i>Norway House Cree Nation and Jordan's Principle</i>
2007	CBC radio, Winnipeg: <i>Norway House Cree Nation and Jordan's Principle</i>
2007	News conference, House of Commons, Canada: <i>Human Rights Complaint</i>
2007	CBC radio, Montreal: <i>Human Rights Complaint</i>
2007	Aboriginal Peoples Television Network: <i>Human Rights Complaint</i>
2006	Aboriginal Peoples Television Network: <i>Contact: Aboriginal child welfare</i>
2005	CBC Television: <i>Adoption of Aboriginal children</i>
2005	CBC Radio: <i>Reconciliation in Child Welfare</i>
2005	Global Television Network: <i>Reconciliation in Child Welfare</i>
2005	Aboriginal Peoples Television Network: <i>Reconciliation in Child Welfare</i>

Community Work and Professional Memberships (19)

2015-Present	Volunteer Chair of Reconciliation Historical Plaque Working Group, Beechwood Cemetery
2016-2017	Juror, Samara Everyday Political Citizen Youth Awards
2016-Present	Member, IAM Committee, McGill School of Social Work
2015-Present	Advisory Board Member, Canadian Difference
2015-Present	Member, City of Winnipeg, Indigenous Advisory Circle
2014-Present	Registered Social Worker, Alberta Association of Social Workers
2009- Present	Member, Ontario Association of Social Workers
2014-Present	Board Member, Federation of the Humanities and Social Sciences
2014-Present	Chairperson, Equity Committee, Federation of the Humanities and Social Sciences
2011-Present	Member, Indigenous Bar Association
2014-Present	Member, BC Civil Liberties Association
2014-Present	Member, International Commission of Jurists Canada
2009-2014	Member, NGO Group on the United Nations Convention on the Rights of the Child Indigenous Sub Group
2005-2009	Co-convener, NGO Group on the United Nations Convention on the Rights of the Child Indigenous Sub Group
2006- 2008	Board Member, Canadian Education Association
2005-2008	Board Member, Boys and Girls Clubs of Canada
2005-2006	Member, Youth Engagement Ethical Guidelines Sub Group
2004- 2005	Board Member, Canadian Coalition of the Rights of the Child
2004-2014	Member, NGO Group, Convention on the United Nations Rights of the Child

This is **Exhibit "B"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 28 day of October 2017.



Public Notary

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Committee on the Elimination of Racial Discrimination**Concluding observations on the twenty-first to twenty-third periodic reports of Canada^{*}**

1. The Committee considered the combined twenty-first to twenty-third periodic reports of Canada (CERD/C/CAN/21-23), submitted in one document, at its 2566th and 2567th meetings (CERD/C/SR. 2566, CERD/C/SR. 2567), held on 14 and 15 August 2017. At its 2580th, 2581st and 2582nd meetings, held on 23 and 24 August, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-first to twenty-third periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee welcomes the open and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative and policy measures:

(a) The establishment in 2016 of the Anti-Racism Directorate in Ontario to address systemic racism and to promote fair practices and policies across Ontario province.

(b) Quebec's Bill of 2015 on preventing and combating hate speech and incitement to violence.

(c) Canada's House of Commons condemnation of Islamophobia and all forms of systemic racism and religious discrimination in March 2017.

(d) The work and final report of the Truth and Reconciliation Commission (TRC) of Canada released in 2015, titled Honouring the Truth, Reconciling for the Future, which includes 94 calls to action to address historical and ongoing discrimination against Indigenous Peoples.

^{*} Adopted by the Committee at its ninety-third session (31 July – 25 August 2017).

(e) The Resettlement of 46,000 Syrian refugees in 2016, and the commitment to resettle 25,000 refugees in 2017.

(f) Restoration of funding to the Interim Federal Health Programme to provide temporary health care to refugees in April 2016.

4. The Committee welcomes the vibrant participation of representatives of the First Nations, Inuits and Metis and civil society organizations in the review of Canada. The Committee also greatly appreciates the contributions of the Canadian Human Rights Commission.

C. Concerns and recommendations

Statistical data

5. The Committee regrets again that the absence of recent reliable and comprehensive statistical data on the ethnic composition of the population, including disaggregated economic and social indicators for ethnic groups, African-Canadians, Indigenous Peoples, and non-citizens and the lack of detailed data and information on the representation of minority groups in public and political life in the State party, prevents it from evaluating the enjoyment of civil and political, economic, social and cultural rights in the State party by these groups. The Committee reiterates its concern of the continued use of the term “visible minority” in the State party to describe minority groups, as it renders invisible the differences in the lived experiences of diverse communities.

6. **Recalling its revised guidelines for reporting under the Convention (see CERD/C/2007/1, paras. 10-12), the Committee recommends that the State party:**

(a) **Provide statistical data in its next periodic report on the demographic composition of the population, disaggregated in the manner specified in article 1, paragraph 1, of the Convention, on the basis of self-identification of ethnic groups, and Indigenous Peoples.**

(b) **Systematically collect disaggregated data in all relevant ministries and departments to improve monitoring and evaluation of the implementation and impact of policies to eliminate racial discrimination and inequality.**

(c) **Provide information in its next periodic report on economic and social indicators for ethnic minority groups, Indigenous Peoples, and non-citizens, to enable the Committee to better evaluate their enjoyment of economic, social and cultural rights in the State party.**

(d) **Revise its use of the terminology “visible minority” in the Employment Equity Act, 1995, and in other legislation, as previously recommended (CERD/C/CAN/CO/19-20, para. 8).**

Domestic applicability of the Convention

7. The Committee regrets the lack of comprehensive information on the equal implementation of the Convention in all 10 provinces and 3 territories of the State party (art.2).

8. **The Committee requests detailed information on the work of the intergovernmental Committee on supporting domestic implementation of the Convention and its efforts to ensure the equal application of the Convention at the federal, provincial and territorial levels. The Committee recommends that the State party create an accountability mechanism and ensure equal distribution of resources**

for the implementation of the Convention by the federal, provincial and territorial levels.

National Action Plan Against Racism

9. While welcoming Ontario's first provincial anti-racism strategy of March 2017, the Committee regrets the absence of a new National Action Plan Against Racism, applicable to the federal, provincial and territorial levels, since the elapse of the previous plan in 2010.

10. The Committee recommends that the State party develop and launch a new National Action Plan Against Racism, in compliance with its obligations under the World Conference Against Racism, through meaningful consultations process with civil society organizations, including ethnic minorities and Indigenous Peoples, which includes implementing legislation, dedicated resources, targets, and adequate monitoring and reporting mechanisms, using good practices mentioned in Ontario's anti-racism strategy of 2017. The Committee requests information in its next periodic report on the implementation and impact of Ontario's anti-racism strategy, and other such strategies in the State party.

Anti-racism legal framework

11. The Committee is concerned that an adequate anti-racism framework legislation meeting all of the requirements of article 4 is not yet in place in all provinces and territories in the State party (art. 4).

12. Recalling its general recommendation No. 7 (1985), No. 15 (1993) relating to the implementation of article 4 of the Convention, and No. 35 (2013) on combating racist hate speech, and reiterating its previous recommendation (CERD/C/CAN/19-20, para. 13), the Committee recommends that the State party enact legislation in compliance with the requirements of article 4 in all provinces and territories.

Racist Hate crimes

13. The Committee is concerned that racist hate crimes continue to be underreported, and that the lack of updated systematic and coordinated tracking of racist hate crime data in all provinces and territories of the State party may mean that actual numbers of violations may be much higher. The Committee is concerned about the 61% increase on racist hate crimes reported against Muslims. The Committee is also concerned that the data provided by the State party on the implementation of anti-discrimination provisions, although it does indicate the number or extent of incidents and complaints submitted; it doesn't indicate the number of ex officio prosecutions, investigations launched and convictions.

14. The Committee recommends that the State party:

(a) Take step sto prevent racist hate crimes against all ethnic and minority groups, migrants and Indigenous Peoples in the State party.

(b) Facilitate reporting by the victims, and ensure effective investigation of cases of racist hate crimes and prosecute and sanction perpetrators.

(c) Systematically track and maintain data on the number of reported racist hate crimes, prosecutions, convictions, sentences and penalties and compensation to victims and provide this data to the Committee in its next periodic report.

(d) Provide mandatory training on recognition and registration of racist hate crimes and other racially motivated crimes to law enforcement officials and judges to ensure proper handling of these complaints, and provide updated, detailed information and statistics in its next periodic report, including the time frames for

when these trainings were conducted, how many people were trained, and any measurable impact.

(e) Investigate and address the reasons for the 61% increase in racist hate crimes reported against Muslims and the rise of Islamophobia.

Racial profiling and disproportionate incarceration

15. The Committee is concerned by reports that racial profiling by the police, security agencies and border agents continue on a daily basis in the State party, with a harmful impact on Indigenous Peoples, as well as ethnic minority Muslims, African-Canadians, and other ethnic minority groups. The Committee is further concerned at the reported disproportionately high rate of incarceration of Indigenous Peoples and persons belonging to minority groups, in particular African-Canadians due to reasons such as socio-economic disparity, high rates of incarceration of minorities with mental or intellectual impairments, lack of appropriate community services, over-policing of certain populations, drug policies and racially biased sentencing. The Committee is further concerned at reports that both African-Canadian and Indigenous offenders are over represented in segregation, 50% of Indigenous inmate women have reportedly been placed in segregation, and that Indigenous inmates have the longest average stay in segregation.

16. The Committee recommends that the State party:

(a) Ensure that law enforcement and security agencies have programmes to prevent racial profiling, and that they are implemented and compliance monitored, including through independent oversight.

(b) Make it mandatory to collect and analyze data at the federal, provincial, and territorial levels for random stops by law enforcement officers, including on the ethnicity of the persons stopped, reason for stop, and whether stop resulted in an arrest, prosecution and conviction, and report publicly on this data at regular intervals.

(c) Ensure that the staff in law enforcement and security agencies and among border agents are demographically diverse and include Indigenous Peoples, African-Canadians and other ethnic minorities. Ensure that all staff are trained in the prevention of racial discrimination, and on policies preventing racial profiling. Ensure lawyers and judges are trained on provisions relating to sentencing and alternatives to incarceration for Indigenous peoples, such as in the Corrections and Conditional Release Act (sections 29, 77, 80, 81, and 84) and that these provisions are consistently applied. Provide updated, detailed information and statistics in its next periodic report on such training programmes and on the impact of such training.

(d) Address the root causes of over-representation of African-Canadians and Indigenous Peoples at all levels of the justice system, from arrest to incarceration, such as by eliminating poverty, providing better social services, re-examining drug policies, preventing racially biased sentencing through training of judges, providing evidence-based alternatives to incarceration for non-violent drug users, and fully implement the recommendations of the Truth and Reconciliation Commission on this topic, in order to reduce the incarceration of African-Canadians and Indigenous Peoples.

(e) Implement key health and harm reduction measures across all prisons.

(f) Systematically collect data and report publically on the demographic composition of the prison population, including on Indigenous Peoples, African-Canadians and other ethnic minorities and on the sentencing of minority offenders.

(g) Effectively limit the use of segregation to exceptional circumstances, as a last resort and for as short a time as possible, in line with the Mandela Rules, given its proven deleterious effects on mental health. Implement legislation to provide independent judicial oversight of all decisions related to segregation.

(h) Abolish the use of segregation for inmates with mental or intellectual impairments.

Truth and Reconciliation Commission and UN DRIP

17. While welcoming the commitment made to implement all of the Truth and Reconciliation Commission's (TRC) 94 Calls to Action, the Committee is concerned at the lack of an action plan and full implementation. The Committee is further concerned that the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP) Action Plan has not yet been adopted, while noting the Ministerial working group established in 2017 to bring laws into compliance with obligations towards Indigenous Peoples.

18. The Committee recommends that the State party:

(a) Develop a concrete action plan to implement the TRC's 94 Calls to Action, in consultation with Indigenous Peoples.

(b) Implement the UN DRIP, and adopt a legislative framework to implement the Convention including a national action plan, reform of national laws, policies and regulations to bring them into compliance with the Declaration, and annual public reporting.

(c) Ensure that the action plans include regular monitoring, evaluation, and annual reporting of the implementation, including the use of statistical data to evaluate progress.

(d) Develop and implement training programs, in consultation with Indigenous Peoples, for State officials and employees on the TRC's Calls to Action and the UN DRIP, to ensure their effective impact.

(e) Ensure that the Ministerial working group is transparent and inclusive of Indigenous Peoples.

Land rights of Indigenous Peoples

19. Taking note of the recent release of a set of 10 Principles Respecting the Government of Canada's Relationship with Indigenous Peoples in 2017, the Committee is deeply concerned that:

(a) Violations of the land rights of Indigenous Peoples continue in the State party, in particular environmentally destructive decisions for resource development which affect their lives and territories continue to be undertaken without the free, prior and informed consent of the Indigenous Peoples, resulting in breaches of treaty obligations and international human rights law.

(b) Costly, time consuming and ineffective litigation is often the only remedy in place of seeking free, prior and informed consent, resulting in the State party continuing to issue permits which allow for damage to lands.

(c) According to information received, permits have been issued and construction has commenced at the Site C dam, despite vigorous opposition of Indigenous Peoples affected by this project, which will result in irreversible damage due to flooding of their lands leading to elimination of plants medicines, wildlife, sacred lands and gravesites.

(d) According to information received the Site C dam project proceeded despite a joint environment review for the federal and provincial governments, which reportedly concluded that the impact of this dam on Indigenous Peoples would be permanent, extensive, and irreversible.

(e) According to information received the Mount Polley mine was initially approved without an environment assessment process, consultation with or free, prior and informed consent from the potentially affected Indigenous peoples, and that the mining disaster has resulted in a disproportionate and devastating impact on the water quality, food such as fish, fish habitats, traditional medicines and the health of Indigenous Peoples in the area (art. 5-6).

20. Recalling its general recommendation No. 23 (1997) on the rights of Indigenous Peoples and reiterating its previous recommendation (CERD/C/CO/19-20, para. 20) the Committee recommends that the State party:

(a) **Ensure the full implementation of general recommendation 23, in a transparent manner with the full involvement of the First Nations, Inuits, Metis and other Indigenous Peoples with their free prior and informed consent for all matters concerning their land rights.**

(b) **Prohibit the environmentally destructive development of the territories of Indigenous Peoples, and allow Indigenous Peoples to conduct independent environmental impact studies.**

(c) **End the substitution of costly legal challenges as post facto recourse in place of obtaining meaningful free prior and informed consent of Indigenous Peoples.**

(d) **Incorporate the free, prior and informed consent principle in the Canadian regulatory system, and amend decision making processes around the review and approval of large-scale resource development projects like the Site C dam.**

(e) **Immediately suspend all permits and approvals for the construction of the Site C dam. Conduct a full review in collaboration with Indigenous Peoples of the violations of the right to free prior and informed consent, treaty obligations and international human rights law from the building of this dam and identify alternatives to irreversible destruction of Indigenous lands and subsistence which will be caused by this project.**

(f) **Publically release the results of any government studies of the Mount Polley disaster and the criminal investigation into the disaster, before the statute of limitations for charges under these Acts expires.**

(g) **Monitor the impact of the disaster on affected Indigenous Peoples as a result of the disaster, and take measures to mitigate the impact through provision of safe water and food, access to healthcare, and fair remedy and reparations.**

Corporations operating abroad

21. The Committee is concerned that victim's of actions of transnational corporations registered in Canada, whose activities negatively impact the rights of persons outside of Canada do not have adequate access to justice. The Committee regrets that an independent Ombudsman mandated to investigate such complaints has not yet been established (art. 6).

22. The Committee reiterates its previous recommendation (CERD/C/CAN/CO/19-20, para 14), that the State party ensure access to justice through judicial and non-judicial remedies for violations of rights of persons by transnational corporations registered in Canada, operating abroad. The Committee recommends that the State party swiftly establish an independent Ombudsman mandated to receive and

investigate human rights complaints against Canadian corporations operating in other countries.

Violence against Indigenous women and girls

23. The Committee is alarmed at the continued high rates of violence against Indigenous women and girls in the State party. While welcoming the 2016 launch of the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Committee is concerned at the lack of an independent mechanism to re-examine cases where there is evidence of inadequate or biased investigations, failure to provide regular progress reports, and to build transparent and accountable relationships with survivors, families and stakeholders (arts. 2, 5 and 6).

24. Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party:

(a) Take immediate action to end violence against Indigenous women and girls. Provide support and access to equal services for survivors. Enact a National Action Plan on Violence Against Women, inclusive of the federal, provincial and territorial jurisdictions, with special provisions to end the high rates of violence against Indigenous women and girls.

(b) Apply a human rights-based approach to the Inquiry by examining the issues holistically to identify barriers to equality and their root causes and recommend lasting solutions. Monitor progress to achieve these recommendations, with the participation of affected survivors, families and stakeholders.

(c) Establish an independent review mechanism of unsolved cases of missing and murdered Indigenous women and girls where there is evidence of bias or error in the investigation.

(d) Publicly report on violence against Indigenous women and girls including data on reported cases of violence, murders, and missing Indigenous women and girls, and numbers of investigations, prosecutions and convictions.

(e) Improve communication from the Inquiry and build transparent and accountable relationships with survivors, families and stakeholders.

Situation of Indigenous Peoples with disabilities

25. The Committee is concerned by the multiple forms of discrimination faced by Indigenous Peoples with disabilities, who reportedly face additional barriers to healthcare, education and social services, in particular if they are located in remote communities with inadequate access to quality services. The Committee further regrets the lack of detailed information on meaningful consultations with Indigenous Peoples and the outcome of such consultations on the development of accessibility legislation (art. 5).

26. The Committee recommends that the State party conduct meaningful consultations with Indigenous Peoples during the development of accessibility legislation. The Committee requests information from the State party on provisions included in the accessibility legislation which address the specific situation of ethnic minorities and Indigenous Peoples with disabilities who face multiple and intersecting forms of discrimination. The Committee recommends that the State party create a strategy, in consultation with Indigenous Peoples, to ensure that Indigenous Peoples with disabilities have equal access to quality services.

Discrimination against Indigenous children

27. The Committee is alarmed that despite its previous recommendation (CERD/C/CAN/CO/19-20, para. 19), and multiple decisions by the Canadian Human Rights Tribunal, less money is reportedly provided for child and family services to Indigenous children than in other communities, and that this gap continues to grow. The Committee is further concerned, that the federal government has adopted an overly narrow definition of the Jordan's Principle, as stated in the Canadian Human Rights Tribunal decision *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* in 2016, and has failed to address the root causes of displacement, while tens of thousands of children are needlessly removed from their families, communities and culture and placed in state care (arts. 1-2 and 5-6).

28. The Committee recommends that the State party:

(a) **Fully comply with and implement the January 2016 ruling (2016 CHRT 2) and subsequent non-compliance orders (2016 CHRT 10, 2016 CHRT 16, and 2017 CHRT 14) of the Canadian Human Rights Tribunal, including by ending the underfunding of First Nations, Inuit and Metis child and family services.**

(b) **Ensure that all children, on and off reserve, have access to all services available to other children in Canada, without discrimination.**

(c) **Implement the full scope and meaning of Jordan's Principle so that access to these services is never delayed or denied because of disputes between the federal, provincial and territorial governments over their respective responsibilities.**

(d) **Address the root causes of displacement such as poverty and poor housing that disproportionately drive children into foster care.**

Discrimination in the Education System

29. The Committee is concerned at reported disparity in resource allocation for education and the lack of sufficient funding of mother tongue education programmes leading to unequal access to quality education, especially for African-Canadian and Indigenous children, which contributes to future socio-economic disparity among these groups. The Committee is further concerned that African-Canadian students are reportedly disciplined more harshly than other students; which forces them out of learning environments and contributes to the "school-to-prison" pipeline (art. 5).

30. The Committee recommends that the State party:

(a) **Ensure equal access to quality education for all children in the State party, without racial discrimination and regardless of whether the child lives on or off of a reservation.**

(b) **Address funding inequalities identified in the Parliamentary Budget Officer's 2016 report, and other funding inequalities of schools attended by Indigenous, African-Canadian and other ethnic minority children. Work in consultation with affected groups to ensure schools are in conditions comparable to and can meet the distinct cultural and linguistic needs of ethnic minorities and Indigenous students.**

(c) **Create a national education strategy to prevent the low educational attainment, high dropout, suspension and expulsion rates of African Canadian children. Collect disaggregated data on disciplinary measures of African Canadian children, to monitor and track the impact of measures to reduce discriminatory effects of disciplinary procedures.**

Employment discrimination

31. The Committee is concerned by reports of discriminatory hiring practices and discrimination in the workplace faced by ethnic minorities, migrants and Indigenous Peoples, and high rates of unemployment of educated ethnic minorities. The Committee is concerned that reportedly no province other than Quebec has legislated mandatory employment equity for its public service, and that the Federal Employment Equity legislation has eliminated the mandatory contractor compliance mechanism. The Committee notes that there is no mandatory employment equity for private employers at the provincial level, which accounts for approximately 76% of Canada's labour force. The Committee welcomes the data received from the Human Rights Commission and after the dialogue from the State party, however, it is concerned about the lack of data on labour inspections in the State party report.

32. The Committee recommends that the State party:

(a) Ensure the elimination of discriminatory hiring practices and discrimination against ethnic minorities in the workplace including by providing adequate training to employers and awareness raising campaigns for employees about their rights and effective recourse for reporting violations.

(b) Conduct a comprehensive review of the existing employment equity regime and make necessary changes to increase the representation of ethnic minorities and Indigenous Peoples in the workforce.

(c) Request all public bodies to collect and publish data on the ethnic composition of the public service periodically. That data should include statistics that disaggregate total employees, job categories, numbers at middle managerial levels and higher levels. All contractors to public service agencies should be requested to do the same.

(d) Request private employers to publish similar disaggregated data on its workforce and to take measures to ensure the elimination of discriminatory employment practices against ethnic minorities in hiring retention and promotion.

(e) Restore the mandatory contractor compliance mechanism in the Federal Employment Equity legislation.

(f) Request professional organizations that control the accreditation for professional practice to have their policies reviewed by the State Party with a view to determine whether there are discriminatory barriers to certification of certain ethnic candidates, particularly those who received their academic qualifications in other countries.

(g) Take effective measures to ensure that labour inspections and other administrative or legal procedures reach all industries, with a view to detecting labour rights violations, bringing perpetrators to justice and compensating victims.

(h) Provide in its next periodic report comprehensive data on the coverage of labour inspections and other administrative or legal procedures, including statistics of inspection visits, violations detected and sanctions or penalties imposed over the review period and compensations provided to victims, disaggregated among others by type of violation, industry or occupation, age, sex, national origin and ethnic origin of the victim.

Situation of migrants, refugees and asylum seekers

33. The Committee is concerned that:

- (a) There is no legal time limit on the detention of migrants. Nearly one third of migrants were held in provincial prisons, leading to deaths in some cases.
- (b) Migrant children are detained.
- (c) There is a lack of data provided to the Committee on persons in immigration detention.
- (d) As a result of the restrictions in the Safe Third Party agreement, there is a reported sharp rise in asylum seekers attempting to enter the State party through irregular border crossings, under dangerous or life-threatening conditions.
- (e) Although the temporary foreign worker program conducts inspections, temporary migrant workers are reportedly susceptible to exploitation and abuses, and are sometimes denied basic health services, and employment and pension benefits to which they may make contributions.
- (f) There is a lack of access to health care for undocumented migrants (art. 5).

34. In light of its general recommendation No. 22 (1986) on article 5 of the Convention on refugees and displaced persons, and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

- (a) **Undertake planned immigration detention reforms. Ensure that immigration detention is only undertaken as a last resort after fully considering alternative non-custodial measures. Establish a legal time limit on the detention of migrants.**
- (b) **Immediately end the practice of detention of minors.**
- (c) **Provide statistical data to the Committee in its next periodic report on the persons detained in immigration detention, reason and length of detention of migrants, disaggregated by age, gender, nationality and ethnicity.**
- (d) **Rescind or at least suspend the Safe Third Country Agreement with the United States of America to ensure that all individuals who attempt to enter the State party through a land border are provided with equal access to asylum proceedings.**
- (e) **Reform current policies and measures to ensure protection of temporary migrant workers from exploitation and abuse as well as grant them access to health services and employment and pension benefits. Implement protective policies for migrant workers. Reconsider the decision not to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Expedite the consideration for the adoption of International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.**
- (f) **Ensure that all persons have access to healthcare, regardless of immigration status, without discrimination.**

D. Other recommendations

Ratification of other instruments

35. The Committee recommends that the State party consider ratifying: International Convention for the Protection of all Persons from Enforced Disappearance, optional Protocol to the International Covenant on Economic, Social and Cultural Rights, optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, optional Protocol to the Convention on the Rights of the Child on a communications procedure, optional

Protocol to the Convention on the Rights of Persons with Disabilities, international Labour Organisation Convention No. 169 (1989) concerning Indigenous and Tribal Peoples Convention.

Follow-up to the Durban Declaration and Programme of Action

36. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

37. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

38. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Declaration under article 14 of the Convention

39. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

Follow-up to the present concluding observations

40. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 34 (a, b, and d) and 20 (e and f) above.

Paragraphs of particular importance

41. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 16, 18, 20 (a, b, c and d), and 32 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

42. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next report

43. The Committee recommends that the State party submit its combined 24th to 25th periodic reports, as a single document, by 13 November 2021 taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

This is **Exhibit "C"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22th day of October 2017.


Public Notary



Date: 20160426

Docket: T-492-16

Ottawa, Ontario, April 26, 2017

PRESENT: Case Management Judge Mandy Aylen

BETWEEN:

**STACEY SHINER IN HER PERSONAL
CAPACITY AND AS GUARDIAN OF JOSEY
K. WILLIER**

Applicant

and

THE ATTORNEY GENERAL OF CANADA

Respondent

ORDER

UPON MOTION filed by First Nations Child and Family Caring Society [Caring Society], pursuant to Rule 369 of the *Federal Courts Rules* [Rules], for an order granting the Caring Society leave to intervene in the present proceeding under the following terms:

- (a) The Caring Society will file a memorandum of fact and law at a time set by the Court;
- (b) It will make oral submissions at the hearing;
- (c) It will not bring any evidence or add in any way to the record that has already been filed; and

- (d) It does not ask for costs and asks that costs not be ordered against it, regardless of the outcome of the case;

CONSIDERING the Notice of Motion, the affidavit of Cindy Blackstock sworn April 4, 2017 and the exhibits thereto, and the written representations of the Caring Society;

CONSIDERING that the Applicant consents to the relief sought;

CONSIDERING that the Respondent, Attorney General of Canada [AGC], does not oppose the Caring Society being granted leave to intervene in the proceeding, but asserts that the Caring Society should not be permitted to expand the legal issue before the Court as to the Applicant's eligibility for orthodontic treatment.

[1] The Federal Court of Appeal recently confirmed in *Bauer Hockey Corp. v. Easton Sports Canada Inc.*, 2016 FCA 44 (CanLII) [*Bauer Hockey*] that the criteria originally detailed in *Rothmans, Benson & Hedges Inc. v. Canada (Attorney General)*, [1990] 1 F.C. 84 (T.D.), aff'd [1990] 1 F.C. 90 (C.A.) [*Rothmans*], continue to apply when making a determination of whether to grant intervener status. Specifically:

- (a) Is the proposed intervener directly affected by the outcome?
- (b) Does there exist a justiciable issue and a veritable public interest?
- (c) Is there an apparent lack of any other reasonable or efficient means to submit the question to the Court?
- (d) Is the position of the proposed intervener adequately defended by one of the parties to the case?

- (e) Are the interests of justice better served by the intervention of the proposed third party?
- (f) Can the Court hear and decide the cause on the merits without the proposed intervener?

[2] The Court is satisfied, based on the evidence put forward by the Caring Society, that the Caring Society should be granted intervener status. The only issue to be determined, and which remains partially contentious between the parties, is the terms upon which the Caring Society is permitted to intervene.

[3] The major point of contention between the parties is the scope of the submissions to be made by the Caring Society. The AGC asserts that the Caring Society should not be permitted to make submissions concerning section 15 of the *Charter* and Jordan's Principle, including benefits that may be available in some circumstances under the *Alberta Child, Youth and Family Enforcement Act*. The AGC submits that:

- A. In relation to the *Charter* arguments, the Applicant has not pleaded any *Charter* breach in the Notice of Application, nor was any evidence adduced on this issue. The AGC has not prepared a section 1 defence. To permit any *Charter* arguments to be made would therefore not be in the interests of justice.
- B. In relation to the *Alberta Child, Youth and Family Enforcement Act*, that legislation was not pled in the Notice of Application, nor is there any evidence on

the record concerning benefits available under that program. Moreover, there is no evidence of any jurisprudential dispute between the First Nations and Inuit Health Branch and the Province of Alberta concerning reimbursement for the Applicant's daughter's braces.

[4] The Caring Society, in its reply submissions, asserts that the AGC has misunderstood its proposed submissions. Specifically, the Caring Society states that it seeks leave to make submissions of the following nature (footnotes omitted):

6. The Caring Society does not challenge the validity of any legislation that would breach the *Charter*, making a section 1 analysis necessary. Rather, the Caring Society seeks to bring existing decisions of the Canadian Human Rights Tribunal to the Court's attention. In those decisions, the Tribunal found that the Respondent's First Nations Child and Family Services program discriminates against First Nations children, in particular because it creates perverse incentives that induce parents or social workers to bring children into foster care, in order to benefit from more generous federal funding that is made available for children when they are in care. That discrimination is described in detail in the Tribunal's decisions (against which no application for judicial review has been made) and there is no need to bring further evidence before this Court.

7. The Caring Society intends to argue that the Respondent must take the Tribunal's decisions into account when making decisions like the one that underlies this application for judicial review. Indeed, disregarding a decision that affirms the right to equality jeopardizes the values under section 15 of the *Charter*, including where the initial decision was made under a provincial human rights statute or the *Canadian Human Rights Act*. The Caring Society's submissions with regard to *Charter* values are based on *Doré v. Barreau du Québec*, a recent decision of the Supreme Court of Canada that sets out the framework applicable when a discretionary decision affects *Charter* rights in the administrative law context. In *Doré*, there was no need to bring additional evidence beyond what was before the initial decision-maker. The same applies here.

8. The Respondent does not seem to understand the Caring Society's proposed argument concerning Alberta's *Child, Youth and Family Enhancement Act*, because it incorrectly characterizes the latter providing "benefits". The Caring Society's argument is simply that the Respondent, in exercising its discretion, had to take into consideration the fact that a denial of services under the federal NIHB program would put children at risk of being found in need of protection and apprehended under provincial child welfare legislation. This argument will be based on the legislation and reported cases and will not require any additional evidence.

9. In making that argument, the Caring Society simply brings a different perspective to the assessment of the best interests of the child, which principle is already invoked by the Applicant.

...

10. The Caring Society's proposed intervention focuses on the factors that the Respondent had to take into consideration in making the challenged decision, as a matter of administrative law...

[5] In light of the Caring Society's clarification of the submissions it seeks to make in this proceeding, I reject the AGC's assertion that such submissions would not be in the interests of justice and I find that such submissions may properly be made by the Caring Society.

[6] The AGC asserts that the Caring Society should also not be permitted to repeat arguments raised by the Applicant, particularly in relation to the issue of the best interests of the child. I agree that no purpose is served by permitting such repetition.

[7] The Caring Society seeks leave to file a 15 page factum, to be filed within 3 days of this Order, and to make oral arguments for 30 minutes at the hearing. The AGC asserts that the Caring Society should only be permitted to file a factum not exceeding 10 pages (also within 3

days of this Order) and that their oral submissions should be limited to 15 minutes. The only rationale advanced by the AGC for reducing the length of the Caring Society's written and oral submissions is due to the fact that the motion to intervene was commenced at a very late stage of this proceeding. I find that the length of the written and oral submissions as requested by the Caring Society is reasonable in the circumstances and will be granted.

[8] The AGC has requested that it be granted leave to file responding written submission, not to exceed 10 pages, within seven days following receipt of the Caring Society's written submission. Given that the hearing of this matter is scheduled for May 8, 2017, there is insufficient time to permit the AGC seven days to respond to the written submissions of the Caring Society. In order to accommodate the Court's and the parties' preparation for the hearing, the latest date for service and filing of the AGC's responding written submissions is the morning of May 5, 2017, which is what shall be ordered.

[9] Moreover, as I have granted the Caring Society leave to file written submissions of 15 pages in length, the same shall be ordered in respect of the AGC's responding submissions.

THIS COURT ORDERS THAT:

1. First Nations Child and Family Caring Society is hereby granted leave to intervene in this proceeding on the following terms:
 - a. It shall not add to the evidentiary record before the Court.

- b. It shall, by no later than 9:00 am EDT on May 1, 2017, serve and file a memorandum of fact and law on the issues identified in its written submissions on this motion, not to exceed 15 pages in length, together with its book of authorities.
 - c. A copy of the Intervener's memorandum of fact and law shall be emailed directly to counsel for the Applicant and counsel for the Respondent by no later than 9:00 am EDT on April 30, 2017.
 - d. It shall be permitted to make oral submissions at the hearing of this application not to exceed 30 minutes, unless otherwise determined by the Judge hearing the application.
 - e. The Intervener's written and oral submissions shall not duplicate those of the Applicant.
 - f. The Intervener is not permitted to seek costs on the application, nor shall it be liable for costs absent any abuse of process on its part.
2. The Respondent is granted leave to serve and file a further memorandum of fact and law, not to exceed 15 pages in length, in response to the submissions of the Intervener, together with any further book of authorities, by no later than 9:00 am EDT on May 5, 2017.

3. A copy of the Respondent's further memorandum of fact and law shall be emailed to counsel for the Applicant and counsel for the Intervener by no later than 9:00 am EDT on May 5, 2017.
4. A copy of the Respondent's further memorandum of fact and law shall be emailed to the Court at CMT_Ottawa@cas-satj.gc.ca by no later than 9:00 am EDT on May 5, 2017.
5. There shall be no costs of this motion.

"Mandy Aylen"

Case Management Judge

This is **Exhibit "D"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22 day of October 2017.



Public Notary



House of Commons
CANADA

Standing Committee on Aboriginal Affairs and Northern Development

AANO • NUMBER 041 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Wednesday, December 8, 2010

Chair

Mr. Bruce Stanton

Standing Committee on Aboriginal Affairs and Northern Development

Wednesday, December 8, 2010

• (1555)

[English]

The Chair (Mr. Bruce Stanton (Simcoe North, CPC)): Good afternoon members, witnesses, and guests.

We are here for the 41st meeting of the Standing Committee on Aboriginal Affairs and Northern Development. We're continuing our study of the first nations child and family services.

We're welcoming today the national chief. It's great to have National Chief Shawn Atleo with us this afternoon.

I'd like to first say that I apologize to our witnesses and guests as well for the late start here this afternoon. This is what occasionally happens—and this is essentially out of our control—when the parties take a decision to move the votes around. Normally the votes this afternoon would have been at 5:30, at the end of the meeting. We get off to a bit of a late start on Wednesdays as it is. In any case, I apologize for the lateness of our meeting.

I'd also like to welcome Cindy Blackstock. Cindy is here representing the First Nations Child and Family Caring Society of Canada.

As we customarily do, we begin with statements by each of the—

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Chair, I'm sorry to interrupt, but I have a point of order. It will mean no disrespect to our witnesses, especially since I'm meeting Mr. Atleo for the first time, who is the chancellor of a university whose campus is in the riding I represent.

The reason I'm raising this is that I've just learned that there's some litigation involved.

I'm not familiar with the details, but I understand, Ms. Blackstock, that you're involved with some litigation, and I understand the crown may be involved. As a lawyer, I've been trained that whenever there's litigation and you are a defendant or related as a party, counsel for the other party has to be involved, and it severely constrains what can happen between the parties.

So I would just suggest that perhaps we should go in camera and just understand better what the ramifications are of our meeting and exchanging information with the witnesses.

The Chair: Okay. It is a legitimate point of order.

The issue that Mr. Weston raises is one that speaks essentially to privileges for members. When items or questions are before a committee or before the House that involve matters that are before a court or some other judicial proceeding, there are restrictions that

both witnesses and members should be guided by. It's called the *sub judice* convention. I'm sure that some members may be aware of it.

As to the question of going in camera, it's really up to members if they choose to do that. In deference to our witnesses, both of whom I understand are applicants in the case that's before the Canadian Human Rights Tribunal, there are implications for our witnesses there as well.

I saw one hand up. Ms. Crowder and Mr. Russell. I'll take Ms. Crowder first.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): I guess I'm a little concerned about this just in the fact that we had the department before us, and they're a defendant. We weren't in camera when we heard their testimony. So I don't see any reason why we can't hear from the national chief and Ms. Blackstock not in camera.

The Chair: Okay. I have Mr. Russell and Monsieur Lemay.

Mr. Russell, go ahead.

Mr. Todd Russell (Labrador, Lib.): Thank you, Mr. Chair. I was going to use the same argument.

I have, in my five years here, not had us go through a vetting process of who had actually brought a claim against the crown. There are many different aboriginal organizations and individuals that have claims against the crown. Some have been ongoing for years. I'm sure that this issue will, if the government wants to make it an issue, certainly arise when we deal with specific claims. Almost all specific claims of one sort or another are against the crown, and we're going to be doing a major study on the specific claims tribunal process and large claims. All of these are claims against the crown in one way, shape, or form. Some are in litigation, some are outside of litigation, and some are in various processes.

So I can't see how this would inhibit in any way the privileges of us to ask a specific question. In fact, the onus would be on the witnesses whether they would feel comfortable in answering a specific question and in what manner they chose to answer a specific question from us.

I have no problem with going with an open format, not in camera, and of course I would want to hear from these particular witnesses on this study.

The Chair: Okay, thank you, Mr. Russell.

Monsieur Lemay.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Chair, two of my colleagues have already expressed their views on this matter, and so I have little to add. First of all, it has to be public. Second, the government has testified publicly. We must continue in that manner. Third, I hope that Grand Chief Atleo is involved. Otherwise, there would be a serious problem.

As well, it seems clear to me that the grand chief must be present. He is not here as a claimant but in his capacity as Grand Chief of the Assembly of First Nations of Canada. He therefore speaks for the first nations. It would be unfortunate and cause irreparable harm if he were prevented from testifying. I think that the grand chief misunderstood me, Mr. Chair. I think there has been a slight interpretation problem. Do you hear me, grand chief?

Mr. Chair, I hope that the grand chief will remain with us and speak on this very important issue, which directly concerns all the aboriginals he represents through the chiefs of Canada. In my opinion, we shouldn't see problems when there are none. We should start immediately; we have only an hour and a half left.

• (1600)

[English]

The Chair: I'll take one last intervention, and then we'll decide where we go.

Go ahead, Mr. Weston.

[Translation]

Mr. John Weston: Mr. Chair, I seem to have been unable to get my message across. It may be because I spoke in English. I don't want witnesses to appear in camera, but I want the committee to discuss, in private, whether or not we can question the witnesses. Mr. Russell was asking if our questions would be limited in scope. The most important issue is the protection of witnesses. If they appear before a court or a judicial body without the benefit of counsel and we ask questions, as we intend to, it could be prejudicial to the witnesses.

[English]

Hon. Larry Bagnell (Yukon, Lib.): I'll be really quick, Chair.

The Chair: All right, go ahead, Mr. Bagnell.

Hon. Larry Bagnell: In response to that, one of the witnesses is a lawyer. So I don't think she needs protection.

Dr. Cindy Blackstock (Executive Director, First Nations Child and Family Caring Society of Canada): No, I'm not a lawyer. Sorry.

Hon. Larry Bagnell: Oh, no. Okay.

I think they can decide.

But also, we had the Tliche, who have a billion-dollar lawsuit against us.

The Chair: Thank you all for your interventions on this.

Mr. Weston's point is principally a caution more than anything, the way I see it. There are only four instances when members are cautioned about what they say in committee or in the House. One, of course, is unparliamentary language. Another is if the speech is

repetitious. The third is if it's not relevant to the orders of the day. Fourth is when the item is *sub judice*, which essentially means that it's an item that is before the court.

There is a legitimate concern, in recognition of our witnesses, more than anything, since they are the applicants in this particular action. Members need to use some caution in the kinds of questions they pose so that the witnesses aren't in a position of saying anything that might prejudice their position before the court or the judicial proceeding.

When it most often comes up is when there is a criminal proceeding, not one of this sense. Even though the testimony we have at standing committees is essentially under the realm of parliamentary privilege, and no action can be taken against a member or a witness for things they say here in Parliament, in the same vein, what they say here is public.

The House has considered this, going back to 1976, when a special committee looked at this question of rights and immunities. It sided with the view that members and ministers, both in terms of their questions and the responses that are offered—a response is typically during a question period scenario—have to be cautious about what they say. In the same vein, if there are members of the committee or witnesses who are party to such an action, they need to be guided accordingly.

I'll finish this with one statement. This is from O'Brien and Bosc, on page 100. It's an excerpt: "...the imposition of the convention should be done with discretion..."

I'll just say that it's also voluntary. One of the speakers alluded to the fact that it's voluntary on the part of witnesses what they choose to say. You can voluntarily impose your own restrictions. You will probably know more about the proceedings than the person asking the question, so you can voluntarily restrict what you say at committee.

Furthermore, "...when there was any doubt in the mind of the Chair, a presumption should exist in favour of allowing debate and against the application of the convention". That simply says that it's the practice of the House, when the debate is in question as to whether it is *sub judice*, to err on the side of allowing free expression.

That's where we are.

Mr. Weston, if that's a satisfactory answer to your question, I sense that there isn't an agreement by the committee to go in camera. Unless there are further questions on this particular issue, I think we'll go to our presentations and proceed from there.

• (1605)

Mr. John Weston: Perhaps the witnesses have already spoken to counsel before coming and have taken advice on whatever issues may be sensitive.

As a member of a bar—a member of three bars—I've been involved in awkward situations before. So I'm just very determined that we not put ourselves or our witnesses in a difficult situation.

The Chair: I think that's fair, and I thank you for bringing this to the attention of the committee. I think it's important to understand what limitations may be in place. If that's helpful for members and for our guests today, I think we'll proceed accordingly.

Let's begin with Ms. Blackstock. I'm not sure, Ms. Blackstock, if you've done one of these before. I'm sure you probably have at some point. It is customary to give a ten-minute presentation, and then we'll go to Chief Atleo for ten minutes. Then we'll be opening it up to questions from members.

Dr. Cindy Blackstock: Thank you, Mr. Chair.

It's an honour to be here, and I'd like to thank all committee members for convening a session on this important issue.

This is an opportunity like no other. You have a chance today to make a difference in the lives of tens of thousands of children, and all it will require is for you to breathe life into the very values that our honoured veterans have fought for in the Second World War, in Korea, and now in Afghanistan. They fought for the right to be free to be who you are in your own culture, the right to be treated in equitable ways and not denied things because of race, and the right to live in a diverse society as valued members of the country. We've turned the page on residential schools, but sadly, we've turned over the page on child welfare. There are three times the number of first nations children in child welfare care today than there were at the height of residential school operations. First nations children are not more likely to be abused than other children. Rather, it is neglect driven by poverty, poor housing, substance misuse, and inequitable services that drives the problem.

Even worse, these are issues we could do something about. If we were dealing with over-representation driven by sexual abuse, that would be very difficult to deal with. But over-representation driven by other factors is something we can do something about.

For over a decade, the INAC has understood that it underfunds children's welfare services on reserve. In its co-commissioned report authored in 2000, it looked at one of its major funding regimes, directive 20-1. In that report, it found that it underfunded first nations children by 22%. The department agreed with those findings. It didn't implement the recommendations that would have made a huge difference for first nations children.

In 2005 there's a separate report, again on the directive. It found the shortfall was at least \$109 million, using the most conservative financial figures and excluding Ontario and the territories.

We also know that the department has been subject to the Auditor General of Canada's report. The directive, the new enhanced tripartite approach, and the Ontario 65 agreement—the three funding arrangements used by the department currently—were all found to be inequitable.

We can talk about inequity. It feels almost clean and sanitary. It feels like it doesn't have an impact. And yet we need to look no further than INAC's internal documents, which call the impacts of its own financial arrangements on children “dire”. Its 2007 fact sheet, which was on its website until it was used in the tribunal and had to be replaced, talks about linking the inequalities in child welfare funding with the growing numbers of children in child welfare care.

These are not neutral inequalities. They are affecting the most vulnerable of children. I'm going to spend a moment on each of the funding regimes. Then I would like to talk about Jordan's Principle. I will conclude with what we could do together to change this.

Directive 20-1, which INAC's own internal department briefing notes calls “dire”, is still applied to children in British Columbia and New Brunswick. The Government of British Columbia as recently as December of 2009 wrote to the Minister of Indian Affairs appealing for the full and proper implementation of Jordan's Principle and calling the minister's attention to the tragic impacts of inequitable funding. They requested an urgent meeting. As you know, Parliament was prorogued in January 2010. The minister wrote back and said he didn't have time to meet. Children in those two provinces continue to be severely underfunded. The department is currently beginning an initiative where they'd like to go to what's called “actuals” on maintenance in British Columbia. That would impose further hardship on the first nations agencies in those regions.

That formula was developed in 1989, long before there had been significant advances in what we know about first nations child welfare, and the formula has not kept pace.

• (1610)

The other approach that's being offered by the department and spoken of here by the minister is known as the Alberta enhanced approach, or the tripartite approach, depending on the phraseology currently used by the department. That is a modified form of the directive. It was developed unilaterally by the Department of Indian Affairs and is offered to first nations as the exclusive alternative to the directive. So if you're a first nation in Quebec, you cannot come up with a formula that would be evidence-based and meet your needs and enter into a conversation with the department.

There is a national template for that formula. It was reviewed by the Auditor General of Canada in her 2008 report. Although she says it's an improvement on the directive, it is still flawed, and it's still inequitable. Yet that continues to be the only alternative offered to first nations children across the country. You either take dire and inequitable, which the department characterizes the directive as, or you take flawed and inequitable. I, for one—as well as, I think, many Canadians—expect a far greater standard from the country than those two options.

The other funding formula used in the country by the Department of Indian Affairs is about as old as I am. I'm 46 years old. That funding formula is 45 years old. It was developed as a bilateral agreement between Canada and the Province of Ontario. First nations had no input into that funding formula, and yet it continues to be applied to first nations children in Ontario.

The Auditor General looked at the 1965 Indian welfare agreement and found it to be inequitable, yet no progress has been made in working with first nations in Ontario or first nations child welfare agencies in Ontario to address those shortcomings.

I should also bring to the attention of members that, going back to 2000, a joint review conducted by the department and the Assembly of First Nations suggested that a special review be conducted in Ontario on that exact funding arrangement. That was over a decade ago, and that has never been acted upon.

Now we move to Canada's north, where there are many first nations children, and there is not a single first nations child welfare agency. First nations communities have wanted to assert their responsibility to look after their own children. As recently as November of this year, the Carcross First Nation has been trying to engage Indian Affairs in negotiations so that they can establish their own agency to meet the needs of children.

In the Northwest Territory, 75% of the kids in care are first nations. It makes sense to provide culture-based care, yet Indian Affairs is not even willing to come to the table.

And what about Jordan's Principle? Some of you would have been there that day, on December 12, 2007, when Ernest Anderson, Jordan's father, stood in the gallery looking down at all of you, as you voted in favour of Member Crowder's motion in support of Jordan's Principle. That principle would have ensured that no first nations child was denied or delayed in receiving any federal or provincial government service because of jurisdictional quagmires between the federal and provincial governments.

Since it was voted on, the federal government has decided to narrow Jordan's Principle to apply only to children with complex medical needs with multiple service providers. We find that out of step with Jordan's Principle and quite frankly a bit distasteful. To take the important memory of a child and reframe it is a narrow principle of equality.

Having had the honour of meeting Ernest Anderson and his family, I can say there is no room in that family's heart for any level of inequality. And there should be no room in the Government of Canada's heart for inequality for children either.

What can we do about this? Well, we have a situation in which we know the problem. The Government of Canada does. It has not one, not two, but three different solutions. This problem has persisted, whether the government has had billions of dollars in the bank and a surplus, or now, as it's spending billions on projects such as fighter jets, economic action signs to point out where the stimulus funds are being spent, or the G-8. It's not a question of financial capacity. It's a question of calling to all Canadians and asking the fundamental question of whether any level of inequality should be rationalized and accepted as a Canadian value.

● (1615)

Today in the mail I got a package of letters from some students who are 14 years old, from Chaminade College Preparatory School in California. One of the letters is from a 14-year-old girl. She says:

It is very important that everyone around the world knows about the residential schools of Canada. Some of the worst events in history happen because they have

repeated the past. We do not want anyone to repeat this terrible residential school program that can be avoided so easily.

I would also like you to know that I would love to help in any way possible. After looking at your website, I found some ways that I might be able to help. The first thing that struck my eye was Jordan's principle. I think Jordan's principle is a great cause, and I was happy to see all of the supporters you have. ...I would love to do things like raise awareness by telling others about the residential schools or make donations.

Fourteen-year-olds understand, as many Canadians do, that inequality is not a Canadian value. Inequality doesn't lead to a better generation of children. We can do better. We must do better. So let's do better.

Thank you very much.

The Chair: Thank you, Dr. Blackstock.

Now we'll go to Chief Atleo. Go ahead, for ten minutes.

National Chief Shawn A-in-chut Atleo (National Chief, Assembly of First Nations): Thank you very much, Mr. Chair.

To the committee, I really appreciate your focus and attention to this study. My apologies to the translators: I told them I may go off script a little bit.

I'll start right off the bat to respect, first of all, that we are here at your pleasure.

Mr. Weston, the points that you raised are actually really important. They are not only important for consideration here and for our contemplation, but I think they speak to the bigger issue and the opportunity that I believe strongly is in front of us.

I think the Declaration on the Rights of Indigenous Peoples being endorsed by Canada is a really important step. That declaration, in article 22, talks about the kids and it talks about their needs and their rights. I tell you without hesitation, and I know many of you feel the same, because you've been pulled into public service for your own personal reasons, that the kids slay me wherever I go. I was just talking to Quinn—he's a 17-year-old, an older child, and he doesn't mind me using his name. He's in treatment right now in northern Ontario, and I was so inspired to talk to him very recently. Quinn is going to do well. He's going to make it. I feel that in my heart. These are tough roads that these kids are hoeing out there.

I get to be in these villages and these communities across the country and meet with those kids. They only want things to change for the better. They will express it as wanting an ice rink, or they want to be able to play hockey, or they want a school, or they want their own bedroom. They'll express it in very simplistic terms, but in terms that really inspire you. Shannon's dream is an excellent example of that. That's leadership that's happening on the part of our young people.

Mr. Weston's point is important, because on any given day in this country we have on average approximately 100 cases before the courts that have to do with aboriginal peoples, very often described as first nations title and rights issues. I think about the constituency you serve in your territory. I can think back over the last 10, 15, 20 years in many of your constituencies about the number of conflicts we have engaged in. That's the pattern that we have to break, committee. That's the opportunity the doctor is speaking of here, and I strongly support what she's describing.

We get caught up in this notion of conflict, and the declaration inspires us to do better. It's says that jointly we must accomplish this effort.

This issue of whether we can talk while there's litigation going on is the purview and the privilege of governments to consider. Very much of this is also policy. So I implore you, as we carry out this work, to take the point that was raised here and include that in consideration about the overall relationship between indigenous peoples, in this case my responsibility to advocate for first nations, and the rest of Canadian society. You give effect to that relationship in your work.

So the work of this committee, focusing on children, is incredibly important to me. The question that was asked is not simply a procedural one for this committee. It speaks to the broader relationship challenge that we face. We must break that pattern. Whether it's at the Human Rights Commission or whether it's in the hundreds of other court cases that are before us every year, this is the opportunity that I feel strongly we have in this moment, to break that pattern.

This does require us to sit down. That's the reason why you're called to do a study in this area and your openness to allow us to offer some commentary, at your privilege, is deeply appreciated. Those kids are looking for somebody to advocate for them and we have the privilege to do that. So I wanted to respect and acknowledge the discussion that happened at the outset. I want to link it to the broader challenge we have here in Canada at this moment. Some of the biggest untapped potential that I feel this country has is in the indigenous youth population.

I am very much off script in terms of what I came here by and large to say, which is to build on and to support what Cindy has offered up here, and to recognize work like the endorsement of the declaration as an important step. Let's look at what that compels us to do, to recognize the work.... I think Cindy referenced the directive 20-1. Attached to that is the need for us to acknowledge that the government made some investments in the first nations child welfare program through the enhanced or Alberta model.

Those are examples of first nations stepping forward to be joint partners. In effect, that's like saying we will give effect to article 22 of the United Nations Declaration on the Rights of Indigenous Peoples to improve conditions for our families, in this case specifically for our children.

•(1620)

We're reflecting on directive 20-1. Work on policy is still outstanding and has to be dealt with to ensure that as we jointly

develop the systems that will work, we're developing them in a sustainable manner that is going to support success.

Very quickly, I want to point out a few studies that compel us in our work, particularly the report done by the representative for children and youth, Mary Ellen Turpel-Lafond, and the British Columbia provincial health officer, Dr. Perry Kendall. Their recent study looked at the six aspects of well-being: health, learning, safety, behaviour, family economic well-being, and connections with family, peers, and community.

I think this committee is well aware that the Assembly of First Nations, much to the credit of the chiefs across the country, has made education a top priority. Of course in this report as with others, education is seen as something we can immediately move to address, and as the government said last spring, we would continue to pursue a willingness to strengthen and reform it together. As this report and many others suggest, first nations education is undeniably a key determinant to quality-of-life outcomes for first nations children. The report in British Columbia concludes that aboriginal children have more health risks, fare worse at school, and are overrepresented in the children welfare and youth justice systems.

There are important economic imperatives as well. The study done in 2007 by Bowlus and McKenna articulated that the economic impact of not addressing child mistreatment was in the realm of \$16 billion. So there are really important economic imperatives to consider across our entire child welfare, health, and in this case the justice system.

This report talks to us about the issue of complacency, and I quote: "It is easy to become complacent about at-risk child populations—impoverished circumstances and poor outcomes have come to be accepted for some of our children and youth." But they go on to conclude: "This complacency can no longer be tolerated."

Therein lies the reason for the importance of your study and for the impassioned intervention here that Cindy Blackstock makes.

We've spoken about directive 20-1. Reference was made to the Ontario welfare agreement and also the issue of the lack of agencies in the north, there being none either in the Northwest Territories or in the Yukon. And although it was already covered, I wanted to emphasize: very often we're challenged by the issues of lack of services in the north and immediate steps toward resolving these gaps are desperately needed.

We do know that funding of child welfare is by no means the whole story. We all know that even if the child welfare program was adequately funded and properly structured, we would still have children in care. Again, we must question the reason why. Cindy's organization has done an incredible amount of work through careful study. The prevailing reason children are in care is due to what is classified as neglect. And when we dig a little deeper, we find out what's behind neglect: poverty, alcohol and substance abuse, and the other social determinants I referenced earlier—education, things like housing.

So we have what some would suggest is complex and what many would say is made difficult because it is complex. It is unrealistic, therefore, to suggest that just one program will impact the changes we're looking for. We know it will require much more. It will require a coordinated, comprehensive approach to supporting, nurturing, and investing in children and their families.

As a country we need to understand the reflection that UNICEF's recent report concluded, as it reflects on Canada as well as other developed countries. The piece called *The Children Left Behind* documents the plight of children in the world's wealthiest countries. All Canadians should be concerned with Canada's ranking on inequality and child well-being, 17 out of 24 in terms of material well-being. And through further analysis it's clear that first nations, indigenous populations, are one of the key factors in this rate of inequity.

• (1625)

That's exactly what this intervention is about: reflecting that we must, as Cindy says, move to address these issues. In principle we must be committed to the very basic tenet that every child has a right to develop to his or her full potential. That's really the essence of what this comes down to.

I referenced the declaration earlier, so let me conclude in this way and summarize.

As the declaration says, we must really pursue a full partnership in addressing these challenges, as outlined in the original treaties that helped forge this country. The principles that underlie that are mutual respect, mutual recognition, fairness, and equity. We must be assured that services and programs for first nations are funded through fair and equitable fiscal arrangements based on sound economics and realistic escalators that adequately address cost drivers.

I would remind this committee that Canada also signed on to the Convention on the Rights of the Child. As you may know, because of the importance of protecting children, this convention is the first legally binding international instrument. The core principles of the convention include the right of every child to develop to his or her full potential, to not face discrimination, to safeguard identity, to survive, and to have their views respected. To me this is an incredibly important vision.

I believe strongly that we are embarking on an era of reconciliation, if I can describe it as such. The Prime Minister rose in the House of Commons in the summer of 2008 and apologized to tens of thousands of children who were pulled from their families. So I join Cindy Blackstock today in compelling the committee to not be complacent for the kids.

• (1630)

[Translation]

The Chair: Thank you, chief.

We will now open up to questions from members.

Mr. Russell has the floor for seven minutes.

[English]

Mr. Todd Russell: Thank you, Mr. Chair.

I want to thank National Chief Atleo and Ms. Blackstock for being with us and sharing their very impassioned thoughts. They come with some very concrete ideas and very substantive facts around this very telling issue.

But it's almost like a dichotomy, National Chief. We say we're in an era of reconciliation, yet on any given day there are 100 or more cases of litigation undertaken in this country that involve first nations, Inuit, or Métis. It's quite a dynamic to reflect upon.

To Ms. Blackstock, I will probably write this down and put it on my wall, because it's a hell of a reminder: any level of inequality should not be rationalized. What a call to every one of us as parliamentarians. When we see an inequity, we have the ability to do something and we don't act. It's a powerful challenge to me and other parliamentarians around this table, I'm sure.

Having said that, I want to get to two specific points. When it comes to the enhanced model or this prevention model that has been touted by the department as the way forward, you made a statement that it is the exclusive path forward now for first nations child welfare agencies. Why is it the exclusive way forward if there are other options? Why is it the exclusive way forward when the Auditor General herself said it was flawed, in her report of 2008?

Second, when the officials of the department were before us touting the Alberta model that is now being imported to other provinces—or exported, whichever direction you're looking at it from—they didn't know any facts. They said there were some preliminary indications that it was working.

Do you have more information on that? I understand from some reports that you may have additional information on what's happening in Alberta. It would be very interesting to know if there's more detailed information regarding that model and what the results are.

Thank you.

Dr. Cindy Blackstock: Thank you for your question.

With regard to why it's the exclusive option, we don't know. That would be an important question to ask the minister. There were two jointly developed solutions in partnerships with first nations: the 2000 report, of course, the joint national policy review, or NPR, as it's better known; and the Wen:de reports, which were developed in partnership between the Assembly of First Nations and the department and included the expertise of over 20 leading experts. Both of those were set aside in favour of this approach.

How is it performing? Well, I would turn to two documents. One of them was actually prepared by the Department of Indian Affairs itself. The Department of Indian Affairs, as you may know, conducted an evaluation of the enhanced prevention focused approach in Alberta. I believe members asked either the minister or representatives of the minister about the findings of this evaluation.

I have before me now the powerpoint presentation that was prepared by the Department of Indian Affairs summarizing the findings. I quoted this in all the recommendations to you in my brief, so I would refer you to that.

I want to call attention to the fact that the study finds that 75% of the first nations agencies in Alberta found the funding to be inadequate. Minister Fritz, the minister for the province of Alberta, in her remarks at the Yellowhead Tribal Services Agency national conference advised publicly that the enhanced model is not meeting the needs of first nations children in Alberta.

That is repeated in *Closing the Gap Between Vision and Reality*, the final report from the Alberta child intervention review panel, which was concluded on June 30, 2010. So it's very timely.

Mr. Russell, I would call your attention to this report. It reports on gaps and services, and it says, "Further, there are distinct barriers and challenges associated with jurisdiction"—so that speaks to Jordan's Principle—"and the intersection of federal funding with provincial operational requirements."

• (1635)

[Translation]

Mr. Marc Lemay: Excuse me please.

Could you slow down; the translation is important.

[English]

Dr. Cindy Blackstock: My apologies, Mr. Lemay.

"Given this combination of factors, the current system is challenged to provide equitable service levels for First Nations Albertans."

Mr. Todd Russell: So this is an evaluation of the enhanced model.

Dr. Cindy Blackstock: That is, and it was conducted by the Department of Indian Affairs itself.

Mr. Todd Russell: Now, if I can recall the testimony, the department had indicated that there was preliminary evidence that there are fewer kids in care under this enhanced model than under the previous model. Now, they did say there was a caveat, that it hadn't been fully implemented yet.

Are there any numbers on that? We didn't get any from the department.

Dr. Cindy Blackstock: I was able to write to the information line that the Government of Alberta has. They have a website, and you send in your question and they send out the data.

They provided me with the following statistics as of March 2010. They say that as of the 2006-07 fiscal year, the number of status Indian children in care in Alberta was 3,535. As of April to January, the fiscal year 2009-10, there were 3,587. That is clearly an increase.

In the *Closing the Gap* report, the one reviewed by the standing committee, the standing committee notes that 65% of the children in care in Alberta are aboriginal, although aboriginal children only compose 9% of the population. They project that will grow to 70% over the next few years, if there is not a significant intervention.

Those are all publicly available reports.

Mr. Todd Russell: If they're publicly available, can they be tabled to the committee as part of the testimony?

The Chair: As you know, Mr. Russell, as long as they're in both official languages, if the witness has a document she'd like to submit to the committee she can do that. We'd have to find out exactly what the document is.

Mr. Todd Russell: It can be submitted and then translated for us, right?

The Chair: It can't be circulated until it has been translated.

And that's it for your time. Thank you.

[Translation]

Thank you, Mr. Russell.

And now, it's your turn Mr. Lemay.

Mr. Marc Lemay: I listened to you, Ms. Blackstock. I also listened to you, grand chief.

I must admit, I don't quite know what to think anymore. I must tell you that I have read just about everything. It seems to me that there are way too many reports for the work that has to be done. All right, so we won't have another one. You are going to ask me how many it takes.

I submit that the federal government should move over, give the money to the provinces and let the provinces manage this according to the rules. These are provincial programs.

I find this difficult to understand. In any case, I can tell you one thing. I am convinced that the federal government is not involved in Quebec. It gave money to Quebec, and Quebec managed the programs. That is clear.

Is this due to a lack of funds? Or is it a case of two governments bickering about how to take care of the children? Meanwhile, today, this very afternoon, children continue to suffer.

I only want to understand in order to draw the line. I do not want us to discuss what goes on in courts, but it certainly has to stop. And so I ask myself and I ask you: What do you expect from us? What do you want us to do? Forty-two reports have been tabled. Ms. Blackstock, you mentioned it in your statement: this has been going on since 1965. Listen, this makes absolutely no sense at all!

I will ask only one question. You can take the remaining time to answer; tell us what you want us to do, here, today. If we have to compel the government to testify again, that is what we'll do. Please tell us, in concrete terms, what is needed and what you expect from this committee.

Naturally, that question is for you, too, grand chief. I would like you both to respond.

● (1640)

[English]

Dr. Cindy Blackstock: Thank you for your question.

The provinces were left by the federal government to implement child welfare across this country for first nations, and the results were devastating. For the same reason that we would champion first-nations-based education, we must support first-nations-based child welfare agencies.

First nations child welfare agencies are in the best position to care properly for children. Although we have a growing need for research that must continue to be done, the early evidence is that first nations children do much better when serviced by a first nations agency, in that they're much more likely to stay with their families and communities than in the past, when the provinces were providing that care. They're much more likely to stay in contact with their culture and traditions.

The important thing to understand, too, is that these first nations agencies are very passionate and capable. They have won numerous international awards for excellence, even though they're underfunded.

You asked, what do they need? They need an equal opportunity to succeed. The federal government has a responsibility to first nations children. It has a responsibility to all children.

I know governments are torn in all kinds of different directions, Mr. Lemay, and budgets are tight, but it just seems to me that when it comes to who we spend money on, children should be at the top of the pile. These are the most vulnerable of children. These are children who are experiencing neglect or other forms of maltreatment. There should be no space in any of our hearts for short-changing them.

We have quantified the shortfall. We have documented where it would be spent. We have talked about the best practices that demonstrate that when spent properly and when provided equitable funding, positive change for children happens.

We're asking for your support, and that of members of your party and members of all parties, to simply say that first nations children deserve a fighting chance in this country to grow up with their families. They deserve culturally based equity. They deserve a

government that doesn't wait another ten years to implement the report's recommendations.

These children only get one childhood, Mr. Lemay. I started working on this in 1998. Some children are now 13 years old. They've never known what it is to be treated equitably by the Government of Canada. Let's make sure they don't turn 14 and experience the same thing.

The Chair: Chief Atleo.

National Chief Shawn A-in-chut Atleo: Mr. Chair, thank you.

I agree that there isn't a need for more reports. The Wen:de report was a five-year initiative, a joint effort by the Assembly of First Nations and INAC. We can go further back. Prior to these reports was the report of the Royal Commission on Aboriginal Peoples. As Cindy is alluding to, control of first nations education goes back to the early 1970s. We have brought that up to date, and we have been reaching out to the government. They've signalled an interest and a willingness to work with us. We would compel them to do that.

This is another example of first nations communities seeking to have a say in caring for their children, and that's exactly what Cindy is saying here. There is every reason why this can now move from discussion to action, based on the information that has been compiled over the years. We had previously advanced the notion of having a national child and youth advocate. We wanted to work from a greater body of data. That was the intention of the Wen:de report.

We have a vast body of work we can draw from. What's required is the will to establish an approach—not a one-size-fits-all solution—that first nations would jointly design. That has never worked. That's the legacy we're trying to break away from. That is essentially the Indian Act. We have the legacy of a one-size-fits-all approach. That hasn't worked, and I'd venture to say that it won't work into the future.

So both in education and in child welfare, we would compel this committee and the government and all of you to consider a short-term, jointly designed process to reform child welfare, and to bring in the experts who know exactly how this should be done. We work closely with communities, because we understand that they must be empowered to take responsibility for these issues.

● (1645)

[Translation]

The Chair: Thank you, national chief.

It is now Ms. Crowder's turn.

[English]

Ms. Jean Crowder: I want to read a brief quote from the report of the Royal Commission on Aboriginal Peoples, 1996. It says: "It is to ensure that Aboriginal children grow up knowing that they matter—that they are precious human beings deserving love and respect, and that they hold the keys to a future bright with possibilities in a society of equals."

It sounds like a pretty good goal to strive for. I appreciate, National Chief, that you talked about the economics of this.

This is from a report from the Canadian Council of Provincial Child and Youth Advocates, June 23, 2010. The statements also appeared in the Standing Senate Committee on Human Rights report, *Children: The Silenced Citizens*. We're not just talking about child welfare. I'm not going to read through the reports, but they cite some key indicators and gaps. These are the headlines: "Aboriginal children are disproportionately living in poverty"; "Aboriginal children are disproportionately involved in the youth criminal justice and child protection systems"; "Aboriginal children face significant health problems in comparison with other children in Canada, such as higher rates of malnutrition, disabilities, drug and alcohol abuse, and suicide"; "Aboriginal children lag seriously behind other Canadian children in educational achievement"; "Aboriginal children are at high risk for sexual exploitation and violence"; "Death and injury rates for aboriginal children and youth are disproportionately high".

That's kind of the view from 30,000 feet. I'm going to narrow it down here.

You pointed out that there are sufficient reports to identify what the challenges are. When the Auditor General was before us the other day, she and the assistant auditors general talked about comparable services and made some recommendations for the government.

When Mr. Berthelette was before us, he said that, in constant dollars per capita, housing expenditures had at the time they conducted this audit declined by 40% over a decade.

So we have three things here. We have the poverty, the infrastructure, and the lives of children. It is difficult for parents to raise their children in the way the royal commission talks about having children raised. Then we have the well-identified issue of comparable services. I wonder if you could both talk about comparable services.

Ms. Blackstock, I know you've been involved in studies of comparable services, as has the department, as has the assembly.

Dr. Cindy Blackstock: Thank you for your question.

I think it's really important that we understand that the standard in child welfare is one of safety and well-being of the child. That's the paramount consideration, much like the Canadian health care system. We don't feather out health care, saying this person needs a dollar's worth of health and all they needed was a bandage, and this person has chronic diabetes and a heart care condition, so they've been given a dollar and have had equity in health care.

That's not the way we as Canadians do it. We entitle every Canadian to a certain level of health. For children, it's safety and

well-being. We know that for first nations children, more of an investment may be required to get them to the same standard of safety and well-being as other children. That may need to be done in different ways that are culturally based and reflective of their communities.

So when we look at comparability, we need to ensure we're taking into account the needs of these children. But I also think it's important to understand—and I read the minister's testimony—that the department's own documents say what they're doing is inequitable. This isn't a question of whether there's some fuzziness on behalf of the department about whether or not things are inequitable; their own documents are saying this. So why wouldn't they take every possible measure, given the vulnerability of these children and their families, to address the problem, not in next year's budget, but immediately as a matter of national importance?

I'll leave it to the national chief to continue with comments.

● (1650)

National Chief Shawn A-in-chut Atleo: I don't think it can be understated that we're failing the kids. That has already been said here. There are approximately 27,000 kids in care, and we know what the studies say. I have the opportunity to interact with so many in our communities. Those in care are less likely to graduate from school. They're more likely to smoke, drink, do drugs, and get pregnant. We think about the booming population rates we have right now, the dark side of which is teen pregnancy. They're three times more likely to attempt suicide.

So we're talking about children who are in care with deep disconnects from family, territory, community, teachings, and elders. And of course we're talking about the kids in communities I visited recently. They are using slop pails and being sent out to fetch water from wells for the elders. There are eight to ten people to a home. Those aspects of well-being are so incredibly important.

Cindy talked about safety and well-being, and I mentioned health, learning, behaviour, family economic well-being, and connections with family, peers, and community. There is such a deep gap and disparity in services that cut across all of those aspects. It makes complete sense that we have those sorts of conditions.

What's required is to look at RCAP, the Wen:de report, and first nation control of first nations education, and get on with the work of transforming these areas. The only way to do that is jointly. There isn't anything out there that we can sort of grab, put in place, and say this is the magic bullet we've been looking for. We need to do what has not been done up to this point in history, and I think we can take this moment as the moment when we change how we do this business. We understand that there's a problem. We get lost and become complacent because it's too complex and it's out there. We need to make sure we treat this as a national priority and work with those most impacted.

People like Cindy and the Assembly of First Nations can play a facilitative role. Governments have a responsibility to really grab this issue and make a determined effort now to put in place a plan that will see us move from talk to action. We have examples of joint policy development in the past. I think about specific claims you were referencing. That effort was done jointly between first nations and government, and we seek to have similar considerations where first nations are directly involved in transforming the policy. We would do that jointly with government, work on the basis of the reports that are in place, and perhaps focus on child welfare.

What better way to transform these issues than by placing the children at the centre of our work? I think that would be a really important way to finally consider the types of conflicts we end up in. And it was referenced as jurisdictional. Let's point out that there are jurisdictional challenges we face between and among us.

[Translation]

The Chair: Thank you, Ms. Crowder.

Mr. Dreeshen, you have seven minutes.

[English]

Mr. Earl Dreeshen (Red Deer, CPC): Thank you very much, Mr. Chair.

Thank you to our witnesses for coming here as we talk about this extremely important issue.

I taught school for 34 years. I have not mentioned this in our committee in the time I've been here, but there was a young man who was in our school who was blind. He was loved by everyone. He was in foster care. He was a native child. When he turned 18 he was whisked back to the reserve. A few short months after that, he was murdered. So I look at some of the types of problems, issues, and things that happen to our native children, no matter where they grow up.

I've also taught students that ended up committing suicide, not just natives, but non-natives as well. That certainly leaves a mark. I understand the same types of marks it leaves on native communities. So I thought perhaps this might be an opportunity as we talk about children and the care that is required for us to discuss some of these types of things.

Chief Atleo, I'd like some clarification perhaps of your position on the government's first nations child and family services program. As I mentioned, I am from Alberta, and we have a prevention-based approach that was first implemented there and has become, in my view, a model for the rest of the country. I note that in 2007, when former minister Prentice announced our new approach to child welfare on reserves, the former national chief, Phil Fontaine, said:

I congratulate Alberta First Nations for their work in creating a better approach to child welfare that focuses on prevention and collaboration. Today's announcement shows Minister Prentice has recognized the urgency of closing the gap in funding received by First Nations Child Welfare Agencies compared to provincial child welfare agencies. This needs to be implemented in all regions. The Assembly of First Nations is prepared to work jointly to achieve this goal.

That's what the former national chief had to say about the strategy.

So I'd like to know if you agree with your predecessor that the tripartite agreement between the Government of Canada, the

Province of Alberta, and Alberta's first nations is creating a better approach to child welfare. Do you believe this approach would be good for Alberta's first nations?

• (1655)

National Chief Shawn A-in-chut Atleo: Thank you.

I think the principle of jointly designing programs with first nations is an important one to support. Certainly at the outset it is something to be celebrated. It's an opportunity, as the work in Alberta progresses, to evaluate the benefits and the challenges and what we've articulated here today. That includes the shortcomings with policy directive 20-1, which is one such example both Cindy and I have referenced.

We need to be cautious, though, in thinking that what works in one area and one particular jurisdiction is easily transferable to other jurisdictions. That's the challenge we face in all policy areas, and this is no exception.

Any and all efforts that are joint in nature must be recognized and supported, and that's important to do. I think about the first nations who have entered into self-government agreements, who are still looking for support to ensure that those agreements are followed through, upheld, and implemented in the spirit and intent with which they were first agreed to. So it becomes a vigorous process of continuing to implement those agreements in the manner in which they were first sought out.

So I respect and support the comments that the former national chief would make, particularly at the beginning of a process. Wouldn't it make sense now at this juncture to consider how we might strengthen and learn from that experience, from the notion of jointly designing an approach right across the country, but one that doesn't seek to impose the results in different jurisdictions?

I want to link this, if I may, to the earlier question about whether we shouldn't just transfer this to provincial authorities. The example you're describing is one where the first nations' jurisdiction was respected, recognized, and involved. That principle must be followed everywhere. That's what we will continue to advocate for.

I haven't spoken with Alberta first nations any time recently, but I would welcome their views, as my role as national chief is to support and advocate for first nations governments and what they aspire to.

Mr. Earl Dreeshen: It's a significant point, and again I believe this was 2007 when that comment was mentioned. But just as recently as July 2010 in Manitoba, there is another quote, and perhaps you can tell me how that is working. It says: "This new funding model and enhancement framework will assist in decreasing the number of children in care and support families to stay together." This was from Grand Chief Ron Evans. He went on to say: "It will also assist agencies so they will have the resources available to support children and families they work with in our communities. Prevention is critical to positive change for our people."

It would seem to me that he was looking at the enhancement framework and looking at a way to take what is there in Alberta, and apply it to the situation in Manitoba. I'm wondering what your thoughts are with their ability to take that same type of a model and expand it.

• (1700)

National Chief Shawn A-in-chut Atleo: Again, to repeat what I've said, I certainly support.... The role of the Assembly of First Nations and my role specifically as national chief is to support and advocate when chiefs and grand chiefs are embarking on approaches that suit and fit their situation. To be cautious, suggesting that we should be implementing that everywhere, is something that we would suggest strongly.

We need to take the direction and have first nations communities and/or regions, however it is that they're organized, addressing these issues. They need to be the ones taking the lead. That's the sort of work that we have going back to the Wen:de report.

From what I understand—because I wasn't involved in the very beginning and would appreciate it if Cindy reflected on this—that report was by and large essentially put aside. That was a five-year report, and close to a million dollars was expended in that effort. First nations were directly involved in talking about how we should reform and address issues of child welfare in this country.

Those are important voices that should not be dismissed, just like the voices that you're describing in Alberta and Manitoba. They too must be respected and not dismissed.

I also want to balance my response with the notion that we need to be careful about just imposing solutions elsewhere.

[Translation]

The Chair: Thank you. Unfortunately, there is no time left. We will start our second round with Ms. Neville.

You have five minutes.

[English]

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you, Mr. Chair, and I add my thanks to those of you who are at the table.

I'm sitting here, I guess, in sort of disbelief that in a country as abundant as ours, we are dealing with an issue of this kind.

I said the other day to the witnesses who were here that there is a real urgency in this situation, that a year in the life of a child, whether it's a five-year-old or a ten-year-old, is an eternity and has a profound difference on the potential outcomes of how they live out their life.

I'm thinking about the tripartite agreement that's being touted, and my colleague and I were just talking about this. It's a joint agreement, but it's a joint agreement, as I understand it, without choice. There has been no input into the development of that agreement, as I understand it, or full development with first nations communities.

I'm sitting here and thinking, what if we were to report out tomorrow the primary recommendation—as I'm listening to you speak about going back to the Wen:de report and looking at the recommendations there—and then begin not a hasty process but

begin hastily a consultation process with first nations to implement the most appropriate way of dealing with this issue? Am I off base, or is that how we move forward?

Dr. Cindy Blackstock: Thank you for your comments.

Going back to the member's notation, I note that neither in Alberta nor in Manitoba has there ever been a statement by either of the first nations in that community that we've achieved culturally based equity with the enhanced approach. Of course the Auditor General agrees with that too. In INAC's own evaluation, they point out that 75% of the DFNA's—that's the Alberta first nations agency—funds are inequitable.

Your point is so clear. I was a child protection officer for over a decade. When we had reports of child maltreatment on children this vulnerable, we had 24 hours to investigate and do something about it. This has been before Canada for over eleven years, without having achieved the goal of culturally based equity.

We in the tribunal were recommending.... I think it's important to understand there is not a dime in there for the caring society or for the Assembly of First Nations. We want a going-forward policy that ensures culturally based equity for every child in this country. And what we were calling on is to update the Wen:de report to 2010 values, to offer that as a viable option to first nations, not an exclusive option but a viable option to first nations where the directive still applies, and in Ontario to do a special study on the 1965 agreement, as was recommended over a decade ago, to identify areas of inequality and to ensure that those are redressed.

In areas that already have the enhanced model, we should be working on an evaluation of that model, comparing it against the expert report of the Wen:de, taking into full account the Auditor General's recommendations, and immediately seeking redress on any areas of inequality.

I appreciate that the enhanced model is a better option than the directive, but it's still flawed and inequitable. My standard is equity for children, especially the most vulnerable children. If there's another standard that members are going from, like Canada can do a little bit better, a little bit less inequality is a good thing for these kids, well, I think that's what has contributed to where we're at now. I think our joint goal, together as a country, is culturally based equity for every child in the country.

• (1705)

Hon. Anita Neville: National Chief, do you have...?

The Chair: A short response.

National Chief Shawn A-in-chut Atleo: Yes, and jointly.

Hon. Anita Neville: Thank you.

The Chair: You still have a bit of time.

Hon. Anita Neville: I'll end on that. Thank you.

The Chair: Thanks, Ms. Neville.

Now we'll go to Mr. Clarke, for five minutes. Go ahead, Mr. Clarke. You have the floor.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

Thank you, National Chief, and thank you, Ms. Blackstock, for coming here and testifying today.

I sit here and I listen to the testimony and to the testimony of other witnesses who have come to the committee, and with a heavy heart I look back to my upbringing, to my family situation, and how my parents raised me and how they opened the doors for foster children coming in.

I recall—I must have been about three years of age—having a child come into the home and stay with us probably until six or seven. I remember one Christmas he got really sick. We didn't know why. When we took him to the doctor, the doctor couldn't find anything wrong. It wasn't until Christmas morning.... He'd never had a Christmas. It was the excitement of it all, plus probably too he ate a box of chocolates.

I remember the day he was taken back to his family was very traumatic, because he was my brother. I see the revolving door here for family services on first nations and the strides they're trying to take to bring their children home, but it's a cycle.

When I joined the RCMP I had to do child apprehensions, going into the homes and seeing the kids in the circumstances they were facing, and I saw the ongoing cycle there. I had to take children into my home when I was with the RCMP whenever the family service worker on the reserve wasn't available or not around or you couldn't get in touch with them. That's very disheartening, especially when you're supposed to be the peacekeeper, the social worker.... We're supposed to be the jack of all trades.

National Chief, I understand about the cycle here, and I'm hoping you can shine some light today before the committee. I listen, and we always hear we need more money, we need more money, we need more money. But the underlying issue is the cycle. How do we teach the lost generations how to parent? We can't put the kids in front of the TV. It's not a cheap babysitter. You've still got to show the love and compassion to the children to stop this cycle.

When I was elected in 2008, I remember in the early summer Saskatchewan had signed on to this tripartite agreement. Then I've seen Alberta, Manitoba, Quebec, Prince Edward Island, and Nova Scotia....

Chief, I'm going through my notes here, and I'd just like to get some further clarification, if you can. Has the AFN studied these agreements? Secondly, has the Assembly of First Nations talked with the provincial governments about these agreements? And thirdly, was the Assembly of First Nations engaged at the regional level and community levels? That's something I would like to know.

• (1710)

National Chief Shawn A-in-chut Atleo: I can ask Jonathan if the Assembly of First Nations was directly involved, and maybe I'll follow up with a few thoughts of my own.

Mr. Jonathan Thompson (Director, Social Development, Assembly of First Nations): Thanks, National Chief.

Thank you, Mr. Chair and committee members.

I would have to go back and begin with the Wen:de report and the work we did jointly with the Department of Indian Affairs on Wen:

de. At that point in time we were, as Cindy and as the national chief have mentioned, engaged in a very thorough and exhaustive research and study on what it would take to get first nations child welfare agencies to an equitable and culturally appropriate place in this country. We engaged economists, first nations child welfare experts, and several hundred thousand dollars were expended on the part of the federal government to get the answer to what we were searching for.

We got that answer. Apparently, it wasn't to the liking of the government and it was shelved. It was at that point that the Department of Indian Affairs walked away and started to engage in one-on-one conversations, bypassing the Assembly of First Nations in a very direct fashion.

We certainly reached out to folks and to regions, both first nation regions and provincial bodies, but the willingness wasn't necessarily there.

The Chair: We will have to leave it at that, unfortunately.

National Chief, if you had something to add, maybe you can add it on to one of your remarks in response to an upcoming question.

National Chief Shawn A-in-chut Atleo: Sure.

The Chair: I'm sorry, we're quite over time on that. Thank you, Mr. Clarke.

Now we'll go to Monsieur Lévesque or Monsieur Lemay.

Monsieur Lévesque, *allez-y*.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chair.

Thank you for being here.

As you know, I represent Nunavik, as well as the Cree from James Bay. The Cree have told me that they have a lot of money. I have been in Cree villages. When you get up at 5 or 5:30 in the morning and you see 8- or 9-year-old children who are high as a kite or who have a bottle of beer in their hands, you ask them what they are doing and why. In turn, they ask you what else there is to do. It gives you food for thought.

At the same time, we have seen non-native villages, also isolated, where there is a lot of money. However, the suicide rate is the same. The way they commit suicide may be a little different.

I, myself, am an orphan. I was sent to residential schools, and I drove first nations' families who were bringing their children to residential schools. I saw parents cry when they left their children and cry even more when we went back to get them because they could not communicate with them anymore. The children didn't speak the same language their parents did.

I know there have been agreements. I see we have the First Nations Child and Family Services Joint National Policy Review. I will ask you the following question, and then the three of you can respond, if you wish.

What measures have been taken to implement these recommendations since the 2006 report on the action plan? How would you like to see all of the programs implemented, if we could negotiate nation to nation?

The floor is yours.

• (1715)

[English]

Dr. Cindy Blackstock: Thank you for your question.

I think it's really important to understand that almost nothing was done after those reports. There was a lot of goodwill and expertise and good debate in 2000, and there were 17 recommendations. The department would argue that some of them were partially implemented, including the funding of my organization, which is a national organization, but as we stand here today we don't receive a dime from the federal government. The recommendations to deal with the inequality for children, to make a real difference at the level of the child, were never implemented.

The department then said these recommendations from 2000 were getting dated and that's why there was the work with the Assembly of First Nations around the Wen:de report that Jonathan just talked about. That was completed. There were over 100 pages of economic spreadsheets showing where every dime would go, and there was a complete three-volume report showing the evidence of why it should go to these specific places. That too was shelved in favour of this new, enhanced approach.

You talked about the fact that when there is money in the community things sometimes don't get a lot better. The question before this committee is whether or not first nations children should get equitable services from the government. Is it legitimate for the government to give children less because of who they are? There are the other things you can point to: do we income-test child protection in rich families? No, we don't. We provide everybody with an equitable level of government services except for first nations children on reserve.

We know enough from the research that if provided with the flexibility for first nations the national chief talked about—we target poverty, poor housing, substance misuse, and enrichment of culture—we could substantially turn the page on this tragic history of the types of outcomes you're looking at with first nations kids.

The Chair: I don't want to barge in here, but we're on a time limit, and I know we wanted to get some answers from the national chief as well.

Go ahead, National Chief.

National Chief Shawn A-in-chut Atleo: Perhaps I can link to the other question as well, because these are important stories, the story of the suicide and the story of being in care. There are probably lots of other stories around.

The one I think is very relevant to our discussion was the death of a child from my community, Sherry Charlie in British Columbia. When I think about the policy developments we're referring to, I'm thinking does it take the death of children to spark these reviews and inquiries before it compels us to do policy work?

I was so proud to see all four of the party representatives stand with us in terms of education here on Parliament Hill recently. That's what's required. The issue is 150 years of a policy under the residential school system that had a very direct and specific objective of removing children from family, home, community, treaty, elders, territories. Therefore I don't even think equity is enough; we've got makeup work to do. The reconnection and the rebuilding of families so the experience you've related to.... That's the objective. On the issue of children being in care, we've got some reconnecting and reconciliation work to do between and among indigenous families and communities.

Let me conclude with this. We've got to put some focus on this.

The Chair: I'll add that we are joined here also by Jonathan Thompson. Mr. Thompson is the director for the health and social development secretariat at the Assembly of First Nations. We didn't have that on the agenda. We're glad to have you with us.

Monsieur Lévesque, *je vous remercie de votre intervention.*

Monsieur Payne, *vous avez la parole pendant cinq minutes.*

• (1720)

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chairman.

I thought you were going to pass me by for a moment.

The Chair: Not a chance, Mr. Payne.

Mr. LaVar Payne: I want to thank the witnesses for coming today.

I'm looking at a couple of pieces. In terms of the AG, she certainly made a number of recommendations. I'm looking at the responses. INAC has said that they certainly want to do those things.

In particular, I want to talk about one recommendation about the new funding formula to fund first nations agencies "that are directly linked with provincial legislation and standards".

The department's response was that it "agrees that as new partnerships are entered into, based on the enhanced prevention approach, funding will be directly linked to activities that better support the needs of children in care and incorporate provincial legislation and practice standards".

I think that is certainly the right approach. I believe that INAC is doing that.

We hear about some issues around funding. I would have to say that funding is always a question, and how much money is enough is always another question that seems to come about. I would like to point out that in fact our federal funding for child welfare has gone from about \$193 million in 1996, under the previous Liberal government, to over \$550 million in 2009-10 under our government.

Pardon me?

[Translation]

Mr. Marc Lemay: [Inaudible—Editor] We are talking about the children.

[English]

Mr. LaVar Payne: Are you making a point of order?

The Chair: Go ahead, Mr. Payne. You have the floor.

Mr. LaVar Payne: Thank you.

Basically, do you think more money is enough? What else do we need to do?

I know that we've talked about a number of agreements that are in place. I believe, National Chief, you said that certainly one particular model may not necessarily fit each particular province. There are a number of agreements in place, I understand, in Alberta, Saskatchewan, Nova Scotia, and so on.

One of the things I'd like to point out, in terms of Saskatchewan, is that there was an announcement made. Vice-Chief Guy Lonechild said:

Now with the announcement of prevention funding the First Nations Child and Family Service Agencies can start to work towards a truly positive change and will finally be able to look at other answers besides apprehension services to support children and families.

I understand what you're saying, National Chief. But is it only money, or do we need to make sure that we have engagement, as you suggested earlier, with the various first nations and the provinces?

National Chief Shawn A-in-chut Atleo: That is what I said when I spoke. You're correct. What I said was that funding of child welfare is by no means the whole story. This really has to be about systems reform, and it must be done, if it's going to be successful, jointly.

This also has to do with the recognition of first nations' jurisdiction. As is articulated in the recently endorsed United Nations Declaration on the Rights of Indigenous Peoples, when it comes to reforming policy, we do so together. It brings into question policy suggestions that would be the government imposing a solution on communities. So that point, I think, is entirely accurate.

I wouldn't necessarily describe it as provinces, because provincial-territorial boundaries, and indeed international boundaries, are not the constructs of first nations. First nations existed here and entered into treaties even before Canada was formed. This is really about inter-jurisdictional recognition and the fact that first nations have principally a relationship with the federal crown. As such, the federal crown has a very specific area of responsibility, particularly with the endorsement of the declaration to jointly reform areas such as child welfare and to recognize first nations' jurisdiction.

It's not necessarily the notion of one-size-fits-all. Areas may very well agree to tripartite arrangements, as some have, in certain instances.

It's a very comparable conversation in the area of education. Mr. Lemay, you had left the room when I responded to your earlier question about education and the role of the provinces. It's a similar assertion we would make, which is that first nations must be directly involved in designing it, and that is exactly what our people desire.

I think it is right and proper for Canadian society to put the responsibility where it belongs, which is with the first nations people and communities.

• (1725)

The Chair: Thank you, Mr. Payne.

Yes, we are out of time. Actually, we're over time a little bit.

Members, I have three members left on the speaking list. I know that we are nearing the usual time for adjournment. Is it the pleasure of the committee to take each of the three with five minutes, or would you prefer that we narrow that down some? I'm happy to go through the three, but it's your discretion. It's 15 minutes if we take the five minutes each, or we can take, say, three minutes each, whatever would work best.

Does anybody have to get out the door at 5:30?

An hon. member: I do.

The Chair: Okay.

So we'll narrow it for the last three. Maybe just take half the time, two and a half minutes each.

We're going to go to Ms. Crowder, and then to Ms. Glover, followed by Mr. Bagnell.

Ms. Jean Crowder: I have a very specific B.C. question for Ms. Blackstock.

I think you're aware the B.C. Auditor General was here by teleconference the other day. Despite what other efforts have had, actually the numbers of B.C. aboriginal children in care have gone up since the Auditor General report.

We know Mary Ellen Turpel-Lafond has been very critical of B.C. She's the child advocate in B.C., and she's been very critical of the B.C. system. In your presentation, on pages 3 and 4, you specifically talk about the fact that B.C. has "been advised that INAC plans on eliminating the current approach for funding maintenance in that province as of April of 2011 and replacing it with reimbursement at actuals".

For us laypeople, could you put that into English about what that will mean for first nations agencies delivering services in B.C.? Because they're in the apprehension model, not the enhanced model already.

Dr. Cindy Blackstock: To try to just put it very clearly, there are two streams of funding, principally, under the directive. One is maintenance. That is when a child is brought into care, there are reimbursements for the costs of those children. The second is operations. That is done not on the needs of the children and their families, it's driven strictly by population count.

Why this is a problem in British Columbia is that the first nations tend to be smaller in British Columbia. The directive was formed on an arbitrary assumption that there were 1,000 status Indian children in child welfare care, and the amount for operations drops. And in operations is all your family's support moneys to keep kids safely in their homes. The services that Mr. Clarke talked about to break the cycle, they're all included in that. And if you are below 801, you get 75%; if you're below 501, you get 50%; if you're below 251, you get 25%; and nothing below that.

Those operation figures crunch the agency's. So the B.C. INAC region for the last decade has given this average cost of maintenance instead of doing it on actual costs. That has resulted in a little bit more cushion of funding to offset the shortages in operations. Without that, if they go to actually "you spend a dollar on a band-aid and you get reimbursed for that for a child in care", then you have the actual costs of maintenance and almost nothing to keep kids safely in their home, even at a worse level. The dire situation becomes almost untenable for first nations children in British Columbia.

So we had recommended a Wen:de approach, a specific strategy to address the needs of first nations that fall below 1,000, and particularly linking, as the Auditor General points out, to the needs of first nations children and families as being a key indicator in the development of any formula, not population counts.

Ms. Jean Crowder: I have just one comment. In other words, if this goes through, children will be worse off April 1, 2011, than they are now.

Dr. Cindy Blackstock: Yes.

Ms. Jean Crowder: Okay.

The Chair: Thank you, Ms. Crowder.

Ms. Glover.

Mrs. Shelly Glover (Saint Boniface, CPC): Thank you, Mr. Chair. I didn't think I was going to get any time.

I want to voice my disappointment. I hear people say we have too many reports, too many evaluations. And then I hear someone suggest there is not enough money to do more evaluations. My heart is breaking to hear that. These kids needs our focus.

This new enhanced prevention-based approach was very much a partnership with first nations people. I don't know, Mr. Thompson, where you got that information, but let me quote from your regional chief in Quebec, Ghislaine Picard, who said: "This investment is very much appreciated by the First Nations of Quebec, and we want to thank the AFNQL, the First Nations of Quebec and Labrador Health and Social Services Commission...for all of their hard work over the past several months in this file, which is of the utmost importance for our children".

I quote other first nations people who are very much involved in this. In P.E.I., I'm going to quote once again from Chief Brian Francis:

Over the past two years, the staff of MCPEI PRIDE Program through Director Marilyn Lefrank worked tirelessly to help develop a program to provide support and outreach services to families and children in our communities. Today's announcement is the culmination of those efforts. Securing a long term funding framework will allow us to continue to foster strong, healthy children and families.

In Nova Scotia, Chief Lawrence Paul states:

I am very pleased with the Government of Canada's approval of this framework for the Mi'kmaw Family and Children's Services of Nova Scotia. The multi-year funding included with this framework will support the Nova Scotia child and family services framework and provide the appropriate working environment for staff to ensure First Nations children on reserve have access to culturally appropriate prevention and protection services that are integral to ensuring their well being.

I have personally spoken with a number of first nations people who were involved right from the get-go, which is why I believe we are on the right path. I believe from the pit of my heart, and I have a million stories to tell. As a Métis woman, I've seen the worst. I was a pregnant teenager. I'm part of the stats. I was from a violent home. My mother was in jail because she was violent towards my father. But I'm telling you we are standing here shoulder to shoulder with you asking you, begging you, to let us help these children. You're in partnership with us. It's not about evaluations. It's about action. I'm begging you to remember this was not done alone. This was done in partnership with first nations, with the provinces and the Government of Canada. Let us help these kids.

• (1730)

The Chair: Thank you, Ms. Glover.

Mr. Bagnell.

Hon. Larry Bagnell: I won't have enough time for the response, so I'm going to ask three questions and you could submit the answers to the clerk, because you won't have time to answer them all.

First, could you do a detailed response to what Ms. Glover just put forward? I think that would be helpful. If she has any more quotes for the committee, that would be great.

Second, Cindy, could you go back to square one? You have people here who haven't read all those reports, who don't even know there's a funding program. We need to go back. We just need one sheet on the facts. Are they getting less money? If it's true, then give us some figures.

My main point is for Chief Shawn. I know you've been to the Yukon and you understand this problem. It's the tip of the iceberg; it's not just for this service but for all of them. The Carcross First Nation met with the deputy minister and, as is allowed constitutionally by their self-government agreement, tried to get them to take down these types of things. They were told that the federal government was not interested in a balkanized system of child welfare and that INAC is interested in the tripartite approach exercise in Alberta.

They are allowed by law. They signed agreements. They should have that right. I know you are familiar with this. I appreciate you coming to the Yukon so much. You took note of this concern and I really appreciate it.

If the three of you could get back to me on those issues, I would be grateful to you.

The Chair: You have about a minute left.

Hon. Larry Bagnell: So maybe Shawn could use that minute, and the rest could be sent to the committee clerk.

The Chair: Please go ahead, National Chief.

National Chief Shawn A-in-chut Atleo: Thank you.

The story I was alluding to was the death of the late Sherry Charlie. We ended up asking the then provincial minister, who's now deceased, and the government of the day and the leader of the opposition to come into a big house on my territories. What was private then became very public. And, God rest his soul, we really loved and appreciated the late Minister Stan Hagen in B.C. We said, "You will not have our children as a football in your political arena". We made it abundantly clear that first nations would continue to advocate unrelentingly for change for our kids.

I know that all of you are faced with a difficult reality when it comes to issues like this. This is a time for leadership on what must be considered one of the number one social issues in this country, aboriginal children. They are the biggest potential this country has. I continue to say to the country that if we support their success, they will contribute upwards of \$180 billion to the Canadian economy by 2026. These are the very same kids we're talking about.

We, as leaders, are charged with tackling issues like this. We have choices to make if we're going to choose to overcome the divisions that have plagued us and not allowed us to make the kind of progress that we can and must make. It touches a chord, when it comes to children, for all of us. If there's something we have to come together on, it is our children. Here, I really thank Cindy for her unrelenting advocacy. We will continue to support the work she does.

I know that each of you is charged with difficult challenges when it comes to the issues that confront us as a society and as a country. This issue we're confronted with we can do so much on in terms of education. If we could just choose to do this work on child welfare together, that is what I want to conclude with.

I know that each of you in your respective roles make choices for valid, important, and honourable reasons. I also know, though, that given the reality of what we face in this country with an issue like

this, we can fall into complacency and into not addressing it in the manner it rightfully deserves. You are to be congratulated for taking this as a study, and I thank you for the opportunity to hear very strong words of advocacy for the kids I meet.

I know that each of you has your own story as well, but I compel you to consider what we're suggesting strongly here. So let's do this work jointly. That's what we're charged to do. If we do, I think that's the leadership the kids are looking for.

The late Sherry Charlie didn't have that opportunity. She became a political football in a forum that just wasn't right. And we're still trying to do this work in regions like British Columbia, as you just heard. So we have to find a way to reason with one another.

This is one area, Mr. Chair, that I feel strongly we must come together on.

● (1735)

The Chair: Very well.

I want to take this opportunity to thank each of you for being here this afternoon and putting up with our late start, and to thank members for their attention to our committee this afternoon as well.

Recall, subcommittee members, that we have a meeting at 9:15 tomorrow morning in Room 112N.

Members, we are back here on Monday afternoon to consider our draft report on Nutrition North.

Thank you very much, and have a wonderful evening.

Again, thank you to our witnesses for your presentations this afternoon.

Merci beaucoup.

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This is **Exhibit "E"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 28 day of October 2017.


Public Notary



2012 Edition

Are We Doing Enough?

A status report on Canadian public policy
and child and youth health



Canadian
Paediatric
Society



Best Interests of Children and Youth



ARE WE DOING ENOUGH?
2012 EDITION

28

Jordan's Principle

Jordan's Principle is a child-first policy principle intended to resolve jurisdictional disputes within and between federal and provincial/territorial governments. It applies to all government services for children, youth and families, including health. When a jurisdictional dispute arises around providing any service to a Status Indian or Inuit child, Jordan's Principle requires that the government department of first contact pay for the service without delay or disruption. The paying government can then refer the matter to intergovernmental authorities to pursue repayment of the expense.

Jurisdictional disputes involving the costs of caring for First Nations children are common, with nearly 400 occurring in 12 First Nations child and family service agencies sampled in one year alone.⁹⁰ Recently, a Nova Scotia mother and her Band Council filed a court proceeding against

the federal government to enforce the rights of her son to equal care and services.⁹¹

Jordan's Principle honours a young First Nations child from Norway House, Manitoba, who was born with complex medical needs and languished in hospital for two years while the federal and provincial governments argued over who would pay for his at-home care. Jordan died in hospital, having never spent a day in a family home.⁹²

While almost all provinces and territories have adopted Jordan's Principle, First Nations children continue to be the victims of administrative impasses. The Canadian Paediatric Society urges governments to implement Jordan's Principle without delay, to work in partnership with First Nations communities on its implementation, and to provide First Nations children and youth with the care they are entitled to.

Jordan's Principle

Province/Territory	2009 Status	2011 Status	Recommended actions
British Columbia	Fair	Fair	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth has been introduced and discussions with the federal government are underway. An implementation plan is needed.
Alberta	Poor	Poor	Discussions with the federal government are underway but a child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
Saskatchewan	Fair	Fair	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth has been introduced and interim implementation received unanimous support from First Nations leaders. An implementation plan is needed.
Manitoba	Fair	Fair	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth has been introduced and discussions with the federal government are underway. An implementation plan is needed.
Ontario	Fair	Fair	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth has been introduced and discussions with the federal government are underway. An implementation plan is needed.
Quebec	Poor	Poor	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
New Brunswick	Poor	Poor	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
Nova Scotia	Good	Good	Tripartite agreement between the federal government, province and Mi'kmaq Family and Children's Services provides a mechanism for dispute-resolution to address children's needs, including special medical requirements.
Prince Edward Island	Poor	Poor	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
Newfoundland and Labrador	Poor	Poor	Discussions with the federal government are underway but a child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
Yukon	Poor	Poor	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
Northwest Territories	Poor	Poor	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.
Nunavut	Poor	Poor	A child-first policy to resolve jurisdictional disputes involving the care of First Nations children and youth needs to be introduced.

Excellent: Province/territory has adopted and implemented a child-first principle to resolve jurisdictional disputes involving services provided to First Nations children and youth.

Good: Province/territory has a dispute resolution process with a child-first principle for resolving jurisdictional disputes involving the care of First Nations children and youth.

Fair: Province/territory has adopted a child-first principle to resolve jurisdictional disputes involving services for First Nations children and youth, but has not yet developed or implemented specific strategy.

Poor: Province/territory has not adopted a child-first principle.

This is **Exhibit "F"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22 day of October 2017.



Public Notary

CNA Activities Related to Resolutions Proposed by Members and Agreed to by CNA Board of Directors in 2012

Resolutions are a method of providing advice to CNA's board of directors and engaging in direct input from the membership. Seventeen resolutions were received in 2012. Sixteen resolutions and three motions from the floor were accepted by the membership at the annual meeting on June 18, 2012. One motion from the floor was deferred to the board for its November meeting.

This report presents work undertaken by CNA related to the resolutions and motions from the floor as approved by the board in November 2012.

RESOLUTION 1 — Promoting the Dissemination and Uptake of the *Decision Making Framework for Staff Mix and Quality Nursing Care*

BE IT RESOLVED THAT the Canadian Nurses Association and its members work collaboratively to promote the dissemination and uptake of the principles articulated in the *Staff Mix: Decision-Making Framework for Quality Nursing Care* (2012) document authored by the Canadian Nurses Association (CNA), the Canadian Council for Practical Nurse Regulators (CCPNR) and the Registered Psychiatric Nurses of Canada (RPNC).

CNA followup:

Nine presentations on *Staff Mix Decision-making Framework for Quality Nursing Care* (2012)

- Staff Mix: Shaping Your Practice Environment, to Canadian Association of Medical and Surgical Nursing, pre-conference workshop (June 2012)
- Supporting Staff Mix Decision-making, to Nursing: Caring to Know, Knowing to Care, Jerusalem (June 2012)
- Getting the Right Mix (poster), to Canadian Health Human Resources Network, HHR theme: Skill-mix/Task shifting/Models of Care (October 2012)
- Supporting Staff Mix Decision-making, to the Registered Nurses' Association of Ontario healthy work environments institute (October 2012)
- Shaping Your Practice Environment, to New Brunswick education day for skill mix (October 2012)
- Staffing: Getting the Right Mix, CNA webinar (December 2012)
- Staffing in Canada: Getting the Right Mix, to International Council of Nurses (May 2013)
- Safe Nurse Staffing for Older Adults (poster), to Canadian Gerontological Nursing Association (May 2013)
- Safe Nurse Staffing LEADs the Way to Quality Care, to National Health Leadership Conference (June 2013)

RESOLUTION 2 — Expanding the Scope of Practice of the Registered Nurse (RN)

BE IT RESOLVED THAT the Canadian Nurses Association provide national leadership in raising the strategic profile of an expanded practice scope for the Registered Nurse (RN), in collaboration with jurisdictional and associate members.

BE IT FURTHER RESOLVED THAT the Canadian Nurses Association facilitate and lead a national committee on expanding RN scope of practice with representation from all interested jurisdictional and associate members to: identify jurisdictional needs, identify local and national barriers, provide a forum for knowledge exchange and discussion, review progress made nationally and internationally, review relevant research and resources and collectively propose solutions that expand the role of the RN. The outcome of this committee will be a report that: articulates identified themes, profiles expanded roles for RNs, conveys a national vision on expanding RN scope of practice and offers a blueprint for action.

CNA followup:

- CNA established a project charter, entitled Enhancing RN Scope of Practice to Include Autonomous Prescribing, as part of the second phase of the National Expert Commission.
- A steering committee was formed to plan a roundtable of stakeholders to take action on this item.
- Members of a national nursing leadership forum participated in a focus groups to help inform the roundtable proceedings (April 2013).
- CNA hosted a pan-Canadian roundtable, entitled Enhancing RN Scope of Practice to Include Autonomous Prescribing (May 2013).

RESOLUTION 3 — Fragmentation of Care and RN Role Substitution. Where's the Patient Focus or Safety of Care?

BE IT RESOLVED THAT CNA prepare a strong position policy paper to stop all nursing substitution based on cost, or a “redesign” of the system that is not patient/client-focused and is not based on quality care and safety.

CNA followup:

- Elements from this resolution have been incorporated into the work related to Resolution 1, the *Staff Mix Decision-making Framework for Quality Nursing Care*.
- CNA and the Canadian Federation of Nurses Unions (CFNU) are co-leads on the National Expert Commission's action related to the quality/safety agenda and have held meetings with stakeholders to develop an action plan.
- A quality/safety action plan, which was developed for the boards of directors of CNA and CFNU for their approval at June 2013 meetings, aims to implement a culture of safety through safe nurse staffing models.

RESOLUTION 4 - Maximizing the Role of the Primary Care Nurse

BE IT RESOLVED THAT the Canadian Nurses Association support the principles of RNAO's Primary Care Nurse Task Force by leading, in collaboration with jurisdictional and associate members, the development of a national upward harmonization strategy to maximize the role of Registered Nurses (RN) practicing in primary care settings across Canada.

CNA followup:

- CNA has had discussions with jurisdictional executive directors to solicit input on proposed components of a pan-Canadian primary care framework that incorporates the principles of primary health care.
- CNA has also had preliminary discussion with key stakeholders, such as the Canadian Family Practice Nurses Association and the College of Family Physicians of Canada.
- Related CNA work:
 - Discussions with the Council of the Federation's health-care innovation working group on team-based models of care
 - Nurse practitioner campaign
 - RN campaign
 - National Expert Commission project to address expanding RNs' scope of practice to include prescribing

RESOLUTION 5 — Principles for Entry to Practice Examinations for Canadian Nurses

BE IT RESOLVED THAT CNA work with provincial and territorial nursing regulatory bodies to create an advisory committee with participation from regulators, educators, administrators and other domains of nursing, as well as members of the public, to ensure that the seven principles outlined by the CNA in its declaration will be used in the ongoing development and administration of a new RN entry exam in Canada.

DEFEATED

RESOLUTION 6 — CNA's Historical Role in Overseeing Canada's Nursing Practice in Danger!

BE IT RESOLVED THAT CNA create a committee of the board that will be mandated to examine the long-term effect on our profession and nurses' strong public support since the decision of the regulators to adopt an American organization, the National Council of State Boards of Nursing (NCSBN), to develop a new Canadian computer-based RN entry exam.

CNA followup:

The CNA board-appointed Governance and Leadership Committee has established a stakeholder group to provide advice on a course of action to address this resolution.

RESOLUTION 7 — Renewed Commitment on Baccalaureate Entry-to-Practice

BE IT RESOLVED THAT the Canadian Nurses Association renew and strengthen its commitment to the baccalaureate degree as the educational entry-to-practice standard for registered nurses in Canada.

CNA followup:

- CNA and the Canadian Association of Schools of Nursing have developed terms of reference for a task force to plan for a national nursing education summit in fall 2013 as per the National Expert Commission action related to educating and preparing nurses for the future.
- It is expected that commitment to the baccalaureate as entry to practice will be confirmed by stakeholders at that summit.

RESOLUTION 8 — Preserving a Policy Voice for Nursing in Canada

BE IT RESOLVED THAT the Canadian Nurses Association and its members work collaboratively to ensure the integrity of strong and effective professional nursing association functions in each province/territory so that the distinctive contribution of nursing to healthy public policy in the public interest is sustained.

CNA followup:

- In October 2012, CNA's Policy and Leadership division conducted a review and needs assessment involving a sample of 70 individuals, including board members, jurisdictional executive directors and staff, and representatives from the Canadian Network of Nursing Specialties. Thirty-three online surveys were completed and 17 interviews were conducted.
- The March 2013 board meeting focused primarily on considerations related to CNA's preparation for upcoming changes to the *Canada Not-for-profit Corporations Act* and related governance discussions. A report is forthcoming that will articulate priorities and approaches for a collaborative policy and capacity-building strategy.
- A proposal related to the National Expert Commission's action item for a "named" policy centre is being developed.

RESOLUTION 9 — Advocate Reduction of the Jobs Deficit as a Federal, Provincial and Territorial Policy Priority

BE IT RESOLVED THAT the Canadian Nurses Association (CNA) will directly, and in collaboration with CNA member associations and other stakeholders, recognize that having a job is a key determinant of health and therefore advocate for the Government of Canada and provincial and territorial counterparts to advance job security and reduction of unemployment as policy priorities, including promotion of target unemployment rates in the lower end of the historical range.

CNA followup:

- CNA has brought together a working group around health in all policies, as part of the National Expert Commission's recommendation number 6, to promote the use of a health impact assessment for any federal policy, particularly those that affect the social determinants of health and those most vulnerable.
- In April 2013, CNA submitted a brief to the House of Commons standing committee on finance for the study on income inequality in Canada.
- CNA plans to update its Determinants of Health position statement for the November board meeting.

RESOLUTION 10 — Aboriginal Nursing Strategic Plan

BE IT RESOLVED THAT the Canadian Nurses Association express its support that Nursing be included in all levels of First Nations Health Council/Authorities' planning for the delivery of health-care services to First Nations/Aboriginal communities; and further, that First Nations/Aboriginal Nurses be included in the planning and delivery of those services.

CNA followup:

- CNA has been working closely with the Association of Registered Nurses of British Columbia to support the work that they are doing on an environmental scan related to aboriginal health nursing and with B.C.'s new First Nations Health Authority.

- CNA has formed an aboriginal nursing advisory group, which includes representation from the Aboriginal Nurses Association of Canada and other experts, to assist in identifying priorities for this work and to identify CNA's contribution.
- A focus is being developed to respond to the National Expert Commission action item related to First Nations' health.

RESOLUTION 11 — In Support of Shannen's Dream and Jordan's Principle

BE IT RESOLVED THAT the Canadian Nurses Association (CNA) will sign on to the campaigns for "Jordan's Principle" and "Shannen's Dream" via their respective websites and will make its support for these campaigns known to its jurisdictional and associate members.

CNA followup:

- Both campaigns have been endorsed via their websites and this information will be made visible on CNA communications vehicles.
- Jurisdictions are being informed via a board communiqué and an announcement has been sent to the Canadian Network of Nursing Specialties through the Network News.

RESOLUTION 12 — Improve Access to Suboxone Treatment for Nishnawbe Aski Nation and Other First Nations, Inuit, and Métis Communities

BE IT RESOLVED that the Canadian Nurses Association support the Nishnawbe Aski Nation and other First Nations, Inuit, and Métis communities in their advocacy to federal, provincial, and territorial governments for improved access to Buprenorphine/Naloxone (Suboxone) and Buprenorphine (Subutex) (only during pregnancy) to treat opioid dependence within their home communities.

CNA followup:

CNA is consulting with stakeholders, including the Registered Nurses' Association of Ontario and the Nishnawbe Aski Nation's health planning and policy program, and is exploring the current status of access to treatment for opioid dependence in preparation for writing to the appropriate ministries

RESOLUTION 13 — The Role of Public Health Nurses in Schools: A Research and Policy Analysis

BE IT RESOLVED THAT CNA seek to partner with governmental and non-governmental funders to undertake a national public health nursing in schools research and policy analysis (e.g., a decision support synthesis) to: 1) determine the extent to which public health nursing in schools and its various models of care delivery, is being implemented across Canada, 2) identify the outcomes and benefits associated with each model of public health nursing in schools, 3) determine the strength of evidence supporting public health nursing in schools as it occurs in other jurisdictions, 4) identify the key barriers and facilitators for effectively integrating the service delivery of public health nursing in schools in each province / territory, and 5) inform the development of evidence-based recommendations for nurses, organizations and system-level policy and decision-makers, which facilitate the optimal achievement of health and education outcomes within the Canadian school population.

CNA followup:

- An advisory group composed of representatives from the Registered Nurses' Association of Ontario, the Community Health Nurses of Canada, the Aboriginal Nurses Association of Canada, the Canadian Association of Schools of Nursing, Health Canada, and the Canadian Association for Rural and Remote Nursing have met twice to advise CNA as it moves forward on policy and practice recommendations for this resolution.
- Proposals have been solicited for a consultant or consulting team to develop resources and recommendations for policy- and decision-makers for an evidence-based model for public health nursing in schools across Canada.
- A list of key stakeholders from sectors outside of health has been compiled.

RESOLUTION 14 — Reject Dangerous Cuts to Refugee Health Care

BE IT RESOLVED that the Canadian Nurses Association (CNA) advocate against cuts to the Interim Federal Health Program as it will harm already vulnerable individuals, exacerbate health inequities, and erode social cohesion.

CNA followup:

- CNA joined eight other health stakeholders in calling on the government to reverse the cuts to the Interim Federal Health Program.
- As a group, we have requested meetings with Citizenship and Immigration Minister Jason Kenney. Despite multiple efforts, there has been no meeting to date.
- A meeting was convened with Foreign Affairs Minister John Baird, as representatives from his constituency. The group, including a nurse practitioner who works in a community health centre in Ottawa, expressed concerns and provided evidence of impacts. While the minister agreed to report on the meeting to Minister Kenney, there was no commitment made by him or his political staffers.
- CNA is speaking with doctors and lawyers involved with refugee care, in particular about the charter challenge they have launched to contest the cuts, to potentially work together on initiatives. CNA has sent request for cases from the National Specialty Network to be submitted as evidence.
- CNA continues to collaborate with other health stakeholder groups to monitor cases and examples of refugee care.
- A Nursing Matters e-blast was sent out on this issue

RESOLUTION 15 — Improving Health and Health Care in Correctional Facilities

BE IT RESOLVED THAT the Canadian Nurses Association (CNA) commission a discussion paper to review evidence of how international and Canadian jurisdictions have implemented transformative governance structures and other structural supports that enable nurses and other regulated health professionals to meet professional standards of care in provincial/territorial and federal correctional settings.

BE IT FURTHER RESOLVED THAT the CNA will use this discussion paper to spark a dialogue with interested nurses, nursing groups, and other stakeholders on how best to operationalize the report's recommendations and build political will for a more effective health care system with improved health outcomes and healthier working environments within provincial/territorial and federal correctional facilities.

CNA followup:

- Through the Canadian Alliance on Mental Illness and Mental Health (CAMIMH), CNA will be advancing three policy priorities, one of which will be mental health in correctional facilities.
- Health provider groups, concerned consumers and CAMIMH have met with Justice Minister Rob Nicholson regarding Bill C-54, the Not Criminally Responsible Reform Act.
- CNA has consulted with the author of the resolution for clarification.

RESOLUTION 16 — Supporting the Rural and Remote Nursing Workforce

BE IT RESOLVED THAT the Canadian Nurses Association engage the Canadian Association of Schools of Nursing to facilitate courses and practicum placements in rural and remote regions of Canada within baccalaureate nursing programs, as a first step towards a comprehensive national strategy to sustain the rural nursing workforce.

CNA followup:

CNA is sitting on the CASN Public Health Task Force which will provide advice and guidance to CASN regarding the Public Health Agency of Canada-funded project “Mobilising the Development of Entry to Practice Discipline Specific Public Health Nursing Competencies in Undergraduate Nursing Curricula.”

RESOLUTION 17 — Act Globally, but Acknowledge Nurses’ Focus on “Glocal” Issues

BE IT RESOLVED THAT CNA within its publications give special attention to the humanitarian work of nurses both on an international front and on a local front.

CNA followup:

CNA is in discussion with *Canadian Nurse* to profile the local and international humanitarian work of Canadian nurses and the importance of the social determinants of health such as housing and food security

MOTIONS FROM THE FLOOR

Motion 1 — Drug Policy

BE IT RESOLVED THAT THAT the Canadian Nurses Association (CNA) review the document “Public Health Perspectives for Regulating Psychoactive Substances: What we can do about alcohol, tobacco, and other drugs” by the Health Officers Council of British Columbia (November 2011) and develop a position statement and recommendations in relation to nursing policy, practice, education and research.

BE IT FURTHER RESOLVED THAT CNA initiate discussions with the federal government about the implications of current drug policy on nursing practice and the care of individuals, families and communities in Canada and communicate CNA’s position on a regulated market to the federal government.

BE IT FURTHER RESOLVED THAT CNA initiate discussions about the implications of current global drug policy on nursing policy, practice, education and research at the International Council of Nurses and seek mechanisms to engage in the global dialogue on reform.

CNA followup:

- CNA is preparing a policy brief on issue of drug policy.
- CNA will present on drug policy at the Canadian Association of Nurses in AIDS Care conference in April 2013 and hold a discussion on moving forward on the issue.

Motion 2 — Harm Reduction

BE IT RESOLVED THAT the Canadian Nurses Association (CNA) support and become involved in promoting health equity through harm reduction strategies in nursing practice and education;

BE IT FURTHER RESOLVED THAT the Canadian Nursing Students' Association and CNA collaborate to actively lobby the federal government and policy-makers to promote harm reduction in the health-care sector and support the creation of policies and environments that operate on the principle of harm reduction.

CNA followup:

CNA discussed the intent of this motion with the president of the Canadian Nursing Students' Association and is discussing options with nurse advisors and the Canadian Association of Nurses in AIDS Care. CNA is investigating the possibility of a webinar with experts on harm reduction within the health system.

Motion 3 — Technology in the Clinical Practice Environment

BE IT RESOLVED THAT the Canadian Nurses Association (CNA) work with the Canadian Nursing Informatics Association, the Canadian Nursing Students' Association, and all Canadian healthcare employers to support the use of technology by all health professionals and students in the clinical practice environment.

CNA followup:

- NurseONE.ca will support the development of a Knowledge Feature on use of technology at the point of care with the Canadian Nursing Informatics Association.
- The Professional Practice division will also explore options for a webinar on a technology subject in 2014 (current 2013 calendar of webinars is full).
- Elements of the motion will be incorporated in the National Expert Commission action plan concerning maximizing technology for better care.

Motion 4 — Global Health and Equity

BE IT RESOLVED THAT in view of the Canadian Nurses Association 2010-2014 Mission and Goals to shape and advocate for healthy public policy provincially, territorially, nationally and internationally through strengthening nursing leadership, CNA embraces global health and equity as foundational concepts that influence all aspects of CNA functioning,

FURTHER BE IT RESOLVED THAT CNA develop a renewed and integrated vision of the role of nursing leadership in global health partnerships, through a process that includes consultation with CNA membership and other Canadian and international institutions, agencies and organizations engaged in global health.

CNA followup:

CNA continues to embrace global health and equity as foundational concepts through position statements and through engagement with members as inquiries are made.

This is **Exhibit "G"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22 day of October 2017.



Public Notary



ASSEMBLY OF FIRST NATIONS
2016 ANNUAL GENERAL ASSEMBLY— NIAGARA FALLS, ON
FINAL RESOLUTIONS

#	Title
01	Support for First Nations Youth Life Promotion Calls to Action
02	Support for the Montreal Lake Cree Nation Emergency Response Search and Rescue Team Proposal
03	Support for the Registered Disability Savings Plan
04	Declaration of November as Indigenous Disability Awareness Month
05	Support for Indigenous Disability and Wellness Gathering
06	Call to Action that Health Canada Non-Insured Health Benefits list provide a new treatment for type 2 Diabetes called Jardiance
07	Supporting Partnerships with Indigenous Health Organizations
08	Increased and enhanced flexibility of mental wellness funding to First Nation communities
09	Support for Community-based Health Surveillance Systems
10	Support for a Primary Health Care Centre (Hospital) in Island Lake Manitoba
11	Support for Engagement in the Health Accord Discussions
12	Moving Beyond Federal Legislation To Establish a Nation-To-Nation Relationship
13	Calling for a National Reconciliation Process & Implementing the Royal Commission on Aboriginal Peoples Recommendations
14	Support for the World Indigenous Peoples Conference on Education 2017
15	Support for Indigenous Ways of Knowing at the Canada Wide Science Festival
16	Honourable Process to Develop Recommendations to support First Nations Education Reform
17	Call on Canada to update the Additions to Reserve Policy (ATR)
18	Support for Atlantic Salmon Emergency Critical Habitat Order
19	Fish-WIKS Fisheries Western and Indigenous Knowledge Systems
20	Long Term Sustainability of Kashechewan (Albany) First Nation Reserve # 67
21	Support for Continued Partnership between Indigenous Peoples and the Labourers' International Union of North America (LIUNA)
22	Reaffirmation of the Chiefs Committee on Human Resources Development
23	Support for the National Indian Football Association Canada
24	Support for Acting on Climate Change Indigenous Initiatives Project
25	Support for Grassy Narrows and Other Mercury Impacted Communities
26	Support For Bill S-215 An Act To Amend The Criminal Code (Sentencing For Violent Offenses Against Aboriginal Women)
27	Support for the concept of inherent and Treaty rights card
28	United Nations Declaration on the Rights of Indigenous Peoples 10 Year Anniversary
29	Engaging in Climate Action and the Environment
30	Declaration to Honour Indigenous Women and Girls
31	Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds
32	Wanuskewin Heritage Park UNESCO Application, "Thundering Ahead"
33	National Indigenous Peoples Statutory Holiday and Indigenous Peoples History Month
34	Responsibility to Investigate Allegations of Abuse brought against Mr. John Furlong
35	First Nations' inclusion in the review of Environmental and Regulatory processes
36	Inherent and Treaty Right to Post-Secondary Education
37	Establishing a Crown-First Nations Process on Land, Peoples and Governance
38	Protection and Promotion of Free Prior informed Consent of Indigenous Rights holders
39	First Nations National Working Group on Early Learning and Child Care (ELCC)

#	Title
40	Call on Canada to address the backlog for eligible First Nation post-secondary students
41	Nechi Institute - Centre of Indigenous Learning
42	International Child Custody
43	Support for rescinding CMHC Request for Proposal for technical services on reserve
44	First Nations, Forests, and Climate change in BC
45	National Water Conservation and Protection Strategy for The Great Lakes
46	Maskwacis Boil Water Advisories Shoot-Out Wastewater Systems and Shock Chlorination
47	First Nations to Access Economic Opportunities Through a First Nations Agricultural Strategy
48	Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action
49	US and Canada Softwood Lumber Agreement Negotiations
50	Canada – USA Softwood Lumber Dispute
51	Call for Action on the Pipeline Safety Act
52	Support a New Process on Land Rights Issues Over \$150 Million
53	Call for the Immediate Implementation of “Deep Consultation” on the Proposed Energy East Pipeline Project
54	OCAP® Training Prerequisite for all Federal/Provincial/Territorial Government Employees and Researcher
55	First Nation Federal Accessibility Legislation
56	Natural Resource Transfer Act (NRTA) Violation of Inherent Aboriginal and Treaty Rights
57	Funding for Regional First Nations Information Government Centres
58	Nishnawbe Aski Police Service
59	First Nations Citizenship
60	Recognition of Indigenous Peoples as Founding Peoples of Canada
61	Privacy of Survivor's IAP and CEP documents
62	Full and Proper Implementation of the historic Canadian Human Rights Tribunal decisions in the provision of child welfare services and Jordan's Principle
63	Support Muskowekwan In Adopting and Implementing a Cultural Responsiveness Framework
64	Support for Stk'emlupsemc te Secwepemc Nation Project Assessment Process
65	Support for Repatriating Ceremonial and Cultural Artifacts
66	Support Garry McLean and Spirit Wind Indian Day Schools Class Action
67	Support to protect Anticosti Island from Industrialization
68	Support World Indigenous Trade and Enterprise Summit and Festival
69	Support for the Peel River Watershed in Yukon Territory

TITLE: Full and Proper Implementation of the historic Canadian Human Rights Tribunal decisions in the provision of child welfare services and Jordan's Principle

SUBJECT: Child Welfare

MOVED BY: Cheryl Casimer, Proxy, Tobacco Plains Indian Band, BC

SECONDED BY: Chief Ian Campbell, Squamish Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. The Federal Government of Canada funds First Nations child and family services on reserve through Indigenous and Northern Affairs Canada (INAC).
- B. Jordan's Principle is a child-first principle which provides, in the matter of public services available to all other children, that where jurisdictional disputes arise between Canada and a province or territory, or between government departments in the same government, the government or department of first contact pays for the service, and can seek reimbursement from another government or department after the fact.
- C. As an example, First Nations children in British Columbia are funded in accordance with Directive 20-1 which provides the lowest level of child welfare funding among INAC's four funding approaches. This means that culturally based prevention services to keep children safely at home are not available, contributing to growing numbers of children in foster care.
- D. In 2007, the First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN) filed a complaint pursuant to the *Canadian Human Rights Act* alleging that INAC's provision of First Nations child and family services to over 163,000 First Nations children is discriminatory and that implementation of Jordan's Principle is flawed, inequitable and thus discriminatory under the *Canadian Human Rights Act* (CHRT 1340/7008).

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- E. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued its decision (2016 CHRT 2) regarding the complaint filed in February 2007 by the Caring Society and the AFN, finding among other things that:
- i. Canada's design, management and control of the First Nations Child and Family Services Program (FNCFS), along with its corresponding funding formulas and the other related provincial/territorial agreements, have resulted in the denial of services to many First Nations children and families living on-reserve and that the FNCFS Program resulted in adverse impacts for them because it was based on flawed assumptions about First Nations communities that did not reflect the actual needs of those communities.
 - ii. The FNCFS Program's two main funding mechanisms incentivized removing First Nations' children from their families.
 - iii. INAC's narrow interpretation and implementation of Jordan's Principle results in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
 - iv. The racial discrimination arising from Canada's provision of the First Nations Child and Family Services Program and failure to implement Jordan's Principle is widening the historical disadvantage of residential schools.
- F. Subsequent to the Tribunal's decision, Canada unilaterally announced the budget allotments for First Nations child and family services without meaningful consultation with First Nations and unilaterally made an announcement about Jordan's Principle without meaningful consultation with First Nations. Budget 2016 is a five year budgetary plan where \$71 million is provided for child and family services for fiscal 2016/2017 and 54% of the planned funding is allocated for the year of the next federal election or the year after. This incremental budget approach fails to adequately consider children's development and the severity of the harms posed to children by unnecessary removals from their families.
- G. Such actions and impacts are inconsistent with the *United Nations Convention on the Rights of the Child* and articles of the *United Nations Declaration on the Rights of Indigenous Peoples*, which states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
 - ii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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- iii. INAC's narrow interpretation and implementation of Jordan's Principle results in service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
 - iv. The racial discrimination arising from Canada's provision of the First Nations Child and Family Services Program and failure to implement Jordan's Principle is widening the historical disadvantage of residential schools
- H. In its decision, the Tribunal made several orders, including:
- i. Cease its discriminatory practices regarding the FNCFS Program and reform the program.
 - ii. Cease applying a narrow definition of Jordan's Principle.
 - iii. Take measures to immediately implement the full meaning and scope of Jordan's Principle.
- I. The Tribunal also retained jurisdiction over the complaint to allow for gathering of further information regarding the immediate and long-term remedies sought by the Caring Society and the AFN, and to seek further information regarding the compensation sought for First Nations children impacted by child welfare practices on-reserve between 2006 and January 26, 2016.
- J. On April 26, 2016, the Tribunal issued a second decision (2016 CHRT 10) expressing concern with Canada's compliance with 2016 CHRT 2 and compelling Canada to confirm implementation of Jordan's Principle by May 10, 2016 and file detailed reports regarding its compliance with the non-discrimination order regarding First Nations Child and Family Services funding.
- K. The Tribunal is expected to issue a third order on remedies in the coming weeks.
- L. Prime Minister Justin Trudeau committed to implement all 94 Calls to Action of the Truth and Reconciliation Commission. A number of Calls to Action urge all levels of government to reduce the number of Aboriginal children in care and to provide adequate resources to support communities and child-welfare organizations in keeping families together.
- M. The Tribunal's order coupled with the Government of Canada's commitment to reconciliation requires that the federal government take immediate action.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Respectfully call upon the Government of Canada to:
 - a. Honour its commitment to fully implement the Truth and Reconciliation Commission's recommendations regarding children and families.

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- b. Take immediate and concrete actions to implement and honor the Canadian Human Rights Tribunal findings in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (2016 CHRT 2)* and all subsequent orders, and implement Jordan's Principle across all First Nations and all federal government services.
 - c. Allocate sufficient resources immediately to remedy the discrimination against children and their families, taking into full account the best interests of First Nations children, their vulnerability, development, and the significant harms posed by unnecessary placements in child welfare care resulting from insufficient and discriminatory prevention services.
 - d. Immediately and fully implement the measures outlined in the document entitled "First steps in fixing the inequities in First Nations child and family services: Immediate action reforms, Directive 20-1" and "First steps in fixing the inequities in First Nations child and family services: Immediate reforms, Enhanced Prevention Focused Approach" and "First steps in fixing the inequities in First Nations child and family services: Immediate reforms, 1965 Indian Welfare Agreement" to provide some immediate relief to the children's suffering while the longer-term issues are resolved.
 - e. Cease unilateral action without consultation with First Nations and cease engaging in bi-lateral discussions with provinces and/or territories regarding First Nations children without the participation of First Nations, and fully commit to full consultation with First Nations and First Nations child and family service agencies and the parties to *First Nations Child and Family Caring Society of Canada v. Attorney General of Canada (CHRT 1340/7008)* to fully remedy the discrimination.
2. Support the revitalization of the AFN National Advisory Committee on child and family services with equal representation of First Nations across the country.

Certified copy of a resolution adopted on the 14th day of July 2016 in Niagara Falls, Ontario

This is **Exhibit "H"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22 day of October 2017.


Public Notary



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Finance

FINA • NUMBER 003 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, February 16, 2016

Chair

The Honourable Wayne Easter

What's different now from my previous appearances before this committee is that the Government of Canada—and governments globally—has committed to transition to low-carbon economies, which will both mitigate climate change and prepare our communities for the changes we are already experiencing. Within a year, the vast majority of the Canadian economy will include a price on carbon and the federal government has committed to complementing these provincial initiatives with a national pricing strategy.

Fighting climate change is not for the faint of heart, especially for you politicians. It will require step change. It will require massive regulation if we are to meet the goals adopted at COP21.

As a northern climate, Canada's infrastructure is particularly vulnerable to climate change. Canada needs and must continue to focus on resilient forms of construction. We are also faced with significant maintenance backlogs. Governments have traditionally focused on short-term fixes to infrastructure deficiencies rather than true infrastructure renewal and modernization, thus leading to an increased tax burden, and ultimately, increased greenhouse gases.

If we are committed to reducing greenhouse gases from the built environment and minimizing long-term maintenance costs, government needs to move beyond the initial cost decision and embrace a cradle-to-cradle perspective. Governments should consider a project's total service life and total cost of ownership. For example, the vast majority of a building's energy consumption and contribution to greenhouse gases takes place after it is built, so infrastructure projects are long-lived assets and what we do or don't do to minimize greenhouse gas emissions today is locking the potential for GHG reductions in the future.

The optimum solution for any construction project, both from a cost and environmental point of view, can only be determined through a complete life cycle analysis. These impacts may not be apparent if the initial costs and environmental burdens are inappropriately weighed in the evaluation. Life cycle studies demonstrate that the initial embodied energy of a typical building in Canada seldom exceeds 10% of the overall energy or CO₂ emissions associated with the project's life. Most importantly from a greenhouse gas emissions perspective is the energy performance of the project over its total service life. This factor has shown itself to be a major driver in the environmental performance of a project and of reducing total operational costs and total cost of ownership, so in light of these findings, it's obvious the focus promoted by some industries on only the initial carbon profile of building products themselves is therefore not a fully transparent position and overlooks the largest potential greenhouse gas reductions.

That's why we are recommending that any infrastructure investment should mandate full life-cycle cost assessment screening. As my colleague talked about earlier, let's spend the money properly. We need to ensure that all new projects contribute to achieving Canada's CO₂ reduction objectives. It's important that every decision government takes be seen through the climate change lens.

We take sustainability seriously. We've reduced our CO₂ emissions by 15% over the past 20 years and our new cement, called Contempra, will decrease CO₂ emissions by a further 10%. This new cement is a direct result of the industry's commitment to proactively improve its environmental footprint. By replacing

general-use cement and mandating—having the government mandate the use of Contempra cement on public infrastructure across Canada—governments can reduce CO₂ emissions by almost one megatonne per year with this small change. This is the equivalent of taking 172,000 cars off the road each year, or planting 23 million trees annually.

• (1735)

It's just one of the many ways our industry can help governments meet their climate change objectives.

In conclusion, when it comes to investments in durable, safe, energy-efficient, and resilient infrastructure, we'd like the government to truly adopt the philosophy of build it once, build it right, build it to last, and if I can be self-serving, build it with concrete.

Voices: Oh, oh!

Mr. Michael McSweeney: Thank you very much.

The Chair: That makes your point in your closing, doesn't it, Mr. McSweeney?

From the First Nations Child and Family Caring Society of Canada, Ms. Blackstock, the floor is yours.

Dr. Cindy Blackstock (Executive Director, First Nations Child and Family Caring Society of Canada): On January 26, 2016, the conscience of the nation was shaken. The Canadian Human Rights Tribunal issued a ruling saying that the federal government of Canada was racially discriminating against 163,000 innocent children in this country by providing them fewer child and family services and less access to all other public services enjoyed by other children because of who they are and where they live.

Sadly this racial discrimination, this fiscal policy, has been with us since Confederation. As the evidence filed by government officials at the tribunal showed, it's not restricted to first nations child and family services, nor is it restricted to access to health care. We saw admissions in those federal documents that were never meant to be seen by the public: that first nations children are denied equal opportunity to an education; they're denied an equal opportunity to drink a clean glass of water; they're denied an equal opportunity to live in a house that won't make them sick.

When we looked at one of the pieces of evidence that came forward, which admitted the underfunding in child and family services, it showed how the department was trying to make up for those shortfalls. One of the slides that will be in your report shows that the infrastructure budget for first nations communities, according to the department's only estimates, falls \$8.2 billion short of what it should be, yet the federal government was transferring \$0.5 billion, over six years. Money that should have been spent on water and schools was being transferred to cover the shortfalls in this program, and it was not covering the shortfalls in child and family services.

What does it mean for kids when racial discrimination is being used as a criterion for fiscal policy by government? Between the years 1989 and 2012, first nations children on reserve and in the Yukon spent 66 million nights away from their families. Evidence before the tribunal showed little kids, four-year-old little kids, being denied equipment so that they could breathe because the federal government couldn't figure out a way to match the service that would have been provided to those little kids if they were non-aboriginal.

A non-aboriginal child told me that discrimination is when the government doesn't think you're worth the money. What would it feel like if you weren't worth the money, and what would it feel like if you were the parent of a child who is not worth the money? No amount of pulling yourself up by your bootstraps is going to give your child that breathing machine. You have to rely on the conscience of the nation, of the people who were elected, to understand that although governments have to make hard choices in hard economic times, there are some things that are sacred and should never be traded off, and one of them is the childhood of the nation's children. There are criteria this Parliament and this government should never use as sorting mechanisms to make those hard decisions, and one of those is racial discrimination. An uncomfortable reality is that the government has been using racial discrimination against children.

And it's not because you're broke. The KidsRights Index, a prestigious worldwide ranking system for how well governments are doing for their children proportionate to their wealth, found this last year—it was released on Canada Day incidentally—that we ranked 57th in the world. In a subindex that looks specifically at legislation and budgets, Canadian governments ranked 134th in the world, right next to Uzbekistan. Our economy, as troubled as it is, is doing far better than Canadian children are and far better than first nations children are.

You know, even if my plea doesn't survive the ethical or moral analysis that I'm asking you to do bearing in mind that racial discrimination against kids is not okay, it can never survive the economic analysis either, because the very best stimulus for any government is not other than investing in children. The World Health Organization says that for every dollar you spend here on children, you save \$20 U.S. down the line, which means about 30 bucks for us. Fail to spend that money and not only do you corrupt the soul of the nation but you leave little kids like Kennedy out.

• (1740)

There's a little girl right now in Alberta who had an ocular tumour. That would scare most parents in this room. Thankfully the surgeon was able to save her sight, but she required some specialized eye drops so that it would heal properly. The federal government did not want to give her the eye drops she needed, which were prescribed by her pediatric surgeon. The federal government said to use Visine instead. This little girl requires orthodontic treatment too. Without it, two pediatric orthodontists have said that she may not be able to talk, she may not be able to eat, and she will be in chronic pain. It costs \$8,000 for the treatment, and if she doesn't get it, she's going to require 20,000 dollars' worth of surgery.

Are we really at such hard economic times and such polluted moral times in the country that we're going to say to Kennedy, “No,

you're not worth the money”? We have on our website solutions for addressing that child welfare complaint. The tribunal made it clear that the Canadian government knew about the inequality, knew about the harms to kids, and has the solutions to fix it. You need to fix it in child welfare, but you need to fix it here in these committees too, and never allow race and discrimination against children to ever be permissible in your decision-making with this government, or any to follow.

Thank you.

• (1745)

The Chair: Thank you very much, Ms. Blackstock. The document you referred to will be translated and distributed.

Now, let's turn to the mayors and the video conference. Mayor Forest and Mayor Garon, go ahead.

[Translation]

Mr. Éric Forest (Mayor, City of Rimouski): Thank you, Mr. Chair. We bring greetings from the Lower St. Lawrence. It is snowing where you are, and it is raining here.

We want to intervene briefly by stating that the municipalities are important partners for the government, in the economic recovery. The objective of our intervention today is that we would like to see the government take into account the priorities of municipalities, which are local governments.

Since 2008, municipalities everywhere in Canada have contributed to the recovery, particularly through the Building Canada Fund. In Quebec alone, between 2008 and 2014, we contributed over \$30 billion that enabled the creation of 220,000 jobs yearly. These people pay taxes and they are consumers. They contribute to Canada's prosperity.

We mostly invested in aqueduct and sewer infrastructure programs. Today, we are not asking for a budgetary envelope, but we are asking that our priorities be respected.

We want to submit to you two examples of projects that would be ready to start tomorrow morning in the context of an agreement with the Building Canada Fund, particularly for small communities or large projects. In Rimouski, there is a project to build two Olympic-size skating rinks, one in keeping with North American standards and another with international standards, as well as two reservoirs, one of 25 metres. This is a \$35-million project that is greatly needed by the community. The project was developed in partnership with the University of Quebec in Rimouski. That said, in the context of globalization, and faced with a demographic challenge, we have to offer quality services in order to attract new families to our area who will take over our organizations and businesses.

We will provide a brief overview of the situation. May I introduce Gilles Garon, Mayor of Témiscouata-sur-le-Lac, who also has a project to present that is a key project for his community.

Mr. Gilles Garon (Mayor, City of Témiscouata-sur-le-Lac): Thank you.

Good morning, members of the committee.

I agree with Éric. Municipalities as a whole share this vision.

We elected representatives often inherit situations from the past, but we nevertheless have the responsibility of preparing the heritage of tomorrow. In our municipalities we sometimes experience situations that are quite difficult.

I'll give you an example. Here in Témiscouata-sur-le-Lac, in 2002, a factory burned down which was not rebuilt; this caused the loss of 450 jobs. We had to deal with that, as well as with municipal budget cuts of 18%. Despite all of that, we had to continue to invest in our aqueduct infrastructure, and that is what we did.

People in our milieu decided to act. We created a municipal association with our neighbour. People voted in favour of that initiative. We are continuing to develop. Today, we are building our regional arena, which has to be upgraded. This is an \$8-million construction project.

We want this project to generate leverage and to be a sort of regional event hub to attract private investment to the region. Our objective is to create a new economy, to create at least 50 jobs, and, in terms of the regional economy, to help all of the businesses in the surrounding area. We want this to be an energy-efficient and very innovative building.

I would like to make one last point. You need to look at the whole issue of cellular telephony, connectivity and broadband technology in the regions. That is important because the service is clearly deficient in our area.

Thank you.

[English]

The Chair: Thank you very much, gentlemen. You're a minute under time. We're making great progress.

I'll start the round of questioning, and we'll reduce it to six minutes again.

We'll start with Ms. O'Connell.

• (1750)

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): Thank you, Mr. Chair.

My first question is to Mr. Pedersen.

Climate change is something that I'm very interested in. I have some questions in terms of your idea for a more national model of a climate change panel, as I think you referred to it. For the sake of background, I was a municipal councillor for about 10 years, an Ontario member of the Toronto and Region Conservation Authority, as well as Rouge Park before it became part of Parks Canada.

I'm trying to understand your model based on my experience and whether there are any similarities or not. If not, that's fine; it's just what's coming to mind.

In regard to the national policy framework or panel, you mentioned you would create what is existing in B.C. and you would make it national. Are you talking about creating that model, or could you expand the existing panel that you have now? I would assume there are legalities, and this is where my background with TRC and Rouge Park comes in. Whomever endowed the money may

not have allowed you to create the expansion, or did they? That's my first question.

Mr. Thomas Pedersen: Thank you very much for the question.

The government of British Columbia endowed the Pacific Institute for Climate Solutions with \$90 million in 2008 to provide the knowledge base and the policy development for the benefit of British Columbia exclusively.

I've directed the Pacific Institute for Climate Solutions for most of the last seven years, and we've finessed that a little bit so that we can justify.... For example, we have a major study under way on the integration of the western Canadian electrical grid. We are designing this project to explore how much the CO2 emissions from Alberta and Saskatchewan can be reduced by taking good advantage of British Columbia's and Manitoba's hydro power.

So we justify that study even though it goes outside the boundaries of British Columbia on the basis that it is important to British Columbia.

We're not saying that we would expand that particular institute nationally. Rather, we would have an Ottawa-based institute, possibly based at the University of Ottawa. We've had preliminary discussions with Allan Rock, the president of the University of Ottawa's team, and they're quite willing to host it.

The point would be that with the model we've established—which is a multidisciplinary model that draws upon all of the pools of talent that we have in our NGO, university, private industry, and entrepreneurship sectors and within our research labs in little pots across the country—we pull the best talent together, put it around one table like this, and put one question in the middle of that table.

For example, it might be transportation policy for Canada toward the middle of the century. What should it look like? How do we get there? Should we electrify our vehicle fleets nationally? Should we focus on hydrogen? Should we be supplanting our internal combustion diesel engines with methane from Canadian sources? British Columbia would like that; we have a lot of methane.

All of these things need to be looked at, but not just through the lens of engineering. You have to have a full economic analysis and you have to have human behavioural psychology built in. I'm sure you saw that as a municipal councillor. You have to find ways to get around Nimbyism, or the "I'm not going to change, because my dad used to drive a truck like this, and I'm going to drive a truck like this." You have to find ways to deal with all of those challenges.

The best approach is to have that multidisciplinary framework. That's what we did at the Pacific institute, and it's working.

Ms. Jennifer O'Connell: Thank you.

I completely agree in terms of the psychological aspect. The inventor of the recycle bin is actually from my riding, and a big component of it was the social pressure of putting it next to the garbage can.

Municipalities understand the cost of climate change. But in terms of...and this actually is an interesting question in the sense that, with Mr. McSweeney as well, in the cement industry.... How do you correlate some of the differences in legislation?

For example, in my municipality, when I was a regional councillor we had a water pollution control plant redesigned to disperse sewage in Lake Ontario. When dealing with the province and the Ministry of Environment it actually scored less environmentally friendly to create a better dissolvent, because there was more concrete needed for the facility itself. The quality of the water going into Lake Ontario would have been better, but how the cement was made ranked it at a worse environmental rating.

How do you correlate the two priorities in terms of wanting cleaner water and taking the hit on having more cement in the building itself?

It's an interesting question because you're both sitting next to each other right now, but it was a major frustration. How do we bring that together in terms of having these standards? It builds into my criticisms of LEED as well. A bike rack is scored and ranked the same as geothermal, so what do you think a developer is going to install to get a point?

How do we crack down on some of these legislative issues, and is that something, Mr. McSweeney, that your organization does as well?

• (1755)

Mr. Michael McSweeney: Why don't I take a crack at that?

First off, cement is a powder. It's a finely ground powder, and cement only goes into concrete, which is sand, water, and gravel, at a 7% to 10% ratio. When we make cement, we produce approximately 750 kilograms of greenhouse gases per tonne of cement, but with only 7% to 10% going into concrete, we're down to about 75 kilograms, which puts us very comparable to other building materials.

I would always say that you first have to understand what we're talking about: the difference between cement and concrete. There is no other market for cement other than concrete. You look at what it's going to be used for, and I would say that anything to do with having clean water would be worth the investment in concrete in order to treat that water. We shouldn't be having any sewage going into lakes and rivers that is untreated. I, like you, spent 10 years on city council so I have a very good understanding of that.

The Chair: Thanks for that.

We turn to Ms. Raitt for six minutes, please.

Hon. Lisa Raitt (Milton, CPC): Thank you very much, Mr. Chair.

Ms. Blackstock, thank you very much for your powerful statement. I've never heard you speak in person. I have to say it's very emotional and I can understand fully the journey you've been going through, and I hope what I take away today is a lot more understanding.

I only have one question and I just want to understand from your perspective where we are from a legal point of view in the process associated with the tribunal ruling. Is the government seeking some kind of appeal on the ruling? Where does it stand? Are we still waiting to see what happens? I ask it only in terms of trying to understand the recommendations that you made flowing from it and how long it would take for stuff like that to come into place.

Dr. Cindy Blackstock: Thank you, Minister.

I can advise you that the tribunal ordered the federal government to immediately cease the discrimination and immediately cease its narrow implementation of something called Jordan's principle. Since the ruling, the government has until February 22 to file a judicial review. To this point, they have not ruled out the filing of a judicial review.

We were proactive because we're concerned about children. One day with inequity in the life of a child is one day too many. Back in January, before the ruling ever came out, we actually were proactive. We mined those previous studies whose recommendations the government had agreed to, and also the Auditor General's reports, and created first steps. These would not deal with the depth of the inequality but would stop some of the most egregious harms to children. We have sent those to the government. We have yet to receive a response on that. The tribunal has asked us to make submissions on immediate remedies by this Thursday, and we are planning to do so.

Hon. Lisa Raitt: I've read a lot of the recommendations that you've made because you've floated them on your website. I think the only one that came with any monetary or financial aspect was an immediate—I think it was \$110 million—into one of the programs. That was really all I could see from a finance point of view.

• (1800)

Dr. Cindy Blackstock: There are other financial things. There has not been an inflation adjustment for many years. Also for prevention services, it's done by a formula base, and we argued that it should be increased from \$100, where it was set in 1989 and never increased, to a value of a minimum of \$200 to try to keep these children together. There is a cadre of things that will have financial implications.

Hon. Lisa Raitt: But is it fair to say that we can see a lot of your submissions financially from those submissions that you've made to the government already, and recommendations, and how to deal in the short term?

Dr. Cindy Blackstock: Yes, absolutely.

I think we have those in fair detail, and we also have them costed out in a series of reports called the Wen:de reports that were tabled in 2005.

Hon. Lisa Raitt: Excellent. That's very helpful. Thank you very much.

I guess the remainder of my questions will be going to David Macdonald, Canadian Centre for Policy Alternatives.

What's your growth forecast for next year, Mr. Macdonald? What are you guys saying in terms of what you think 2016...? I assume that you've made a submission to the minister on where you think you're going to land.

Mr. David Macdonald: The CCPA doesn't do independent growth forecasts. Maybe it's something that we'll look into in the future.

Finance Canada uses, as I'm sure you know, an average of private sector forecasts. That average at present for real growth at my last estimate, which was yesterday, stood at 1.3% real growth for 2016.

Hon. Lisa Raitt: Yes. Some guys come in at 1.7% and others come in lower, at 1.0%. Where's your head on it? Where do you think we are? You're an economist.

Mr. David Macdonald: I don't have a model, so I don't have an opinion, of course. That's the economist's answer. I think that—

Hon. Lisa Raitt: We'll take an average.

Mr. David Macdonald: Yes. That will be Finance's approach. The alternative federal budget attempts to use Finance Canada's estimates as its foundation as well, so we don't do independent growth modelling per se. The 1.3% wouldn't shock me.

I think what will be more interesting as we go forward in time, as I'm sure you've seen as well—and this is what we've seen over the past five years—is that three or four years from now we will be back at 3% real growth.

Hon. Lisa Raitt: That's right here.

Mr. David Macdonald: We're just not getting there. I think what's more concerning is slow growth, in the past and in the future.

Hon. Lisa Raitt: I'm curious to know what your take is. I know you spoke a lot about the debt-to-GDP ratio, and I'm wondering what you think should be the goal for the government, because you're saying we have lots of room. That's been the point of view.

Mr. David Macdonald: Yes. The debt-to-GDP ratio is quite low for the federal government at present, certainly the lowest in the G8 by a long shot.

I'm not sure that I have a goal necessarily in mind. Even if we were to maintain the present ratio of 31%, that would mean running a deficit of roughly \$28 billion forever, which is at the far range of anyone's estimate for next year's.

Hon. Lisa Raitt: If interest rates don't go up too high, and if we have the same nominal growth.... Those two factors are important as well.

Mr. David Macdonald: Yes, and certainly the interest rates are at record lows for the federal government. There has never been a cheaper time for the federal government to borrow, or anyone to borrow money, frankly.

Hon. Lisa Raitt: Mr. Chair, just two more questions on that.

Does it matter to your organization if the government actually ever gets to balance, or are you more guided by the debt-to-GDP ratio?

Mr. David Macdonald: I think at this point and for the foreseeable future we shouldn't get to balance, in fact. I think our goal should be for the federal government to actively run deficits.

Hon. Lisa Raitt: Right. On that point, Mr. Macdonald, I guess my concern is that I think if we only take a look at what's happening on a federal level that we may be making a mistake on fiscal policy, because we have provinces out there that have significant amounts of debt, and we may be at 31%, but if you go to Quebec, it's 87%, when you add in the provincial debt. In Ontario it's 76%. It's a whole different ball game when you take a look at adding in the provincial debts on those kinds of things.

What would be your response to a combined federal-provincial analysis on debt to GDP, as opposed to just a singularly federal analysis?

Mr. David Macdonald: Certainly, and I think that was one of the points I wanted to make was that the provinces have actually taken the mantle up from the federal government, and they now have more debt than the federal government for the first time in history. The provinces are actually taking more of that burden in terms of driving economic growth.

The fact is that with high household debt largely tapping out the household sector and the corporate sector being in quite good financial shape but unwilling to spend on capital dollars, given the oil rout, for the foreseeable future we're seeing the end of monetary policy with interest rates effectively at 0% now. The only actor left in the economy to drive growth is the federal government, which is why the argument is that the federal government should be spending those deficits instead of the provinces.

Hon. Lisa Raitt: Thank you.

The Chair: Thank you both.

Mr. Caron.

[Translation]

Mr. Guy Caron: I would like to begin with Mr. Forest and Mr. Garon.

You talked a lot about infrastructure. Correct me if I am mistaken, but I think that the main point is that the municipalities are in a better position to define their priorities than the federal government.

• (1805)

Mr. Éric Forest: Mr. Caron, municipalities are local governments. It is crystal clear that when it comes to knowing the needs of local populations, they are certainly in the best position to identify their priorities.

As I said in the beginning, between 2008 and 2014, when we took part in the Building Canada Fund recovery program, in Quebec alone, we invested \$30 billion. We accelerated our investments in the aqueduct and sewer service sectors. Today, however, we are lagging behind in other types of services.

The Small Communities Fund lists 14 intervention sectors, but none of them involve sporting, cultural or community facilities. Some of your colleagues around this table have sat on municipal councils. It is clear that the two shovel-ready projects we have presented to you complete the service offer. Their objective is to create attractive living environments that promote an active lifestyle and encourage our young people to get involved in healthy activities.

Mr. Guy Caron: Mr. Garon could answer my next question.

Much has been said about the fact that federal government investments in infrastructure should provide a return, increase productivity and be profitable from an economic perspective.

What would you reply to those who might say to you that a sports-related project, for instance, will not further economic growth in Quebec, Canada or in the communities?

Mr. Gilles Garon: We are trying to create leverage through our sports facilities. That is what is important to us. Often people have a tendency to say that an upgrade is an expense or a burden on taxpayers. And so we are trying to create financial leverage through that. We are trying to attract private investment through this project and trying to bring capital into the region. The idea is to generate business for enterprises in the surrounding areas.

Let's talk about tourism. We are located on the Trans-Canada axis. We are very well located. Our natural environment is very popular.

We have been working on this project for five or six years. People are ready. We want to see a project that is ecologically responsible, which means highlighting the use of wood, since we work in that sector. We want to create a technological showcase highlighting the use of engineered wood and new trends in insulation. We are leaders in eco-construction in the Lower St. Lawrence. We really want to create a showcase.

All of this is going to create jobs. It will be an extraordinary asset. The ultimate objective is to reduce the bill for taxpayers as much as possible, so that bringing things up to standard does not constitute a burden. Instead of that, we want to create an extraordinary leverage effect.

Mr. Éric Forest: I'd like to add something. Like the provinces, municipalities are the federal government's partners in the economic recovery. Globalization and population demographics are forcing our communities to make themselves more appealing places to live. We want to attract the young families who will form the succession for our businesses. There is absolutely no question that we need to diversify our services.

Since 2008, we have invested heavily. In Rimouski, a town of 50,000 people, we've invested \$60 million in waterworks and sewer systems. We aren't asking the government for more funding; we are simply asking for the recognition that local governments are in the best position to make a difference. As long as we are adhering to the government's environmental standards, we should be left alone to implement our priorities.

Mr. Guy Caron: Thank you very much.

I am now going to turn to Ms. Blackstock. I think I have about a minute and a half.

You were critical of the fact that money was being transferred between programs without any new investments being made. And recent departmental documents show that was very clearly the case.

Could you summarize for us how it was done? Could you also tell us what the repercussions were on total funding for child and family services programs at the community level?

[English]

Dr. Cindy Blackstock: The Auditor General, in her review in 2008 of the child and family services program, specifically cited the fact that these transfers from the infrastructure budget, which funds housing, needed to stop, and the department agreed with it. Although it was agreed that the department would stop that practice, it continued, with vigour, and they transferred half a billion dollars out of that budget to try to cover the shortfalls in child welfare, education, and health.

The problem with that, which is what we tendered at the tribunal, is that there are three key drivers to the dramatic overrepresentation of first nations children in child welfare care: poverty, poor housing, and caregiver substance misuse related to multi-generational trauma.

By deepening the housing crisis, you're actually putting children at greater risk. The answer is not to shuffle deck chairs on the *Titanic* in a department that's completely underfunded. The answer is to ensure adequate funding across all program areas, as the Auditor General recommended back in 2008.

• (1810)

The Chair: That will be it, Mr. Caron.

Mr. Ouellette.

Mr. Robert-Falcon Ouellette: Thank you very much, Chair. I really appreciate it.

Cindy, thank you very much for coming here today. I was really moved, actually to tears, and I think it's absolutely disgusting to believe that I live in a country that saw our children and first nations people as throwaway people. I think that was the very first stage. Then it became a people who were ignored for far too long, and then a people who we were going to fight with in order to somehow... because we thought it was a zero-sum game. I really hope we've entered a new age where it's about working together, about really trying to build communities between different peoples.

From the bottom of my heart, I thank you for that personal sacrifice, as do, I know, a lot of people right across this country. I know that governments have tried to discourage you in every possible way: have followed you, have tailed you, and have done everything in their power to stop you from bringing forward this case. I am excited to realize that perhaps we do live in a country where the supremacy of law, the rights of people, and justice actually will ring true.

But I don't think your work is done, unfortunately, because I think this is just a very small segment of the issues going on in aboriginal and northern affairs, or in Indigenous Affairs Canada. There are the issues related to schools and the funding of schools. I've often heard the federal government say that we just don't have the expertise to understand these departments. Well, there is expertise in this country like you wouldn't believe from people who are educators. I just can't believe that.

We can get up and debate about ISIS and about governments and how we're going to accept our responsibility on the world stage, yet we don't accept our responsibility here. What do you see as future developments, even for first nations education, which is extremely underfunded and ill serves all Canadians?

Dr. Cindy Blackstock: I think one of the important pieces to remember is that there are documented reports showing the inequalities in these education areas on the books already. Not only have they been documented, they've moved to talking about what the harms are for children. It doesn't take a rocket scientist; you don't need a study to do that. If you don't give a child a fair opportunity....

Shannen Koostachin, the little girl who fought her entire life to try to get a school, said that if children don't receive a proper education they can't grow up to become someone important. They can't become the person of their dreams. There are recommendations on the books going back....

In my office I have a report. It's dated 1967. It was a report commissioned by Indian Affairs to document the inequalities, and to identify the reforms necessary to rehabilitate first nations education. Those reforms were never implemented. More recently, we have seen the education panel and I've certainly seen PowerPoints that were disclosed to us through the tribunal process identifying what those shortfalls are, at least \$800 million for building new schools.

I think that where the block has always been and what the tribunal points to in its decision is doing it. You have the solutions. You just need to do it. These kids only get one childhood. They can't wait.

Mr. Robert-Falcon Ouellette: Thank you very much.

My next question is for Warren Everson.

I just wanted to have a bit more of a cost-benefit analysis on temporary foreign workers because I think "temporary" means it's a stopgap measure. It's not meant to be permanent.

For instance, we heard from the Canadian Cattlemen's Association earlier, but I also think that in the areas in which a lot of these industries are looking for people—there are so many, for instance, in the agricultural industry—there are Canadians in indigenous communities across this country who are looking for work but haven't been given that opportunity because they've been seen as throwaway people, ignored, people to be fought with. Hopefully, one day they will be people we can actually work with.

Mr. Warren Everson: Okay. Let me start with that last point.

In the last couple of years in the Chamber of Commerce I've seen more encouraging co-operation between business and aboriginal communities than has ever occurred before. We're doing a major project right now on the duty to consult. As I've consulted with band leaders I've been quite taken aback by their approach, which is very progressive, very focused on economic development. It's been an unusual experience for me, not what I had expected.

A lot of members, especially the larger companies in the Chamber of Commerce are quite involved in outreach and trying to improve the situation.

I'm not sure if that exactly answers your question.

•(1815)

Mr. Robert-Falcon Ouellette: Glad to hear it.

Mr. Warren Everson: I don't want to forget your temporary foreign workers issue either.

Mr. Robert-Falcon Ouellette: Yes, I know. But I have just one final question for everyone here on the committee. I have thirty seconds, I think.

The Chair: Sorry, we're out of time. You're right down to two seconds over, as a matter of fact.

Now I wonder if we have permission to juggle the deck a little bit as we start the first round. Would there be consent to allow Ms. May to have five minutes? Is there any disagreement?

Some hon. members: Agreed.

The Chair: Go ahead, you have five minutes. Then we go to Mr. McColeman.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): I appreciate that, Mr. Chair. This is a precedent-setting moment for me in the 42nd Parliament, and I appreciate it. That's to all members of the committee.

Just to give you a head's up, my questions will be to Dr. Pedersen, but I must stop and say how indebted all Canadians are to you, Cindy, for your bravery.

Robert-Falcon has made the point that she was persecuted by our federal government in the past and literally followed and snooped upon for standing up for children. I do hope that this government will not be filing a judicial review of the Human Rights Tribunal decision.

I just want to thank you.

Turning to Dr. Pedersen, I find your proposal intriguing. The reason I wanted to probe it a little bit is that I'm not sure I'm aware of some university work. I know McGill is doing good work on climate solutions. The University of Ottawa has a deep decarbonization group. Certainly I know the work that's going on at the University of Victoria.

Your proposal, as I see it, suggests that you could network and harness all the different university groups and NGO think tanks, and so on. Do you have any idea right now—or has anyone collected a basic database—of who's doing what, so that we know what the intellectual capacity you might want to harness is at the moment?

Mr. Thomas Pedersen: No, there is no such database, to my knowledge. It's a necessary first piece, but it would have to be done very quickly because the issues are compelling and we must respond very quickly to the commitment we've made as a nation. We only have 14 years to get our emissions reductions down by at least 30%, if not more. There are pods, centres of excellence across this country, but there's no coordinating body that is integrating them, tying the threads together. What we foresee doing is inviting those people to the table and having them work with the other disciplines that have a perspective that could shed light on the same general question, the same general area.

Let's bring all of those perspectives together so that the economists at McGill, the Chris Ragans of the world, the Ecofiscal Commission, would work with the Pacific Institute for Climate Solutions, with the knowledge mobilization people at Waterloo, with the centre for international governance at Waterloo, with the ice people in Manitoba.

But you put a single question in front of them. This isn't just a hodgepodge where you throw people into a room. It has to be structured. You give them a challenge, and the challenge might be transportation. I mentioned transportation earlier. It might be energy efficiency in the built environment. How do we attack that when you have a very warm climate in Victoria where the rhododendrons are blooming today, record low temperatures in Ottawa over the weekend, different housing styles to accommodate those different needs, and then we have the north where we have other issues, where the permafrost is melting and foundations are crumbling?

Yukon College has a very active program now working on cold environment housing construction, that sort of thing. But we need to put all of that together. There needs to be a national coherence on what we do with our building stock. The turnover time for buildings is very long, half a century or so, maybe longer, but we don't have the luxury of waiting half a century to let things adjust. We have to get going now on a national front.

Ms. Elizabeth May: Yes, and to your point on urgency, the current target for Canada, 30% below 2005 levels by 2030, was the one put in place by the previous government in May of last year, and I don't think we actually know what the current, new Liberal government will commit to as a target. As Minister of Environment and Climate Change, Catherine McKenna, has said, the current one is a floor. I would suggest it's somewhere nearer the basement and we have a real urgency to put in place a new plan and target, the target perhaps first and the detailed plan of every element of how we get there. We would know in broad strokes we can get someplace, but then the transportation question is specific. The adaptation question also harnesses a lot of universities.

Given the urgency, how long, realistically, do you think it would take to assemble a networking advisory function such as you're proposing here today?

• (1820)

Mr. Thomas Pedersen: If we were asked today to help organize that, we would get on the phone tomorrow, and I would suggest that within three months we would have that body. We know where the expertise and the experts are. We know that they're really willing to jump in and help. They haven't been asked on a national scale. I would pick up the phone tomorrow and call Sustainable Prosperity and Ecofiscal Commission, and my former colleagues at PICS, and so on and so forth across the nation, and propose that we get together in six weeks to hammer out the governance structure for this new body. In the meantime we invite the federal Government of Canada to provide the key issues for which it seeks politically independent advice, and we get cracking right away.

The smart minds out there are chomping at the bit to help, but they haven't been asked and they don't have the resources to undertake the scale of activity that we need to put in place. We don't have the luxury of sitting and waiting anymore. We have to get going. We had to get going 30 years ago. We have a lot of legacy to catch up on and we cannot just sit back and relax on this.

The Chair: I'll have to cut you off there, Mr. Pedersen.

Mr. McColeman.

Mr. Phil McColeman: Thank you, Chair, and I want to thank the panellists as well.

My questions really are directed to my colleague Ms. Raitt regarding trying to get an understanding of the combined debt levels of provinces and the national level—there's only one taxpayer in the country. I recently read that RBC said that the provinces in this next year will run nearly \$20 billion in deficits.

If the federal government decides, whatever the number is, there's a lot of speculation out there.... The National Bank last week said \$90 billion over four years. Maybe that's a number that you could hang your hat on, but let me try to understand what you're saying.

Is there not a tipping point? I understand that growth creates value and equity in, let's say, the house of government or the house of the country, because I often think in my mind in very simplistic terms that the debt we have is the country's mortgage. As long as the house is valued more, I guess you could always go into debt against what the house is worth. But are you saying that can go on indefinitely and there's never a tipping point?

Mr. David Macdonald: In the sense that we could continue to run deficits indefinitely, yes, that is so. We have a Canadian economy that's worth \$2 trillion. Even if it's not growing at 5%, which would be ideal, let's say that it grows at 3%, which is likely what we'll see next year, in nominal terms. That's more rapid than the \$25 billion or \$28 billion we're adding to debt. This means it becomes more affordable over time.

Mr. Phil McColeman: I'm thinking that when you combine the two, as my colleague said, they are in the 78% to 80% range, and—

Mr. David Macdonald: Well, the combined federal and provincial debt-to-GDP ratio is 60% in Canada right now, but it's half federal, half provincial.

Mr. Phil McColeman: What you're suggesting is that we'll never have to make a payment against the debt in this country.

Mr. David Macdonald: We'll certainly have to pay against the debt. We pay all the time. The federal government is constantly paying and rolling bonds over year to year.

Is your question, will we ever pay the debt back to zero?

Mr. Phil McColeman: No, it's not. It's about making headway on the debt that we have. We are not making headway; we're seemingly building on the overall provincial and national debt on an ongoing basis, and I'm just saying....

I'm not an economist. I'm a pretty simple thinker, in the sense that I was taught to save money and pay down debt. But you're suggesting that's not the route the country should follow.

Mr. David Macdonald: There are two approaches. You can pay down the absolute level of the debt, and you do that by running surpluses. You would collect more in taxes than you're providing in services. You can certainly do that. The problem is that you would take a hit to GDP in the process.

The other approach is that you can work on the GDP part of the debt-to-GDP ratio, have a deficit, but drive it into better growth, such that you're using high multiplier activities—infrastructure, social programs, those sorts of things—and you continue to stay ahead of it.

In contrast to a household, which has a lifespan, such that at the end of everyone's hopefully long life here their debt is resolved in some way, the federal government and Canada, hopefully, do not have a lifespan; they continue indefinitely.

One other thing to understand is that it has really been the household sector that has taken on the debt over the last decade. The household sector and the federal government used to have the same debt-to-GDP ratio in the 1990s, both at about 40%. The federal government's has decreased to about 30% now; the household sector's is at 96% of GDP. The household sector has been spending about \$70 billion in deficit every year and they have been doing this for a decade.

I think one of the challenges is how to reset that balance so that all the debt that's being incurred on Canadian balance sheets isn't exclusively happening at the household level, which is more or less what has happened since the crisis in 2009.

• (1825)

Mr. Phil McColeman: Let me move on to Mr. Everson.

There are comments from many of the panellists we've heard that corporations are holding on to their money—not investing it, but taking, I suppose, a “wait and see” attitude.

How do we get them to make investments? What things would you envision in a budget that the federal government brought forward to see some of that money go into the economy to loosen it up? What are some of the measures you would recommend?

Mr. Warren Everson: I don't want to indulge in nostrums, but I'm afraid they are applicable. Canada produces much more than Canada can use, so export trade is extremely significant. We're starting to see good numbers in the export businesses in eastern Canada, but we are not able to get our natural resources to market in many cases. That's an extremely significant problem.

One thing that's interesting right now is that the government is sitting on the starting line for some monstrous private investments. We've talked about public infrastructure, and I have mentioned our support, but in this year we could see \$80 billion of private sector investment in telecom, which as you know is hanging fire, and in LNG and two major pipelines—and in fact, in a whole series of other pipelines as well. The crown has Via Rail asking for permission to install a dedicated rail line in the east, which would be cheap like borscht but would be tremendously significant in terms of reducing congestion and providing an alternative to the highway grid we have right now.

There is a whole series of things hanging fire, and they all require something. They all require something different, unfortunately.

The Vice-Chair (Mr. Ron Liepert): I'll have to stop you. Thank you.

Ms. Dzerowicz.

Ms. Julie Dzerowicz: Thank you very much, Mr. Vice-Chair.

First I want to say a huge thank you to all of our presenters today. It was super-informative and very moving. Thank you so much.

My first question is for Mr. Everson.

In my riding of Davenport, I have a number of workers in the construction field—carpenters, painters, the whole field. Many of them are here on a temporary sort of work visa. I find your comments about the number of businesses worried about their ability to source workers so that they're holding back on spending a bit worrisome. We also know, and my colleague has pointed this out, that we have workers across the country; we have a sufficient number of unemployed people, whether it's in Saskatchewan, Alberta, or Newfoundland; and we have a number of workers in our aboriginal communities who would love to find wonderful, paying jobs.

You also talked a little bit about the temporary foreign worker program. I will tell you that if I talk to the workers who are on temporary work visas in my riding, they will say they would love a path to citizenship. They would love to be here as full-time Canadians and would love a path to that.

My question to you is in two parts. One, what recommendations would you have for the federal government in immigration policy as well as mobility policy across the country, moving people from where we have workers with probably some good skills to where there are jobs?

Mr. Warren Everson: That is an interesting question. Thank you very much.

The temporary foreign workers file is obviously a very hot one. There are at least five different categories of temporary foreign workers, and they're not all the same. A couple of years ago, when there was enormous public concern about it, I think most people were focused on the low-skilled workers who were doing jobs that most Canadians would be able to do.

That speaks to your mobility problem. It's fine to say that there's a job waiting in Tofino, B.C., but somebody in Nova Scotia can't get there, and if the job is working in retail or a restaurant it's not going to pay the mobility cost. So we agree that there's a significant challenge there.

However, in the crackdown on the temporary foreign workers we also cracked down on extremely skilled people who are the key to some sort of development from which hundreds and hundreds of Canadians are going to benefit. We really did ourselves in, and we have to reverse that.

I always like the example of a European hockey goalie who comes over and plays for Vancouver. That's a temporary foreign worker, and if that person does a really good job, not only does the team go to the playoffs but so do the car parks, the concessions, the restaurants. Everyone benefits because one foreign worker, an extremely highly skilled individual, was sourced and brought in to do that job.

You can extrapolate that through the whole economy. In some of the projects we've talked to, people have done extremely extensive studies of the Canadian workforce. They have said they do not know for sure that they're going to have enough of some particular kinds of skills.

• (1830)

Ms. Julie Dzerowicz: What changes would you propose?

Mr. Warren Everson: In that particular case, you need to give them a safety valve. You have to say that when you've sourced in your province and have sourced nationally and you have done it damn quickly and you can't get the people you need, we will allow you to bring in a specialist.

I agree that the temporary foreign worker project was getting out of control with respect to the number of people coming in on low-skilled jobs, and I think both the previous government and this one are attacking that problem with issues of worker knowledge—that you are able to find where the jobs are—and as you pointed to, with support for mobility to get people to go and to take them on.

I will say, though, that in the Chamber of Commerce—we have 200,000 businesses—the single most frequent issue raised with us by our membership is a lack of skilled workers. There is a good deal of fury among employers, who say, “I don't want to be told that I could find the people if I worked harder; I've done job fairs, I've posted advertising; I cannot find these people, and I can't do my business.”

Ms. Julie Dzerowicz: Thank you. My next question is to Mr. Pedersen.

While I have many construction workers, I also have many environmental workers in my community, and they're very passionate. Beyond the recommendation around a forum modelled on the Pacific Institute for Climate Solutions—we all know that there are already four different systems in Canada to reduce GHG emissions and that Minister McKenna is working tirelessly right now with all of the premiers and territorial leaders to try to find a national plan so that we can achieve the commitments we made in Paris. My question to you is: what would be your concrete or additional recommendations to help us to achieve that national climate plan?

Mr. Thomas Pedersen: Thank you. That's an excellent question. There are so many pieces to it and so many responses I could give.

I think the first and most prominent step we need to take as a nation is to put an appropriate price on carbon emissions. We did this in British Columbia in 2008 as you may know. We brought in the world's first broad spectrum, legislated carbon tax that was revenue neutral. That has been internationally praised as a “template for the world” in the words of one famous environmental economist at University College London.

What we did in British Columbia was to say we'll start with a tax that's low, but it's on almost all forms of carbon combustion. It's low, but it has an upward scheduled ramp that will continue in this case for five full years, rising each year incrementally. Every penny of tax revenue is recycled immediately back into the economy through personal income tax reductions, corporate income tax reductions, and critical support for rural and northern people who need to heat their homes and that sort of thing.

We put supports in place for the less advantaged in our society, and we lowered our overall tax rate. It's been tremendously successful. We lowered our per capita fossil fuel consumption in British Columbia between 2008 and 2013 by 19% relative to the rest of Canada, and we all suffered from the same post-2008 recession. If we take the recession out of it, we lowered our per capita consumption substantially.

More importantly—

● (1835)

The Chair: Mr. Pedersen, wrap up if you could in 20 seconds.

Mr. Thomas Pedersen: Okay, wrap up.

More importantly, our economy grew faster than the Canadian average during that time.

The Chair: I'll have to thank all the witnesses very much for their time. As I said earlier, on short notice, a lot of information was provided here. We will suspend for five minutes and go to the next panel of witnesses.

Thank you very much.

● (1835)

(Pause)

● (1840)

The Chair: We'll come to order, if we could.

We'll start with the video conference, with the Canadian Doctors for Medicare.

Dr. Dutt, go ahead. The floor is yours.

Dr. Monika Dutt (Chair, Canadian Doctors for Medicare): Hi. Thank you, everyone, for including me in what is, I'm sure, a long day for all of you.

Canadian Doctors for Medicare was created in 2006. We are physicians who are firmly committed to evidence-informed health care policy reform and to our single payer medicare system.

Our recent advocacy for action has focused on three specific areas: upholding the Canada Health Act, developing and implementing a new Canada health accord, and improving access to prescription drugs through a national pharmacare program. Each of these reforms begins with strong federal leadership.

First is upholding the Canada Health Act. As part of its commitment to the CHA, the federal government must recognize new forms of privatization that have emerged since the Canada Health Act was passed in 1984. Clear examples of violations of the CHA exist across the country. They include, but are not limited to, the following. On November 10, 2015, Quebec lawmakers approved Bill 20, new health care legislation that allows physicians to charge patients who seek services that are already insured under public medicare, with no clearly established limits on the charge.

We've seen the strains that this type of extra billing can cause to a health care system. For example in B.C. in 2012, the B.C. government audited the Cambie Surgery Centre, and found that in roughly a 30-day period the CSC had overbilled patients \$491,654 and submitted overlapping claims of about \$70,000, which means they charged both the patient as well as the provincial health care system.

People who advocate for-profit health care often argue that it will take a pressure off the public system. In fact, we've seen the opposite. It drains health care professionals from the public system, as they go into the private system. They charge people for health care, which means that people who can pay for that health care can access it, and the rest of Canadians aren't able to. Often more procedures and tests are done, because that's often more profitable. Lastly, they don't tend to operate in places that are unprofitable. That might include remote and rural communities, aboriginal communities, marginalized urban populations, and those needing complex chronic care. For these reasons we continue to support single payer medicare.

Secondly, we need a strong federal health accord in 2016. The 2003-04 health accords were landmark developments in Canada, but in the decade that followed there were mixed results. For example, there were some successes in reducing wait times for certain procedures, but they weren't seen across the country. There was virtually no progress on a national pharmaceutical strategy. A renewed focus on achieving their unmet objectives, building on their successes, and rising to new challenges is needed. Specifically, Canadian Doctors for Medicare, or CDM, would like the government to initiate the timely development of a new health accord to adjust the accord for considerations for age, geographic distribution of population, and economic disparity, and to reflect Canada's commitment to equitable access to medically necessary health care.

Lastly, a national pharmacare strategy, which is something I feel incredibly strongly about and really hope this federal government will take on, is also an unfulfilled commitment from the 2004 accord. Right now in Canada we pay more for our prescription medications than any other country in the Organisation for Economic Co-operation and Development, except for the United States, and we pay 30% more than the OECD average. This means that my patients, you, and your family—one in five families in Canada—aren't able to take their prescription medications due to cost. Also, if you don't have insurance, that rises to one in four families. When that happens, that means people's quality of life decreases and there's also an additional burden on the health care system because they require more hospitalizations and more medical care.

Now the federal government has committed to bulk buying with the provinces and territories through the pan-Canadian pharmaceutical alliance, which is wonderful, but the \$260 million this will save per year is nothing compared to the \$5 billion a year that a comprehensive universal drug coverage program would.

• (1845)

In conclusion, a federal budget is a reflection of our government's values and priorities. With that in mind, we ask the federal government to do the following: enforce the Canada Health Act and close any loopholes that may allow for-profit clinics to violate its intent; demonstrate leadership and vision by reopening the health accord negotiations with provinces and territories; and lastly, support the provinces and territorial health ministers as they work to develop and implement a national pharmacare strategy.

Thank you very much for this opportunity to present on behalf of Canadian Doctors for Medicare to the Standing Committee on Finance.

The Chair: Thank you very much, Doctor.

I believe you're in Sydney, Nova Scotia. Is that correct?

Dr. Monika Dutt: I am, yes.

The Chair: Turning to the Canadian Community Economic Development Network, we have Mr. Toye.

Mr. Michael Toye (Executive Director, Canadian Community Economic Development Network): Thank you very much.

Thank you for the opportunity to present to you today.

[Translation]

The Canadian Community Economic Development Network, or CCEDNet, is a Canada-wide association of community groups, cooperatives, credit unions, municipalities, foundations and citizens committed to enhancing the social, economic and environmental conditions in communities throughout the country. We have several hundred members spread across every region of the country, including urban, rural, northern and aboriginal communities.

[English]

Community economic development is citizen-led action to enhance the social and economic conditions of communities on an integrated and inclusive basis. It reduces poverty, unemployment, and social disadvantage by building assets and creating opportunities. What distinguishes CED is its understanding of the interconnectedness of social, economic, and environmental issues, and a philosophy that the solutions that tend to be most effective to the complex problems that communities face are those that involve and are driven by the people most directly affected.

Community leaders understand that the complex challenges they face require multi-faceted responses. Recent trends in social economy, social finance, and community resiliency, all reflect that, expanding the scope of innovative community-based practices tremendously, with examples ranging from new community crowdfunding strategies to impact investing, Quebec's recent law on the social economy to the UN task force on the social and solidarity economy.

Our recommendations focus on how the government can implement the measures it has already committed to undertaking in the election and in the ministerial mandate letters, and ways that will maximize their success and value for communities.

First of all, the government will be making significant infrastructure investments, including much-needed social infrastructure. Building on the report exploring the potential of social finance in Canada under the leadership of Mr. McColeman this spring, the HUMA committee's report recommended that infrastructure investments include a social finance fund and a social infrastructure grant program that could leverage private investment and provide matching capital for durable social infrastructure projects, such as the proposed Canadian co-operative investment fund. Those investments also include a social impact scoring component on all infrastructure contracts and recipients, and that they include community benefit agreements similar to the provision enacted in Ontario's Bill 6 last year.

As part of Canada's climate change strategy, community renewable energy offers excellent local investment opportunities and tangible socio-economic impacts. While contributing to the transition to a low-carbon economy, community-based projects inspire a new kind of social entrepreneurship, building strong social licence for clean technologies and empowering local citizens, especially indigenous peoples, with the opportunity to reinvest clean energy project returns into local infrastructure, health, and education.

We recommend that new infrastructure investment include criteria that prioritize funding for clean energy projects for communities vulnerable to climate change and that financing is made available and affordable to communities and project developers through the Canadian infrastructure bank, including federal loan guarantees to support private investment.

Community enterprises operated by non-profits, co-ops, and microenterprises, established by or dedicated to supporting marginalized individuals in communities, create wealth and respond to the needs of rural and urban communities. Contrary to popular misconceptions, community enterprises have a higher survival rate than traditional SMEs, while offering a positive financial and social return on investment.

We recommend that social enterprises, non-profits, and co-operatives be given access to existing regulatory and tax measures and business development programs that are currently available to small and medium enterprises through awareness-raising efforts for government officials to ensure a level playing field for alternative forms of incorporation.

Finally, all of these recommendations will be most successful if they're implemented with a partnership approach. A round table bringing together representatives from the CED community and government would facilitate the ongoing co-construction and refinement of public policy in support of communities. This would provide access for meaningfully involving the CED sector in the development, and regular review of government initiatives to ensure they meet our shared public policy objectives.

Thank you.

• (1850)

The Chair: Thank you very much, Mr. Toye.

We now have the Canadian Construction Association, with Mr. Bill Ferreira.

Mr. Bill Ferreira (Vice-President, Government Relations and Public Affairs, Canadian Construction Association): Thank you, Mr. Chair.

Thank you, committee members, for providing the Canadian Construction Association this opportunity to present before you.

Our association represents the non-residential side of the construction industry. I believe you heard this morning or sometime this afternoon from the Canadian Home Builders. They are basically our sister organization. We build the infrastructure, the industrial facilities, and the commercial government buildings across the country. We essentially build everything that they don't.

The focus of my presentation today will be on areas of government policy that we believe will make Canada more globally competitive and an attractive destination for investment for years to come. If indeed we are at the dawn of the fourth industrial revolution, as many economists now believe, the process of adaptation by both private industry and governments alike must begin immediately.

In essence, the new industrial revolution, built on digital connectivity, robotics, and big data, will significantly change the traditional definitions of work forever. Most of us are aware of the impact this revolution has already had on manufacturing. The next phase of it will target primarily services, the service economy, which is where the bulk of Canadians are now employed.

The shift is already under way in many parts of the world, but it's still in its infancy in Canada. The ramifications for government could be significant. Skilled workers, as well as capital, will become more mobile, making tax policy and quality-of-life conditions critical to their retention. A modern and efficient system of infrastructure—I bet you're wondering how I'd get that in—is one of the greatest contributors to quality of life, which is why we're so pleased with the government's commitment to essentially double the annual investment in infrastructure.

Furthermore, it's also an effective way of stimulating the economy, which is critically important right now. A recent study by the Centre for Spatial Economics concluded that, in the short term, GDP rises \$1.43 for every dollar invested, 9.4 jobs are generated per every million dollars invested, and the return for government is about 44¢ for every dollar invested. From our perspective, that's a win-win, not only for Canadians and taxpayers but for governments alike.

Our recommendation to the committee would be to ensure that the government follows through with its platform commitment on infrastructure; ensure that the additional funding is available for the 2016 construction season, which is critical; ensure that the application process is simple, straightforward, and not loaded with a lot of additional red tape that will delay project approvals; and finally, work with the provinces and municipalities to ensure there's no confusion around the application process.

CCA members are also very concerned about the growth of “dead money”, as Mark Carney described it. I think this was raised earlier. Many businesses are holding off on making important investment decisions over concerns regarding the health of the global economy. That should come as no surprise, given the number of times businesses have heard economists talk about “green shoots” only to be later disappointed when they saw very little economic growth.

To help pull this money back into the economy, we believe that government should consider a more aggressive use of depreciation rates to help businesses essentially invest in their assets. Such a policy has been beneficial for the manufacturing sector. We saw this with the previous policy that increased depreciation rates to 50% straight-line. We think that has certainly helped manufacturing turn around. Even though the change has been made and now is on a declining balance, we certainly believe that this is something government should consider for other sectors of the economy.

In the United States, depreciation rates are far more generous than they are here in Canada. We believe that this explains some of the productivity gap between our two economies. Simply put, U.S. depreciation policy encourages companies to put more money quickly into turning over their equipment, whereas Canadian policy does not. For example, in the United States, construction equipment can be fully depreciated within six years, while in Canada it would take you about 13 years to get down to about 1%.

Closing the productivity gap is important for Canada's economic future, and the adoption of more aggressive depreciation rates is one way to help us achieve that goal. With this in mind, our second recommendation would be to adjust depreciation rates for mobile equipment purchases to a 50% declining balance, which would bring us in line with the current state, essentially, for fixed machinery and equipment.

But investments in infrastructure and better depreciation rates will only get us so far. We also need to improve our educational and training infrastructure. In this regard, this is where we believe the federal government has some real influence.

•(1855)

We believe the EI system should be looked at to help lead that process. The LMDA and LMA programs need to be steered away from training just for the sake of training, and geared instead to support employer labour force needs. For example our partner association in British Columbia, the B.C. Construction Association, developed a very successful program, funded by EI, to help unemployed workers who were EI ineligible to get into the workforce. Despite the strong record of success—they managed to transition about 15,000 trainees into long-term jobs in the construction industry—funding for the program has been decreased over the past two years by 50%. Clearly this is not the right direction. Government-funded training and retraining must be demand focused and should include private sector delivery partners in not just the educational community.

We applaud the previous government for its efforts in this regard, which brings me to my next recommendation. Build on the efforts of the previous government to reform EI and non-EI supported training programs by ensuring that employers are given a more meaningful

and substantive voice, not only in the design but also in the delivery of training programs across Canada.

We believe government should take a look at the EI system to find a better way to support labour mobility. For many unemployed, expanding a job search outside their home labour market is very difficult because finances are tight. CCA supports a proposal that I believe has already been put forward by Canada's Building Trades Unions. I think they are appearing on Thursday and they'll probably expand on this. We would like to see a grant provided to the unemployed to help them offset some of the costs they will incur as a result of looking for work outside their home region. That's not to say they can go off and buy a \$10,000 first-class ticket from Halifax to Vancouver. What we're talking about is a minimal amount of money that will help them offset costs that are not going to be reimbursed by any potential employer.

•(1900)

The Chair: I'll have to get you to sum up.

Mr. Bill Ferreira: I'm summing up.

That would be our recommendation, which would be to take a look at the EI system and consider the adoption of an EI mobility grant to offset job-related expenses that the unemployed might incur.

With that, I look forward to your questions.

The Chair: Thank you very much.

I'll turn to a former colleague of mine, Mr. Marchi, with the Canadian Electricity Association. It's not often I see two former ministers at the witness table: Mr. Wilson and Mr. Marchi.

Go ahead.

Hon. Sergio Marchi (President and Chief Executive Officer, Canadian Electricity Association): It's reunion evening.

Thank you very much, Mr. Chairman. It's also good to see Mike.

Thank you for the invitation to appear before the committee.

First, a few words on our association, the CEA remains the national voice and forum for the electricity sector across Canada. This year we celebrate our 125th anniversary. Our membership comprises generation, transmission, and distribution of electricity, as well as corporate partner members representing the full electricity supply chain. We also, as you know, have a very close relationship with the United States, owing to the integration of our north-south grid, where we enjoy an annual \$3-billion electricity trade surplus. Electricity, in a word, is indispensable both to the quality of life of our fellow citizens and to the competitiveness of a healthy economy. As such, it should be seen as a strategic asset for our country.

Second, the electricity world is in a transformational period where two critical challenges, among others, are the need to renew core infrastructure to the tune of some \$350 billion over 20 years and to address the exponential growth of cyber-attacks.

Third, electricity is Canada's clean energy solution. Over 80% of our emissions are already GHG-free, making us one of the cleanest communities in the world.

Fourth, besides helping to power Canada, we are also a leading economic driver, employing over 100,000 Canadians and contributing over \$35.7 billion in GDP in 2014. In terms of our infrastructure rebuild, the Conference Board of Canada estimates that the resulting creation of indirect jobs will lead to another 100,000 jobs. In *ReNew's* annual top 100 infrastructure builds, electricity projects represent over one-third of the \$161 billion in total investments.

Turning to our budget recommendations, Mr. Chairman, one recommendation calls for sustained federal leadership and support for clean energy infrastructure. Clearly, clean energy is the future, leading to economic, environmental, and social benefits, and the government's commitment to the Canada infrastructure bank, green bonds, and the low carbon economy trust are central. We expect that these new entities will also be open and accessible to members from our sector. In fact, we are working with responsible ministers to develop a focused framework for long-term transformational projects, which currently fall between the remit of regulators and government aspirations at both senior levels.

Another proposal addresses the serious threat of cyber-attacks, where the electricity grid is unfortunately a popular target. We are calling for the budget to clarify the funding envelope for both Public Safety Canada, and specifically the Canadian Cyber Incident Response Centre. The previous government, as you will know, made considerable financial commitments to both, and we believe that it is crucial, given the threat, that the current government honour these intentions.

Two of our recommendations call for renewed funding for NRCan's Office of Energy Efficiency and for its adaptation platform. Again, the core funding for both of these platforms expires after this year, and we would respectfully recommend that they be renewed, as they create sizable savings for Canadian families and industry and reduce overall emissions.

A fifth recommendation encourages the government to implement its campaign pledge to establish electric vehicle targets for its vehicle fleet in the federal government and to place charging stations in federal parking lots. The substance as well as the symbolism of such action, we believe, is key to changing consumer and societal behaviour when it comes to transport emissions, which are almost one-quarter of our carbon footprint.

Another proposes celebrating Canada's 150th birthday in energetic style—pardon the pun—through the announcement of 150 energy innovation projects throughout 2017. Innovation is central to everything that we do and to the economy at large, and I think that the impact of pooling the work of the federal government and its agencies to support these projects would be invaluable.

● (1905)

Our final proposal deals with an emerging grid security risk—namely, geomagnetic disturbances that can lead, and have led, to outages on our grid. The science is still evolving in this area, so we recommend that the budget seriously consider funding in this area to enhance our understanding of these potentially devastating impacts.

In closing, Mr. Chairman and members of the committee, we believe our recommendations try to strike a balance between national concerns relating to the economy and the environment in an integrated fashion, support for infrastructure renewal, and enhancing the protection and reliability of our grid.

I thank you for your attention and look forward to any comments and advice after our witnesses have made their presentations.

The Chair: Thank you very much, Mr. Marchi.

We'll turn now to Ms. St-Onge from the Fédération nationale des communications.

[Translation]

Ms. Pascale St-Onge (Member, Tous Amis de Radio-Canada, Fédération nationale des communications): On behalf of the Tous amis de Radio-Canada organization, I'd like to thank the committee for the opportunity to contribute to the discussion on funding for Canada's public broadcaster.

Established by the Syndicat des communications de Radio-Canada and supported by the CSN and the FNC, Tous amis de Radio-Canada is appearing before the committee as a member of Canadian civil society and as a spokesperson for its members.

During the recent election campaign, three issues of particular concern to us received a lot of attention. The first had to do with improving democratic practices to encourage citizen engagement beyond the simple act of voting. The second involved clear commitments with respect to Canada's economic recovery, with major investments in not just infrastructure but also culture being promised. And the third and final issue was about restoring the funding CBC/Radio-Canada had been deprived of in recent years, a pledge made by most of the candidates.

Our only national broadcaster and producer is at the heart of all three of those issues, and the budget should reflect that.

The media provide a conduit for effective democratic life, social cohesion and the reflection of Canadian diversity. We cannot turn a blind eye to the challenges facing the media industry in today's world: the growing number of broadcasting platforms, the overhaul of media companies, the dangerous drop in revenues and the increasingly precarious survival of a number of major industry players.

Against that backdrop, CBC/Radio-Canada ought to be a beacon safeguarding the presence and vitality of the fourth estate in every single region of the country, east to west, north to south, in English, in French and in the eight aboriginal languages.

In 2013-14, CBC/Radio-Canada received some \$976 million from Parliament. Public funding represents 63% of CBC/Radio-Canada's operating revenue. But, between 1990-91 and 2013-14, the public broadcaster's parliamentary appropriations increased by just 0.5% in today's dollars, while government spending jumped by 74% and the consumer price index rose by 51%. Had those parliamentary appropriations simply been indexed annually, CBC/Radio-Canada would have received around \$1.6 billion in 2013-14, a massive \$547-million difference.

In addition, the local program improvement fund was eliminated, depriving CBC/Radio-Canada of another \$33.1 million annually.

CBC/Radio-Canada's inadequate public funding forced the crown corporation to look to advertising revenue to make up for the shortfall. That approach has had what many would call negative consequences, as far as competing with the private sector is concerned, particularly on the type of programming the public broadcaster has to provide in order to bring in those advertising dollars. Ultimately, advertisers are increasingly turning to new platforms to pitch their products, gradually moving away from the traditional medium of television. And that is threatening not just CBC/Radio-Canada, but also private broadcasters.

In 2011, Canada ranked 16th out of 18 major western countries when it came to per capita funding for its public broadcaster. At \$33 per capita, Canada's public broadcasting funding was 60% lower than the average, which stood at \$82 per inhabitant. And now, after the most recent cutbacks, Canada contributes just \$29 per capita to its public broadcaster.

It is our duty to build a wealth of high-quality cultural assets and intellectual property for both Canadians and people around the world. Despite the fact that the public broadcaster is supposed to be a model of technological innovation and quality content creation, the participation and endeavours of Canadian artists and craftspeople are unfortunately at risk. In 2008-09, CBC/Radio-Canada employed 8,368 people, and in 2014-15, the crown corporation had slashed its workforce to just 6,739 staff, representing a loss of more than 1,600 jobs, or 20%.

In 2013, Deloitte estimated CBC/Radio-Canada's gross value added contribution to the Canadian economy at \$3.56 billion, arising from an expenditure of \$1.69 billion with a spend-weighted multiplier of 2.11. Clearly, then, investments in public television generate huge economic spinoff.

Something else the government needs to think about is companies' use of our technological infrastructure to reach Canadian users without paying a cent in taxes or contributing to the system's funding. The numbers are impressive and could generate so much in levies that the government could finally provide adequate funding to its public broadcaster, not to mention the country's private broadcasters.

Until a real strategy is put in place to compel content broadcasters like Netflix to contribute their fair share, it is crucial that the public broadcaster be given the financial resources it needs to fulfill its mandate without being forced into direct competition with private television broadcasters when it comes to content and advertising dollars.

In our view, a \$150-million reinvestment is the bare minimum that CBC/Radio-Canada needs to help make up for the financial decisions that have been imposed on the crown corporation for the past 20 years. Its capacity to enrich Canadian society depends on it.

Thank you.

I would be pleased to answer any questions you have.

● (1910)

[English]

The Chair: Thank you very much, Ms. St-Onge.

The next presentation is a joint one between Phil Upshall, with the Mood Disorders Society of Canada, and the Mental Health Commission of Canada, with Michael Wilson.

I'm certain that as a former finance minister, if he were here all day, Mr. Wilson would be saying, "Where are you going to find all this money?"

Voices: Oh, oh!

The Chair: Go ahead, gentlemen.

Mr. Phil Upshall (National Executive Director, Mood Disorders Society of Canada): I'm Phil Upshall and I'm very happy to be here with you today.

Thank you, Chair, particularly for your intervention in allowing Mike to join me at the table.

Thank you very much to the clerk and all the members here who have been so generous in their time for us. I certainly appreciate the opportunity to appear before you today, and with Mike. Both of us have a deeply personal relationship with today's topic, which is, of course, mental health.

Louise Bradley, the CEO of the Mental Health Commission of Canada has joined us as well, should there be any technical questions to address to her. She's here to help.

I'll be addressing the issue of the APEC digital mental health hub at UBC, and the PTSD issues that confront Canadian health care providers. Mike will be discussing suicide prevention.

As far as our topic in general is concerned, it meets the terms of several of the mandate letters that have gone from the Prime Minister's office. We'll also be dealing with issues regarding innovation, the knowledge economy, and Canada's position internationally, particularly with regard to TPP and APEC.

I'm going to skip some of my stuff, because I'm told I'm long-winded, and our brief has a pretty good analysis of what Mood Disorders Society of Canada does, and how we show leadership with regard to patient-centred care and patient-engaged care.

The APEC digital hub for mental health innovation is an opportunity presented to Canada by virtue of Asia-Pacific Economic Cooperation having determined that without mental health, there was no health for 2.8 billion people, and furthermore, that the economies within the APEC region were significantly suffering from the fact that a lack of mental health was preventing people's full engagement with the workforce along with a number of other obvious issues.

The APEC competition was rather significant. The three of us—Mood Disorders of Canada, UBC and U of A—put together a letter of intent that was approved by APEC, and we now have a memorandum of understanding with them. Our competition was Peking University, University of Melbourne, Manila, Tokyo, Peru, and Mexico City. This opportunity to develop a digital hub at UBC is incredible. Our hub is poised to become a global centre for collaboration, research, and best practices in early intervention, care, and recovery. We are in the process of securing a number of additional partners, but as I mentioned, we already have twelve.

The hub is going to be formally recognized by APEC leaders in November. It was recognized when Prime Minister Trudeau was in Manila this past fall, and it was recognized as a major achievement by no less an authority than President Obama. Everyone recognizes that it's an opportunity to show ongoing Canadian leadership globally and here at home.

I'll leave that issue for now. I'm happy to answer any questions with regard to it.

I'm going to move to PTSD. Mood Disorders Society of Canada has been a leader in PTSD issues for the last several years. As you probably all know, 85% of first responders and veterans dealing with mental illnesses seek help from their primary health care providers, but more than half of them leave their doctor's office without effective solutions. Many of them don't even bother to seek help because they don't think there's any help available.

PTSD affects people involved in serious accidents, those who suffer serious sports injuries, and those who are victims of abuse. We need to ensure that front-line health care providers are equipped to make an accurate and early diagnosis with the best and latest treatments. Together, Mood Disorders Society of Canada and the Mental Health Commission are seeking \$5.5 million over five years for a far-reaching training program for Canada's health care providers to help in the early diagnosis and treatment of PTSD. There are well over 600,000 primary health care providers.

As you will see in our brief, we will engage people with lived experience in our planning, and case studies and interventions will be customized for particular patient groups, including those living in Canada's rural, remote, and indigenous communities. We will collaborate to maximize uptake of our efforts, and we'll measure how we are doing. This is a low-cost highly effective solution to addressing the critical gap that currently impacts the uptake of existing complementary programs.

● (1915)

Over to you, Mike.

Hon. Michael Wilson (Chair, Mental Health Commission of Canada): Mr. Chairman and committee members, it's great to be back with you after many years.

Let me talk a bit about suicide prevention. Today, more than 10 people will die by suicide, and many more will attempt to do so. Suicide is a top ten cause of death in Canada and is devastating for the families and communities who are left behind.

But thankfully, suicide can be prevented and we all have a responsibility to make the investments that will save these lives.

We're ready to deploy in 13 communities across Canada based on proven programs, both in Quebec and in Europe, that have demonstrated significant reductions in the suicide rate—as much as 20% over a two-year period.

Communities would be selected based on population size, region, urban-rural, and the presence of acutely at-risk populations, including military members and veterans, first nations, Inuit and Métis, youth, LGBTQ people, and middle-aged men. This is community led and developed to ensure sustainability. Community leaders, including first nations, Inuit and Métis, will be empowered to develop appropriate local interventions.

Individuals who are experiencing suicidal thoughts or behaviours may not seek help, but they may exhibit risk factors that show they are vulnerable. Our proposal targets the gatekeepers in the community who may be able to identify these risks earlier and connect the individual to appropriate treatment. Gatekeepers are people like us around this table and include teachers, religious leaders, home care workers, first responders, and anyone who works with members of the public, even yourselves. If we know the signs, we can help.

Health care providers will receive better training. Access to means of suicide will be identified and mitigated if possible. Public awareness campaigns will be undertaken that will reduce the stigma of mental health so that people feel able to come forward. Finally, a concentrated outreach will be targeted to the most at-risk groups.

To achieve this, we're recommending an investment of \$40 million over a five-year period, and we could begin work as early as this April. We're poised to act quickly, thanks to existing stakeholder partnerships and international learnings, and this program meets a priority of the Prime Minister and demonstrates action to deliver a federal framework on suicide prevention.

As a former Minister of Finance, I certainly appreciate the challenges you're facing around this table in making the tough decisions for recommendations in advance of the budget, but we owe it to ourselves as a society to stand with the Prime Minister in his desire for combatting PTSD and suicide.

Thank you, Mr. Chair.

● (1920)

The Chair: Thank you very much, Mr. Wilson, Mr. Upshall, and all the witnesses.

We will turn to questioning. I would ask people to keep their questions as tight as possible.

Ms. O'Connell.

Ms. Jennifer O'Connell: Thank you very much, Mr. Chair.

My first question is for Dr. Dutt in regard to pharmacare.

With regard to pharmacare, it's something that I personally think we need to move towards, but the implementation of it is critical. I'm wondering if you or your organization have given much thought to the implementation of it. For example, one of the criticisms in the U.S. with regard to the current systems there is that the insurance companies negotiate the prices for the medications themselves, so doctors end up spending a lot of time fighting with insurance companies to cover other brands, or let's say, the non-generic brands.

Has your organization given much thought to creating that protection so that if a physician prescribes a certain medication, the patient can actually get it, versus just whatever is negotiated at the onset?

Dr. Monika Dutt: It's one of the main reasons we talk about it being a comprehensive drug coverage plan. Bulk buying is one piece of it, but the other piece is the evidence and forum decision-making, which is to say, putting together the national formulary or the national list of selected medications that would be part of the national pharmacare. There are various models that have been put together to do something like that.

For example, in B.C. there is the therapeutics initiative where they use evidence to decide which medications are the ones that make the most sense to be included in some kind of program, or for physicians to be prescribing. You need that aspect to decide which medications should be a part of the plan. It's not the insurance companies that should be making that decision. One option could be to have a body that would both administer pharmacare and make those types of decisions, taking into account the evidence that does exist.

There are various models out there. There was a recent proposal called Pharmacare 2020 and there's something in there that talks about the type of body that would make that type of decision. I agree, it shouldn't be the insurance companies making those decisions. It should be an evidence-informed body that would make those decisions and also take things like cost into account.

Ms. Jennifer O'Connell: Great. Thank you.

I'm glad that's been thought about.

I hear criticism for moving towards pharmacare from some of the pharmaceutical companies themselves. I don't know if I believe this, or how widely spread this is believed, but the position has been brought forward to me that pharmaceutical companies need certain countries to pay more because it funds their research and development.

I'm not so sure that this is the case. I believe that if everybody had access to medication it would actually create a larger market.

Has your organization thought about this at all? Is this something that has been raised, or is it just a minor issue that has not really been brought forward in this country?

• (1925)

Dr. Monika Dutt: It's definitely something that needs to be considered.

First of all, it's natural that pharmaceutical companies may argue against pharmacare because they do make a lot of money from

Canada. We pay far more for our medication than any other country that has a universal health care system. It's definitely to their advantage for us to continue like this because we pay more for medication than most other countries that have universal health care.

The argument around research has definitely also been looked at. We don't have any higher levels of research than other places that have a pharmacare program. There's not a clear link to show that if we switch to a pharmacare program we would have less research, because there's a great deal of research that happens in countries that have national pharmacare, or something similar, as compared with Canada. That argument that there's less research in places that have a national program hasn't really been shown to be true.

Ms. Jennifer O'Connell: Thank you very much. That was helpful.

Mr. Ferreira, I have a municipal background and one of the issues we had with the building Canada fund was that the application process created a fury of business and tenders for municipalities, which resulted in increased costs, and—I would assume for the construction industry as well—then created an unpredictable season of construction.

Would you favour a more stable system? Maybe your individual contractors might have.... The fees would be level, but they'd have a more consistent construction season, for example, and not just funding when the applications come forward in these one-off situations.

Mr. Bill Ferreira: I think our preference would be for a long-term infrastructure plan to try and eliminate the peaks and valleys in the construction industry. This is what we've been arguing for.

The reason we are hoping that the money will find its way out in 2016 is that there are some areas of the country that could really use the additional stimulus. I think the minister is looking at those areas and that the approach is going to be a reasonable one, from all the signs that we've received so far.

We believe that the country needs investments in infrastructure. One of the things that we recently did with the Federation of Canadian Municipalities was to take a look at the assets of municipalities across the country. What we found is that there's a significant amount of underinvestment going on, in part because municipalities just don't have the funding.

Our hope would be that, certainly in the short term, we could see some of that money going to help municipalities address deferred maintenance, because we think that's also a priority. That would be my response.

Ms. Jennifer O'Connell: Thank you very much.

The Chair: Mr. Albas.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Thank you, Mr. Chair. I certainly am happy and excited to be here, and I'll be excited when you cut me off.

I'm going to go right into the Canadian Electricity Association.

Thank you very much, all of you, for being here.

With regard to the Canadian Environmental Assessment Act review that was done in the last Parliament, the Canadian Electricity Association came out in support of a “one project, one review” approach. Having multiple processes complicated an already difficult field. You have to deal with provincial power, utility commissions, etc.

Are you as an organization still in favour of one project, one review?

Hon. Sergio Marchi: We are. In fact, we've also communicated that to a number of the federal actors. We recently had a meeting with the president of CEA. We also met with the minister of NRCan and the deputy minister of Fisheries and Oceans.

When an environmental assessment provides the approval, we, for example, want that approval to mean something. In other words, that badge of honour must be credible. It does us no favours if that approval is granted and then it's second-guessed by a number of different organizations. We believe in a strong, credible, environmental assessment process.

We live in a democratic country, which means that people should be able to have a voice. We think, though, that we should do this in a smart way, and we very much respect having one project assessment on which the federal and provincial governments collaborate. It seems that the reset button on federal-provincial co-operation has been pressed.

We also don't believe we should throw out the baby with the bathwater. In other words, I think there are areas this government has signalled that it wishes to tweak. That is its right, but we believe that there is a good foundation. At the end of the day, when approval is given, I hope we find the political will and courage to build in this country, because nation building should never be allowed to sleep.

• (1930)

Mr. Dan Albas: I wholeheartedly agree with you on that.

I'm going to move now to the Canadian Construction Association. I want to start with the suggestion about the infrastructure bank. For example, in my home province of British Columbia, municipalities use what's called the Municipal Finance Authority, which works very well. In fact, they get some of the lowest rates guaranteed. They're used to using that organization. I think it's been around for 30-plus years.

In your submission to the committee, you said you would like to confirm your support for the infrastructure bank, but you don't want to see these projects getting slowed down because of new processes. I'm of the opinion that the BDC and some of the other crown corporations that already exist could probably give out those monies and help with some of these stimulus projects much more quickly and with better governance than an infrastructure bank could.

Do you agree that adding a new governance or crown corporation to the mix may end up having more process costs than using existing ones would?

Mr. Bill Ferreira: I don't believe I took a position on the infrastructure bank. If you ask me for my opinion—and this is really my own opinion—we certainly see some benefits to the government taking on...because it can borrow more cheaply than even provinces

can, in most cases. There might be some benefit, but I think this whole issue of the infrastructure bank needs to be studied more carefully.

I would agree with you. We don't want to see additional impediments to municipalities and provincial governments accessing federal funding.

Mr. Dan Albas: You did raise a point that there should be a central portal that's easy to access. I would consider the municipal financing authorities. Perhaps the government would be able to work through that, or even allow gas-tax monies to be mortgaged out over a period of time, so that the construction of larger projects could be paid through gas taxes.

I'd like to go back to talking about infrastructure in general. Do you believe there's a difference between shovel-ready and shovel-worthy? This means that the government, rather than going across the board with just any infrastructure spending, should be focusing on productive infrastructure or quality-of-life infrastructure, like sewers and water, and things that help our communities.

Mr. Bill Ferreira: With regard to the terms “shovel-ready” and “shovel-worthy”, from our perspective, all construction projects that municipalities put forward were worthy. There was never a question of whether something shovel-ready wasn't worthy. Even resurfacing roads, which a lot of people complained about, was work that needed to be done. As I said, there's a huge list of deferred maintenance out there that needs to be addressed.

I would agree with you that there are other priorities, and I think the way the government has structured these new funds will actually lift some of those water projects outside of the building Canada fund, which will free up additional money from that for highways, roads, and bridges, which I think are equally important.

We wouldn't take a specific position on the semantics of “ready” versus “worthy”.

Mr. Dan Albas: So as long as there's funding, it doesn't matter where it goes.

Mr. Bill Ferreira: I didn't say that. I said that I think what we need to do is ensure that the money is flowing.

As for priorities, municipalities set those priorities. They too are elected, and I think they have a pretty good grasp of what their needs are.

From our perspective, we don't take a position on whether something is shovel-worthy or shovel-ready. That shovel-ready work needed to be done, just like shovel-worthy projects need to be done. All municipalities have a huge list of projects that are sitting on the shelf that they can't fund every year. If more money is made available, that means more work will get done, and it is work that needs to be done.

The Chair: Thank you, gentlemen.

Mr. Caron.

[Translation]

Mr. Guy Caron: I want to thank all of our guests for their testimony. It has all been very insightful. This is our fifth group of witnesses today. It has been intense, but it enables us to come right to the point and focus on priorities more than long meetings do.

I will start with Ms. St-Onge.

Among the figures you have shared with us regarding CBC/Radio-Canada, I was especially impressed by the fact that Canadians' annual contribution to our public broadcaster is about \$29 per person, while the average contribution is about \$83 or \$84 in OECD countries.

CBC/radio-Canada is not PBS and should not become PBS, either. Correct me if I'm wrong, but most European countries and other OECD members feel that the role of public television is not only to ensure programming and diversity of news, but also to ensure that there is something for everyone in the available broadcast programming, which includes private television and radio. This is actually not a business requirement, but truly a quality requirement.

Could you comment on that comparison and give us your opinion on what CBC/Radio-Canada should be, in light of what its counterparts are in the countries that invest more?

● (1935)

Ms. Pascale St-Onge: CBC/Radio-Canada should have a specific mission different from that of other private broadcasters when it comes to things like cultural content, but also local and regional content. For instance, BBC is one of the United Kingdom's cultural drivers.

We have noticed that, since the latest cuts, CBC/Radio-Canada has offloaded a number of aspects of its mandate and its mission. It's important to point out that the Canadian broadcaster's mission is different from that of other public broadcasters around the world, if only because of the linguistic reality and the size of the territory to be covered. It's unique in the world. However, we are among those with the least support through public funding. For CBC/Radio-Canada, that is clearly a major obstacle to providing local service in the regions.

Mr. Guy Caron: Regarding news, we hear that many private broadcasters are closing regional stations. CBC/Radio-Canada's mandate is still to provide news, but the various cuts have forced it to reduce the provision of local news almost everywhere. I know that television news broadcasts have gone from one hour to 30 minutes a day across the country. Some newscasts have even disappeared completely.

The government has promised a \$150-million investment. Will that investment help re-establish the level of local news necessary for the communities to be well informed and aware of what is happening in their area?

Do you think that will be enough for the transition to what is called new media to continue?

We have had a glimpse of what is happening in that area. CBC/Radio-Canada is trying to adapt to the various platforms that have been created and is trying to become part of that new environment.

Ms. Pascale St-Onge: The \$150 million promised by the Liberal government during the last election campaign is actually in line with the latest cuts of \$115 million, as well as the loss of the Local Programming Improvement Fund. That fund was used directly by CBC/Radio-Canada and helped the broadcaster produce regional newscasts.

The investment would only bring the Canadian public broadcaster back to the level it was at before the cuts—to an annual contribution of \$33 or \$34 per Canadian. We are still well below the OECD average. In a perfect world, it would definitely be preferable for the investment to be even larger. We talked about the difference between inflation and increases. There is a difference of \$547 million annually. That's huge. Of course, \$150 million is a good start.

You were talking about investments to be made in the area of technology. Given all these new broadcasting platforms, we believe that CBC/Radio-Canada must be present and be a leader in terms of new technologies. Meeting this challenge will require investments for the acquisition of not only equipment, but also qualified staff. The idea is to help Canada have a global impact in terms of innovation.

Mr. Guy Caron: The Minister of Heritage did not really confirm the \$150-million amount. Questions were asked in the House, and she is now no longer mentioning that figure.

Why would it be important to pay out that \$150 million now, instead of waiting two or three years, if ever the government was to propose that timeline?

Ms. Pascale St-Onge: The action plan that was established by CBC/Radio-Canada's current management is ongoing. The number of positions is expected to be reduced again by about 1,500. We cannot continue on this path. Investments absolutely have to be made this year in order to stop the haemorrhaging and enable CBC/Radio-Canada to keep existing and to continue its work.

● (1940)

Mr. Guy Caron: Thank you very much.

My next question is for Mr. Marchi.

I know that energy production and distribution are a provincial responsibility. However, an issue is discussed periodically that I think is often passed over during the meetings we have on budget matters across Canada.

What are the biggest obstacles to establishing a pan-Canadian east-west grid? All the provinces are doing a good job of establishing a north-south grid and exporting to the United States. Does the issue lie in a lack of collaboration among provinces? Can the federal government encourage the development of such a grid? Is it desirable to have an east-west electricity grid?

[English]

Hon. Sergio Marchi: Obviously, electricity, like other energy constituencies, is provincially wired, but also when it comes to electricity, the federal government has a significant role because there are some 34 departments or agencies of the federal government that are in the policy space of electricity. That's number one.

Number two, I think, on the reset button and the collaboration, this could be a window of opportunity on energy writ large when we look at the federal government potentially joining the provinces on developing and bringing over the goal line a Canadian energy strategy. When it comes to the east-west grid, obviously one of the issues is financial expenditure and cost. Obviously, a lot of things are natural north-south, and we've had to build infrastructure to keep this country together east-west, whether it's the CBC, the railways, the pipelines, or Canadian national highways.

In terms of east-west, I really think that there's real potential for regional east-west participation and collaboration. For example, the Minister of Energy in Ontario has put out a number of MOUs with his counterparts, not only in Quebec but also in Atlantic Canada. The Premier of British Columbia is obviously pushing an infrastructure project of her own in terms of bringing electricity into Alberta. Alberta is also concerned about its natural gas. You have to find a right fit, because you also don't want to do one thing right and go two steps back.

I think on a regional basis, as opposed to coast to coast to coast, because of the financial viability question, regionalism on east-west is very much possible. If the federal and provincial governments with the private sector can collaborate in a partnership, I think that's possible.

The Chair: Thank you.

I'll have to cut you there.

Mr. Sorbara, I'm going to hold you to five minutes.

Mr. Francesco Sorbara: Thank you, Mr. Chair.

I'll start off with the gentleman from the construction industry.

Thank you for mentioning a few things. Thank you for mentioning about productivity. If we want to improve our standard of living, or at least maintain it, we need to improve productivity and we need to undertake that.

Thank you for talking about the multiplier. I think people with regard to our infrastructure investments tend to forget that for every dollar of infrastructure you get a bang of about \$1.50. That's something that's important, especially in today's environment of, say, a 1% annual growth rate, interest rates at record lows; call it flight to safety. Now is the time to proceed with a robust infrastructure pipeline and do it over a multi-year period.

The one thing you talked about that did strike a chord was EI. About two weeks ago, the C.D. Howe Institute put out a report that said 7% of unemployed Canadians in 2008 were deemed long-term unemployed. Today that number has doubled, call it 14%, 15%, so EI needs to play a role in this discussion in terms of avoiding an increase in the rate of long-term unemployed.

You mentioned something about EI deliverability. Could you succinctly comment on what you meant by that and how that would apply?

Mr. Bill Ferreira: What we have is some of our provincial associations being very much involved in training. That training is typically focused on those who are EI ineligible.

The STEP program, which is something that is delivered by the B. C. Construction Association, is kind of held up as a model. They used to receive government funding. As a result of some changes that were introduced a couple of years ago to the funding model, they've seen their funding drop by about 15%.

That organization managed to put 15,000 unemployed Canadians who were EI ineligible into the construction industry. I think well over 90% of them remained and are long-term construction employees. A lot of times they are immigrants who just don't have the language training.

Sorry, I suspect you wanted a shorter answer.

• (1945)

Mr. Francesco Sorbara: Yes, please.

Mr. Bill Ferreira: A lot of times it's immigrants who are new to the country, who don't have the language skills, and who need to upgrade those skills. A lot of times, it's safety training.

In our industry, it's not simple. You can't just take somebody off the street and suddenly put them in construction. There's an apprenticeship program. Those usually are four-year programs. In some areas where we can do it, we do.

We certainly think it's been a worthwhile program. Certainly the industry, the employers within the industry, appreciated the program.

Mr. Francesco Sorbara: I appreciate your comments on the accelerated cost of capital for manufacturing and how we can expand that.

Turning to Mr. Marchi and the CEA, you spoke about long-term transformational projects. Under my criteria, I'd probably put the maritime link project as a long-term transformational project. That's the first thing.

Second, in terms of infrastructure reinvestment into our electricity grid, obviously, as Mr. Caron had mentioned earlier, it does fall under the purview of the provinces and the regulators, but we have AltaLink, which completed a multi-billion dollar investment. If you add up Hydro One and Toronto Hydro, every year they're probably putting about \$2 billion in maintenance and capital investment.

There are a couple of parts to my question. First, do we have the right skilled tradespeople available to undertake all this investment that we're going to need? Second, and not directly tied to this, can you comment on the nuclear component in Canada's electricity grid?

Hon. Sergio Marchi: Sorry, what's the second component?

Mr. Francesco Sorbara: Nuclear energy. In Ontario, about two-thirds of all electricity generated is from nuclear.

Third, perhaps you would comment on your criteria for long-term transformational projects.

Then I have a final question for the gentleman on the corner.

The Chair: If you could hold that to a minute, it would be great. Then he won't miss asking his final question.

Hon. Sergio Marchi: That's a challenge, but I will try my best.

On the long-term transformational, I'm not talking about our entities looking to the public purse to pay for the \$350 billion over 20 years. We've been achieving that roughly the last number of years, \$15 billion a year. What we're talking about is when you go to the regulator, let's say in Ontario, and you look at doing a pilot project, or green technologies, or wiring remote communities, they will say no, because their remit is to keep prices down. Yet those are very aspirational goals that are found in the federal government's agenda and increasingly in the provincial governments'.

For us, we'd like to form a partnership, with the federal and provincial governments, to address those very sizable gaps, and find a way to finance those long-term transformational infrastructure projects. We believe there's also a second phase to this infrastructure coming to a theatre near us, which really is paralleled with nation building.

Secondly, when it comes to nuclear energy, I believe in nuclear energy. You mentioned that in Ontario it's more than 60%; an impeccable safety record. We know that the challenge for the nuclear energy community is that sometimes the public opinion is very skittish, and nothing moves quicker than scared public opinion. When we had the earthquake in Japan, we saw that Germany, the leading locomotive in the European Union, shifted away from nuclear completely and went to coal. We have to find a way to build that confidence with Canadians, based on the record and not on the perception of fear. It's not easy.

Do we have the skills? I think a challenge in our industry, like many industries, is that in the next few years we will be seeing a high number of skilled workers in our sector retiring. We have to find a way to replace those individuals. We should replace them with made-at-home labour, and if need be, ask new Canadians to join us in the building. I think we will and do currently have the labour; I'm worried projecting 15, 20, or 25 years.

In the electricity sector, we measure change in decades. We have to embrace that future by doing some work today. That's one concern I have. Are we moving quickly enough to be where we need to be in 20 or 25 years?

● (1950)

Mr. Francesco Sorbara: Thank you, Mr. Marchi.

The Chair: That's it, Francesco.

Mr. Francesco Sorbara: I'd just like to say [*Inaudible—Editor*] for their presentation. Thank you.

The Chair: We may get a chance later.

I do want to say one thing on Sergio's comment on Germany.

I just did an energy tour in Germany in December. Yes, they're out of nuclear by 2022, I think it is. They're going to phase down their coal as well, and they're targeting 40% renewable. I just forget the time frame, but a lot of that is wind and solar. They have one solar city.

It is interesting what's happening around the world.

Mr. Liepert.

Mr. Ron Liepert: Thank you, Mr. Chairman.

My question, my first one anyway, is to the fellow who just finished doing all the talking, so I guess we're going to hear from him again.

Mr. Marchi, I used to be a cabinet minister in Alberta, and I was fortunate to be an energy minister. I used to facetiously say, even though I think I really meant it, that the one file that gave me nothing but a headache was electricity. It was because people didn't understand it. They wanted the lights to come on when they flicked the switch, and they didn't want to pay too much at the end of the month.

We've been talking a lot about budget deficits. We all know about the federal budget deficit, and earlier we were talking about the provincial government deficits.

What percentage of Canada's electricity market is made up of crown corporations? Do you know what the significant debt load of those crowns might be?

Hon. Sergio Marchi: Firstly, I hope you're enjoying federal life as you did provincially.

Secondly, I think you're absolutely right. One of electricity's challenges is being out of sight, out of mind, perhaps less sexy than the oil and gas fraternity over the last few years. It's difficult to get 15 minutes of fame, because in a country that's developed like Canada, people expect that when they flick that switch the lights will come on.

The other part is that, of course, we need to keep costs low. My concern is that if we only look at replacing our end of life-cycle infrastructure by one determinant called "get me the cheapest system available", we will be passing down to our kids a system that is guaranteed to be less reliable than the one we inherited. We say low prices, but let's marry that with the indispensable value we attach to electricity, which means that we also want to pay for that reliability and quality.

On the specific numbers of the debt load, I will have to get back to this committee, Mr. Chairman. I don't have them at my—

This is **Exhibit "I"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22 day of October 2017.



Public Notary

Convention on the Rights of the Child

**Adopted and opened for signature, ratification and accession by General Assembly
resolution 44/25 of 20 November 1989**

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their

own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy

throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute

a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any

amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

This is **Exhibit "J"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 23 day of October 2017.


Public Notary

COMMITTEE ON THE RIGHTS OF THE CHILD
Fiftieth session
Geneva, 12 January-30 January 2009

COMMITTEE ON THE RIGHTS OF THE CHILD

GENERAL COMMENT No. 11 (2009)

Indigenous children and their rights under the Convention

INTRODUCTION

1. In the preamble of the Convention on the Rights of the Child, States parties take “*due account of the importance and cultural values of each people for the protection and harmonious development of the child*”. While all the rights contained in the Convention apply to all children, whether indigenous or not, the Convention on the Rights of the Child was the first core human rights treaty to include specific references to indigenous children in a number of provisions.
2. Article 30 of the Convention states that “*In those States in which ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language.*”
3. Furthermore, article 29 of the Convention provides that “*education of the child shall be directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin*”.
4. Article 17 of the Convention also makes specific mention as States parties shall “*encourage the mass media to have particular regard for the linguistic needs of the child who belongs to a minority group or who is indigenous*”.
5. The specific references to indigenous children in the Convention are indicative of the recognition that they require special measures in order to fully enjoy their rights. The Committee on the Rights of the Child has consistently taken into account the situation of indigenous children in its reviews of periodic reports of

State parties to the Convention. The Committee has observed that indigenous children face significant challenges in exercising their rights and has issued specific recommendations to this effect in its concluding observations. Indigenous children continue to experience serious discrimination contrary to article 2 of the Convention in range of areas, including in their access to health care and education, which has prompted the need to adopt this general comment.

6. In addition to the Convention on the Rights of the Child, various human rights treaties, have played an important role in addressing the situation of indigenous children and their right not to be discriminated, namely; the International Convention on the Elimination of all forms of Racial Discrimination, 1965, the International Covenant on Civil and Political Rights, 1966 and the International Covenant on Economic, Social and Cultural Rights, 1966.
7. The International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989 contains provisions which advance the rights of indigenous peoples and specifically highlights the rights of indigenous children in the area of education.
8. In 2001, the UN Commission on Human Rights appointed a Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, subsequently confirmed by the Human Rights Council in 2007. The Council has requested the Special Rapporteur to pay particular attention to the situation of indigenous children and several recommendations included in his annual and mission reports have focused on their specific situation.
9. In 2003, the United Nations Permanent Forum on Indigenous Issues held its second session on the theme indigenous children and youth and the same year the Committee on the Rights of the Child held its annual Day of General Discussion on the rights of indigenous children and adopted specific recommendations aimed primarily at States parties but also UN entities, human rights mechanisms, civil society, donors, the World Bank and regional development banks.
10. In 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples which provides important guidance on the rights of indigenous peoples, including specific reference to the rights of indigenous children in a number of areas.

OBJECTIVES AND STRUCTURE

11. This general comment on the rights of indigenous children as provided for by the Convention on the Rights of the Child draws on the legal developments and initiatives outlined above.

12. The primary objective of this general comment is to provide States with guidance on how to implement their obligations under the Convention with respect to indigenous children. The Committee bases this general comment on its experience in interpreting the provisions of the Convention in relation to indigenous children. Furthermore, the general comment is based upon the recommendations adopted following the Day of General Discussion on indigenous children in 2003 and reflects a consultative process with relevant stake holders, including indigenous children themselves.
13. The general comment aims to explore the specific challenges which impede indigenous children from being able to fully enjoy their rights and highlight special measures required to be undertaken by States in order to guarantee the effective exercise of indigenous children's rights. Furthermore, the general comment seeks to encourage good practices and highlight positive approaches in the practical implementation of rights for indigenous children.
14. Article 30 of the Convention and the right to the enjoyment of culture, religion and language are key elements in this general comment; however the aim is to explore the various provisions which require particular attention in their implementation in relation to indigenous children. Particular emphasis is placed on the interrelationship between relevant provisions, notably with the general principles of the Convention as identified by the Committee, namely; non-discrimination, the best interests of the child, the right to life, survival and development and the right to be heard.
15. The Committee notes that the Convention contains references to both minority and indigenous children. Certain references in this general comment may be relevant for children of minority groups and the Committee may decide in the future to prepare a general comment specifically on the rights of children belonging to minority groups.

ARTICLE 30 AND GENERAL OBLIGATIONS OF STATES

16. The Committee recalls the close linkage between article 30 of the Convention on the Rights of the Child and article 27 of the International Covenant on Civil and Political Rights. Both articles specifically provide for the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language. The right established is conceived as being both individual and collective and is an important recognition of the collective traditions and values in indigenous cultures. The Committee notes that the right to exercise cultural rights among indigenous peoples may be closely associated with the use of traditional territory and the use of its resources.¹

¹ Human Rights Committee, General Comment No. 23 on Article 27, CCPR/C/Rev.1/Add.5, 1994, paras. 3.2, 7
Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003 para. 4

17. Although article 30 is expressed in negative terms, it nevertheless recognizes the existence of a "right" and requires that it "shall not be denied". Consequently, a State party is under an obligation to ensure that the existence and the exercise of this right are protected against their denial or violation. The Committee concurs with the Human Rights Committee that positive measures of protection are required, not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party.²
18. In this context, the Committee also supports the Committee on the Elimination of Racial Discrimination in its call upon States parties *to recognise and respect indigenous distinct cultures, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation*.³
19. The presence of indigenous peoples is established by self-identification as the fundamental criterion for determining their existence.⁴ There is no requirement for States parties to officially recognise indigenous peoples in order for them to exercise their rights
20. Based on its reviews of State parties reports, the Committee on the Rights of the Child has observed that in implementing their obligations under the Convention many States parties give insufficient attention to the rights of indigenous children and to promotion of their development. The Committee considers that special measures through legislation and policies for the protection of indigenous children should be undertaken in consultation with the communities concerned⁵ and with the participation of children in the consultation process, as provided for by article 12 of the Convention. The Committee considers that consultations should be actively carried out by authorities or other entities of States parties in a manner that is culturally appropriate, guarantees availability of information to all parties and ensures interactive communication and dialogue.
21. The Committee urges State parties to ensure that adequate attention is given to article 30 in the implementation of the Convention. States parties should provide detailed information in their periodic reports under the Convention on the special measures undertaken in order to guarantee that indigenous children can enjoy the rights provided in article 30.
22. The Committee underlines that cultural practices provided by article 30 of the Convention must be exercised in accordance with other provisions of the Convention and under no circumstances may be justified if deemed prejudicial to

² Human Rights Committee, General Comment No. 23 on Article 27, CCPR/C/Rev.1/Add.5, 1994, para. 6.1

³ Committee on the Elimination of Racial Discrimination, General Recommendation No. 23 on Indigenous Peoples, 1997, Contained in A/52/18 Annex V

⁴ ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries No. 169, Article 1(2)

⁵ ILO Convention No. 169, Articles 2, 6, 27

the child's dignity, health and development.⁶ Should harmful practices be present, *inter alia* early marriages and female genital mutilation, the State party should work together with indigenous communities to ensure their eradication. The Committee strongly urges States parties to develop and implement awareness-raising campaigns, education programmes and legislation aimed at changing attitudes and address gender roles and stereotypes that contribute to harmful practices.⁷

GENERAL PRINCIPLES **(arts. 2, 3, 6 and 12 of the Convention)**

Non-discrimination

23. Article 2 sets out the obligation of States parties to ensure the rights of each child within its jurisdiction without discrimination of any kind. Non-discrimination has been identified by the Committee as a general principle of fundamental importance for the implementation of all the rights enshrined in the Convention. Indigenous children have the inalienable right to be free from discrimination. In order to effectively protect children from discrimination, it is a State party obligation to ensure that the principle of non-discrimination is reflected in all domestic legislation and can be directly applied and appropriately monitored and enforced through judicial and administrative bodies. Effective remedies should be timely and accessible. The Committee highlights that the obligations of the State party extend not only to the public but also to the private sector.
24. As previously stated in the Committee's general comment No. 5 on general measures of implementation, the non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified. Addressing discrimination may furthermore require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes.⁸
25. The Committee, through its extensive review of State party reports, notes that indigenous children are among those children who require positive measures in order to eliminate conditions that cause discrimination and to ensure their enjoyment of the rights of the Convention on equal level with other children. In particular, States parties are urged to consider the application of special measures in order to ensure that indigenous children have access to culturally appropriate

⁶ UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 7

⁷ CRC, General Comment No. 4 on Adolescent Health, 2003, para. 24

⁸ CRC, General Comment No. 5 on General Measures of Implementation, 2003, para. 12

services in the areas of health, nutrition, education, recreation and sports, social services, housing, sanitation and juvenile justice..⁹

26. Among the positive measures required to be undertaken by States parties is disaggregated data collection and the development of indicators for the purposes of identifying existing and potential areas of discrimination of indigenous children. The identification of gaps and barriers to the enjoyment of the rights of indigenous children is essential in order to implement appropriate positive measures through legislation, resource allocation, policies and programmes.¹⁰
27. States parties should ensure that public information and educational measures are taken to address the discrimination of indigenous children. The obligation under article 2 in conjunction with articles 17, 29.1(d) and 30 of the Convention requires States to develop public campaigns, dissemination material and educational curricula, both in schools and for professionals, focused on the rights of indigenous children and the elimination of discriminatory attitudes and practices, including racism. Furthermore, States parties should provide meaningful opportunities for indigenous and non indigenous children to understand and respect different cultures, religions, and languages.
28. In their periodic reports to the Committee, States parties should identify measures and programs undertaken to address discrimination of indigenous children in relation to the Declaration and Program of Action adopted at the 2001 World Conference against Racism Discrimination, Xenophobia and Related Intolerance¹¹.
29. In the design of special measures, States parties should consider the needs of indigenous children who may face multiple facets of discrimination and also take into account the different situation of indigenous children in rural and urban situations. Particular attention should be given to girls in order to ensure that they enjoy their rights on an equal basis as boys. States parties should furthermore ensure that special measures address the rights of indigenous children with disabilities.¹²

Best interests of the child

30. The application of the principle of the best interests of the child to indigenous children requires particular attention. The Committee notes that the best interests of the child is conceived both as a collective and individual right, and that the application of this right to indigenous children as a group requires consideration

⁹ Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 9

¹⁰ Ibid., para. 6

¹¹ Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 12

¹² Convention on the Rights of Persons with Disabilities, preamble

UN Declaration on the Rights of Indigenous Peoples, A/RES/61/295, Articles 21, 22

of how the right relates to collective cultural rights. Indigenous children have not always received the distinct consideration they deserve. In some cases, their particular situation has been obscured by other issues of broader concern to indigenous peoples, (including land rights and political representation)¹³. In the case of children, the best interests of the child cannot be neglected or violated in preference for the best interests of the group.

31. When State authorities including legislative bodies seek to assess the best interests of an indigenous child, they should consider the cultural rights of the indigenous child and his or her need to exercise such rights collectively with members of their group. As regards legislation, policies and programmes that affect indigenous children in general, the indigenous community should be consulted and given an opportunity to participate in the process on how the best interests of indigenous children in general can be decided in a culturally sensitive way. Such consultations should, to the extent possible, include meaningful participation of indigenous children.
32. The Committee considers there may be a distinction between the best interests of the individual child, and the best interests of children as a group. In decisions regarding one individual child, typically a court decision or an administrative decision, it is the best interests of the specific child that is the primary concern. However, considering the collective cultural rights of the child is part of determining the child's best interests.
33. The principle of the best interests of the child requires States to undertake active measures throughout their legislative, administrative and judicial systems that would systematically apply the principle by considering the implication of their decisions and actions on children's rights and interests¹⁴. In order to effectively guarantee the rights of indigenous children such measures would include training and awareness-raising among relevant professional categories of the importance of considering collective cultural rights in conjunction with the determination of the best interests of the child.

The right to life, survival and development

34. The Committee notes with concern that disproportionately high numbers of indigenous children live in extreme poverty, a condition which has a negative impact on their survival and development. The Committee is furthermore concerned over the high infant and child mortality rates as well as malnutrition and diseases among indigenous children. Article 4 obliges States parties to address economic, social and cultural rights to the maximum extent of their available resources and where needed with international co-operation. Articles 6 and 27 provide the right of children to survival and development as well as an

¹³ UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 1

¹⁴ CRC, General Comment No 5 on General Measures of Implementation, 2003, para. 12

adequate standard of living. States should assist parents and others responsible for the indigenous child to implement this right by providing culturally appropriate material assistance and support programmes, particularly with regard to nutrition, clothing and housing. The Committee stresses the need for States parties to take special measures to ensure that indigenous children enjoy the right to an adequate standard of living and that these, together with progress indicators, be developed in partnership with indigenous peoples, including children.

35. The Committee reiterates its understanding of development of the child as set out on its general comment No. 5, as a “holistic concept embracing the child’s physical, mental, spiritual, moral, psychological and social development.”¹⁵ The Preamble of the Convention stresses the importance of the traditions and cultural values of each person, particularly with reference to the protection and harmonious development of the child. In the case of indigenous children whose communities retain a traditional lifestyle, the use of traditional land is of significant importance to their development and enjoyment of culture.¹⁶ States parties should closely consider the cultural significance of traditional land and the quality of the natural environment while ensuring the children’s right to life, survival and development to the maximum extent possible.
36. The Committee reaffirms the importance of the Millennium Development Goals (MDGs) and calls on States to engage with indigenous peoples, including children, to ensure the full realisation of the MDG’s with respect to indigenous children.

Respect for the views of the child

37. The Committee considers that, in relation to article 12, there is a distinction between the right of the child as an individual to express his or her opinion and the principle of participation, which allows children as a group to be involved in consultation on matters involving them.
38. With regards to the individual indigenous child, the State party has the obligation to respect the child’s right to express his or her view in all matters affecting him or her, directly or through a representative, and give due weight to this opinion in accordance with the age and maturity of the child. The obligation is to be respected in any judicial or administrative proceeding. Taking into account the obstacles which prevent indigenous children from exercising this right, the State party should provide an environment that encourages the free opinion of the child. The right to be heard includes the right to representation, culturally appropriate interpretation and also the right not to express one’s opinion.

¹⁵ Ibid.

¹⁶ UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 8

39. When the right is applied to indigenous children as a group, the State party plays an important role in promoting their participation and should ensure that they are consulted on all matters affecting them. The State party should design special strategies to guarantee that the principle of participation of this group is effective. The State party should ensure that this principle is applied in particular in the school environment, alternative care settings and in the community in general. The Committee recommends States parties to work closely with indigenous children and their communities to develop, implement and evaluate programs, policies and strategies for implementation of the Convention.

CIVIL RIGHTS AND FREEDOMS **(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

Access to information

40. The Committee underlines the importance that the media have particular regard for the linguistic needs of indigenous children; in accordance with articles 17(d) and 30 of the Convention. The Committee encourages States parties to support indigenous children to have access to media in their own languages. The Committee underlines the right of indigenous children to access information, including in their own languages, in order for them to effectively exercise their right to be heard.

Birth registration, nationality and identity

41. States parties are obliged to ensure that all children are registered immediately after birth and that they acquire a nationality. Birth registration should be free and universally accessible. The Committee is concerned that indigenous children, to a greater extent than non-indigenous children, remain without birth registration and at a higher risk of being statelessness.
42. Therefore, States parties should take special measures in order to ensure that indigenous children, including those living in remote areas, are duly registered. Such special measures, to be agreed following consultation with the communities concerned, may include mobile units, periodic birth registration campaigns or the designation of birth registration offices within indigenous communities to ensure accessibility.
43. States parties should ensure that indigenous communities are informed about the importance of birth registration and of the negative implications of its absence on the enjoyment of other rights for non-registered children. States parties should ensure that information to this effect is available to indigenous communities in their own languages and that public awareness campaigns are undertaken in consultation with the communities concerned.¹⁷

¹⁷ UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 9

44. Furthermore, taking into account articles 8 and 30 of the Convention, States parties should ensure that indigenous children may receive indigenous names of their parents' choice in accordance with their cultural traditions and the right to preserve his or her identity. States parties should put in place national legislation that provides indigenous parents with the possibility of selecting the name of their preference for their children.
45. The Committee draws the attention of States to article 8 (2) of the Convention which affirms that a child who has been illegally deprived of some or all of the elements of his or her identity shall be provided with appropriate assistance and protection in order to re-establish speedily his or her identity. The Committee encourages States parties to bear in mind article 8 of the United Nations Declaration on the Rights of Indigenous peoples which sets out that effective mechanisms should be provided for prevention of ,and redress for, any action which deprives indigenous peoples, including children, of their ethnic identities.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE
(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

46. Article 5 of the Convention requires States parties to respect the rights, responsibilities and duties of parents or where applicable, the members of the extended family or community to provide, in a manner consistent with the evolving capacities of all children, appropriate direction and guidance in the exercise by the child of the rights recognised in the Convention. States parties should ensure effective measures are implemented to safeguard the integrity of indigenous families and communities by assisting them in their child-rearing responsibilities in accordance with articles 3, 5, 18, 25 and 27(3) of the Convention¹⁸.
47. States parties should, in cooperation with indigenous families and communities, collect data on the family situation of indigenous children, including children in foster care and adoption processes. Such information should be used to design policies relating to the family environment and alternative care of indigenous children in a culturally sensitive way. Maintaining the best interests of the child and the integrity of indigenous families and communities should be primary considerations in development, social services, health and education programmes affecting indigenous children.¹⁹
48. Furthermore, States should always ensure that the principle of the best interests of the child is the paramount consideration in any alternative care placement of

¹⁸ Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 17

¹⁹ Ibid.

indigenous children and in accordance with article 20 (3) of the Convention pay due regard to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. In States parties where indigenous children are overrepresented among children separated from their family environment, specially targeted policy measures should be developed in consultation with indigenous communities in order to reduce the number of indigenous children in alternative care and prevent the loss of their cultural identity. Specifically, if an indigenous child is placed in care outside their community, the State party should take special measures to ensure that the child can maintain his or her cultural identity.

BASIC HEALTH AND WELFARE

(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

49. States parties shall ensure that all children enjoy the highest attainable standard of health and have access to health care service. Indigenous children frequently suffer poorer health than non-indigenous children due to inter alia inferior or inaccessible health services. The Committee notes with concern, on the basis of its reviews of State parties' reports, that this applies both to developing and developed countries.
50. The Committee urges States parties to take special measures to ensure that indigenous children are not discriminated against enjoying the highest attainable standard of health. The Committee is concerned over the high rates of mortality among indigenous children and notes that States parties have a positive duty to ensure that indigenous children have equal access to health services and to combat malnutrition as well as infant, child and maternal mortality.
51. States parties should take the necessary steps to ensure ease of access to health care services for indigenous children. Health services should to the extent possible be community based and planned and administered in co-operation with the peoples concerned.²⁰ Special consideration should be given to ensure that health care services are culturally sensitive and that information about these is available in indigenous languages. Particular attention should be given to ensuring access to health care for indigenous peoples who reside in rural and remote areas or in areas of armed conflict or who are migrant workers, refugees or displaced. States parties should furthermore pay special attention to the needs of indigenous children with disabilities and ensure that relevant programmes and policies are culturally sensitive.²¹
52. Health care workers and medical staff from indigenous communities play an important role by serving as a bridge between traditional medicine and

²⁰ ILO Convention No. 169, Article 25 (1,2)

²¹ CRC, General Comment no. 9 on The Rights of Children with Disabilities, 2006

conventional medical services and preference should be given to employment of local indigenous community workers.²² States parties should encourage the role of these workers by providing them with the necessary means and training in order to enable that conventional medicine be used by indigenous communities in a way that is mindful of their culture and traditions. In this context, the Committee recalls article 25(2) of the ILO Convention No. 169 and articles 24 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples on the right of indigenous peoples to their traditional medicines.²³

53. States should take all reasonable measures to ensure that indigenous children, families and their communities receive information and education on issues relating to health and preventive care such as nutrition, breastfeeding, pre- and post natal care, child and adolescent health, vaccinations, communicable diseases (in particular HIV/AIDS and tuberculosis,), hygiene, environmental sanitation and the dangers of pesticides and herbicides..
54. Regarding adolescent health, States parties should consider specific strategies in order to provide indigenous adolescents with access to sexual and reproductive information and services, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted infections (STIs). The Committee recommends States parties to take into account its general comments no. 3 on HIV/AIDS and the rights of the child (2003) and no. 4 on adolescent health (2003) for this purpose.²⁴
55. In certain States parties suicide rates for indigenous children are significantly higher than for non indigenous children. Under such circumstances, States parties should design and implement a policy for preventive measures and ensure that additional financial and human resources are allocated to mental health care for indigenous children in a culturally appropriate manner, following consultation with the affected community. In order to analyse and combat the root causes, the State party should establish and maintain a dialogue with the indigenous community.

EDUCATION

(arts 28, 29 and 31 of the Convention)

56. Article 29 of the Convention sets out that the aims of education for all children should be directed to, among other objectives, the development of respect for the child's cultural identity, language and values and for civilizations different from his or her own. Further objectives include the preparation of the child for

²² ILO Convention No. 169, Article 25 (3)

²³ UN Declaration on the Rights of Indigenous Peoples, A/RES/61/295, Articles 24 , 31

²⁴ CRC, General Comment no. 3 on HIV/AIDS and the Rights of the Child, 2003 and General Comment no. 4 on Adolescent Health, 2003

responsible life in a free society, in the spirit of understanding peace, tolerance, equality of sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. The aims of education apply to education for all children and States should ensure these are adequately reflected in the curricula, content of materials, teaching methods and policies. States are encouraged to refer to the Committee's general comment no. 1 on the aims of education for further guidance.²⁵

57. The education of indigenous children contributes both to their individual and community development as well as to their participation in the wider society. Quality education enables indigenous children to exercise and enjoy economic, social and cultural rights for their personal benefit as well as for the benefit of their community. Furthermore, it strengthens children's ability to exercise their civil rights in order to influence political policy processes for improved protection of human rights. Thus, the implementation of the right to education of indigenous children is an essential means of achieving individual empowerment and self-determination of indigenous peoples.
58. In order to ensure that the aims of education are in line with the Convention, States parties are responsible for protecting children from all forms of discrimination as set out in article 2 of the Convention and for actively combating racism. This duty is particularly pertinent in relation to indigenous children. In order to effectively implement this obligation, States parties should ensure that the curricula, educational materials and history text books provide a fair, accurate and informative portrayal of the societies and cultures of indigenous peoples.²⁶ Discriminatory practices, such as restrictions on the use cultural and traditional dress, should be avoided in the school setting.
59. Article 28 of the Convention sets out that States parties shall ensure that primary education is compulsory and available to all children on the basis of equal opportunity. States parties are encouraged to make secondary and vocational education available and accessible to every child. However, in practice, indigenous children are less likely to be enrolled in school and continue to have higher drop out and illiteracy rates than non-indigenous children. Most indigenous children have reduced access to education due to a variety of factors including insufficient educational facilities and teachers, direct or indirect costs for education as well as a lack of culturally adjusted and bilingual curricula in accordance with article 30. Furthermore, indigenous children are frequently confronted with discrimination and racism in the school setting.
60. In order for indigenous children to enjoy their right to education on equal footing with non-indigenous children, States parties should ensure a range of special measures to this effect. States parties should allocate targeted financial, material

²⁵ CRC, General Comment no. 1 on the Aims of Education, 2001

²⁶ ILO Convention No. 169, Article 31

UN Declaration on the Rights of Indigenous Peoples, A/RES/61/295, Article 15

and human resources in order to implement policies and programmes which specifically seek to improve the access to education for indigenous children. As established by article 27 of the ILO Convention No. 169, education programmes and services should be developed and implemented in co-operation with the peoples concerned to address their specific needs. Furthermore, governments should recognise the right of indigenous peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples.²⁷ States should undertake all reasonable efforts to ensure that indigenous communities are aware of the value and importance of education and of the significance of community support for school enrolment.

61. States parties should ensure that school facilities are easily accessible where indigenous children live. If required, States parties should support the use of media, such as radio broadcasts and long distance education programmes (internet-based) for educational purposes and establish mobile schools for indigenous peoples who practice nomadic traditions. The school cycle should take into account and seek to adjust to cultural practices as well as agricultural seasons and ceremonial periods. States parties should only establish boarding schools away from indigenous communities when necessary as this may be a disincentive for the enrolment of indigenous children, especially girls. Boarding schools should comply with culturally sensitive standards and be monitored on a regular basis. Attempts should also be made to ensure that indigenous children living outside their communities have access to education in a manner which respects their culture, languages and traditions.
62. Article 30 of the Convention establishes the right of the indigenous child to use his or her own language. In order to implement this right, education in the child's own language is essential. Article 28 of the ILO Convention No. 169 affirms that indigenous children shall be taught to read and write in their own language besides being accorded the opportunity to attain fluency in the official languages of the country.²⁸ Bilingual and inter-cultural curricula are important criteria for the education of indigenous children. Teachers of indigenous children should to the extent possible be recruited from within indigenous communities and given adequate support and training.
63. With reference to article 31 of the Convention, the Committee notes the many positive benefits of participation in sports, traditional games, physical education, and recreational activities and calls on States parties to ensure that indigenous children enjoy the effective exercise of these rights.

²⁷ ILO Convention No. 169, Article 27

²⁸ ILO Convention No. 169, Article 28

SPECIAL PROTECTION MEASURES
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Children in armed conflict and refugee children

64. Through its periodic reviews of State parties' reports, the Committee has concluded that indigenous children are particularly vulnerable in situations of armed conflict or in situations of internal unrest. Indigenous communities often reside in areas which are coveted for their natural resources or that, because of remoteness, serve as a base for non-state armed groups. In other situations, indigenous communities reside in the vicinity of borders or frontiers which are disputed by States.²⁹
65. Indigenous children in such circumstances have been, and continue to face risks of being, victims of attacks against their communities, resulting in death, rape and torture, displacement, enforced disappearances, the witnessing of atrocities and the separation from parents and community. Targeting of schools by armed forces and groups has denied indigenous children access to education. Furthermore, indigenous children have been recruited by armed forces and groups and forced to commit atrocities, sometimes even against their own communities.
66. Article 38 of the Convention obliges States parties to ensure respect for the rules of humanitarian law, to protect the civilian population and to take care of children who are affected by armed conflict. States parties should pay particular attention to the risks indigenous children face in hostilities and take maximum preventive measures in consultation with the communities concerned. Military activities on indigenous territories should be avoided to the extent possible, the Committee recalls article 30 of the United Nations Declaration on the Rights of Indigenous Peoples in this regard.³⁰ States parties should not require military conscription of indigenous children under the age of 18 years. States parties are encouraged to ratify and implement the Optional Protocol on the Involvement of Children in Armed Conflict.
67. Indigenous children who have been victims of recruitment in armed conflict should be provided with the necessary support services for reintegration into their families and communities. Consistent with Article 39 of the Convention, States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of exploitation, abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment or armed conflicts. In the case of indigenous children, this should be done giving due consideration to the child's cultural and linguistic background.
68. Indigenous children who have been displaced or become refugees should be given special attention and humanitarian assistance in a culturally sensitive manner.

²⁹ UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 13

³⁰ UN Declaration on the Rights of Indigenous Peoples, A/RES/61/295, Article 30

Safe return and restitution of collective and individual property should be promoted.

Economic exploitation

69. Article 32 of the Convention provides that all children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. In addition, ILO Convention No. 138 (Minimum Age Convention) and Convention No. 182 (Worst Forms of Child Labour Convention) set parameters for distinguishing child labour that needs abolition, on the one hand, and acceptable work done by children, including such activities that allow indigenous children to acquire livelihood skills, identity and culture, on the other. Child labour is work that deprives children of their childhood, their potential and dignity and that is harmful to their physical and mental development.³¹
70. Provisions in the Convention on the Rights of the Child refer to the use of children in illicit production and trafficking of drugs (article 33), sexual exploitation (article 34), trafficking in children (article 35), children in armed conflicts (article 38). These provisions are closely related to the definition of the worst forms of child labour under the ILO Convention No. 182. The Committee notes with grave concern that indigenous children are disproportionately affected by poverty and at particular risk of being used in child labour, especially its worst forms, such as slavery, bonded labour, child trafficking, including for domestic work, use in armed conflict, prostitution and hazardous work.
71. The prevention of exploitative child labour among indigenous children (as in the case of all other children) requires a rights-based approach to child labour and is closely linked to the promotion of education. For the effective elimination of exploitative child labour among indigenous communities, States parties must identify the existing barriers to education and the specific rights and needs of indigenous children with respect to school education and vocational training. This requires that special efforts be taken to maintain a dialogue with indigenous communities and parents regarding the importance and benefits of education. Measures to combat exploitative child labour furthermore require analysis of the structural root causes of child exploitation, data collection and the design and implementation of prevention programmes, with adequate allocation of financial and human resources by the State party, to be carried out in consultation with indigenous communities and children.

³¹ ILO, Handbook on Combating Child Labour among Indigenous and Tribal Peoples, 2006, p. 9

Sexual exploitation and trafficking

72. Articles 34 and 35 of the Convention with consideration to the provisions of article 20, call on States to ensure that children are protected against sexual exploitation and abuse as well as the abduction, sale or traffic of children for any purposes. The Committee is concerned that indigenous children whose communities are affected by poverty and urban migration are at a high risk of becoming victims of sexual exploitation and trafficking. Young girls, particularly those not registered at birth, are especially vulnerable. In order to improve the protection of all children, including indigenous, States parties are encouraged to ratify and implement the Optional Protocol on the sale of children, child prostitution and child pornography.
73. States should, in consultation with indigenous communities, including children, design preventive measures and allocate targeted financial and human resources for their implementation. States should base preventive measures on studies which include documentation of the patterns of violations and analysis of root causes.

Juvenile justice

74. Articles 37 and 40 of the Convention ensure the rights of children within, and in interaction with, State judicial systems. The Committee notes with concern that incarceration of indigenous children is often disproportionately high and in some instances may be attributed to systemic discrimination from within the justice system and/or society.³² To address these high rates of incarceration, the Committee draws the attention of States parties to article 40(3) of the Convention requiring States to undertake measures to deal with children alleged as, accused of, or recognised as having infringed the penal law without resorting to judicial proceedings, whenever appropriate. The Committee, in its general comment No. 10 on children's rights in juvenile justice (2007) and in its concluding observations, has consistently affirmed that the arrest, detention or imprisonment of a child may be used only as a measure of last resort.³³
75. States parties are encouraged to take all appropriate measures to support indigenous peoples to design and implement traditional restorative justice systems as long as those programmes are in accordance with the rights set out in the Convention, notably with the best interests of the child.³⁴ The Committee draws the attention of States parties to the United Nations Guidelines for the Prevention of Juvenile Delinquency, which encourage the development of community programmes for the prevention of juvenile delinquency.³⁵ States parties should seek to support, in consultation with indigenous peoples, the development of

³² CRC, General Comment no. 10 on Children's Rights in Juvenile Justice, 2007, para. 6

³³ Ibid. para. 23

³⁴ Recommendations of Day of General Discussion on the Rights of Indigenous children, 2003, para. 13

³⁵ United Nations Guidelines for the Prevention of Juvenile Delinquency, "the Riyadh Guidelines", 1990

community based policies, programmes and services which consider the needs and culture of indigenous children, their families and communities. States should provide adequate resources to juvenile justice systems, including those developed and implemented by indigenous peoples.

76. States parties are reminded that pursuant to article 12 of the Convention, all children should have an opportunity to be heard in any judicial or criminal proceedings affecting them, either directly or through a representative. In the case of indigenous children, States parties should adopt measures to ensure that an interpreter is provided free of charge if required and that the child is guaranteed legal assistance, in a culturally sensitive manner.
77. Professionals involved in law enforcement and the judiciary should receive appropriate training on the content and meaning of the provisions of the Convention and its Optional Protocols, including the need to adopt special protection measures for indigenous children and other specific groups.³⁶

STATES PARTIES' OBLIGATIONS AND MONITORING OF THE IMPLEMENTATION OF THE CONVENTION


78. The Committee reminds States parties that ratification of the Convention on the Rights of the Child obliges States parties to take action to ensure the realisation of all rights in the Convention for all children within their jurisdiction. The duty to respect and protect requires each State party to ensure that the exercise of the rights of indigenous children is fully protected against any acts of the State party by its legislative, judicial or administrative authorities or by any other entity or person within the State party.
79. Article 3 of the Convention requires States parties to ensure that in all actions concerning children, the best interests of the child shall be a primary consideration. Article 4 of the Convention requires States parties to undertake measures to implement the Convention to the maximum extent of their available resources. Article 42 sets out that States parties are further required to ensure that children and adults are provided information on the principles and provisions of the Convention.
80. In order to effectively implement the rights of the Convention for indigenous children, States parties need to adopt appropriate legislation in accordance with the Convention. Adequate resources should be allocated and special measures adopted in a range of areas in order to effectively ensure that indigenous children enjoy their rights on equal level with non-indigenous children. Further efforts should be taken to collect and disaggregate data and develop indicators to evaluate the degree of implementation of the rights of indigenous children. In

³⁶ CRC, General Comment no. 1 on Children's Rights in Juvenile Justice, 2007, para. 97

order to develop policy and programming efforts in a culturally sensitive manner, States parties should consult with indigenous communities and directly with indigenous children. Professionals working with indigenous children should be trained on how consideration should be given to cultural aspects of children's rights.

81. The Committee calls for States parties to, when applicable, better integrate information in their periodic reports to the Committee on the implementation of indigenous children's rights and on the adoption of special measures in this regard. Furthermore, the Committee requests States parties to strengthen efforts to translate and disseminate information about the Convention and its Optional Protocols and the reporting process among indigenous communities and children, in order for them to actively participate in the monitoring process. Furthermore, indigenous communities are encouraged to utilise the Convention as an opportunity to assess the implementation of the rights of their children.
82. Finally, the Committee urges States parties to adopt a rights-based approach to indigenous children based on the Convention and other relevant international standards, such as ILO Convention No.169 and the United Nations Declaration on the Rights of Indigenous Peoples. In order to guarantee effective monitoring of the implementation of the rights of indigenous children, States parties are urged to strengthen direct cooperation with indigenous communities and, if required, seek technical cooperation from international agencies, including UN entities. Empowerment of indigenous children and the effective exercise of their rights to culture, religion and language provide an essential foundation of a culturally diverse State in harmony and compliance with its human rights obligations.

This is **Exhibit "K"** to the affidavit of
Cindy Blackstock, sworn before me
in Attawa, Ont
this 22 day of October 2017.



Public Notary



Jordan & Shannen:

First Nations children demand
that the Canadian Government
stop racially discriminating
against them

SHADOW REPORT: Canada 3rd and 4th Periodic Report to the UNCRC

January 28, 2011



Submitted by: Cindy Blackstock, PhD
First Nations Child and Family Caring Society of Canada
251 Bank Street, Suite 302, Ottawa ON K2P 1X3
613 230 5885 | URL: www.fncaringsociety.com | cblackst@fncaringsociety.com

DEDICATED TO JORDAN RIVER ANDERSON (AGE 5)
AND SHANNEN KOOSTACHIN (AGE 15)

We will never give up until your legacies
of culturally based equity are realized for
every First Nations child in Canada.

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WATCHEY... My name is Shannen Koostachin. I am an Mushkegowuk Innanu from an isolated community called Attawapiskat First Nation. I have three brothers and three sisters. I am fourteen years old. I've graduated and finished elementary school called JR Nakogee Elementary School and going to go to school somewhere in down south just to have a proper education. I want to have a better education because I want to follow my dreams and grow up and study to be a lawyer. For the last eight years, I have never been in a real school since I've started my education. For what inspired me was when I realized in grade eight that I've been going to

school in these portables for eight long struggling years. We put on our coats outside and battle through the seasons just to go to computers, gym and library. I was always taught by my parents to stand up and speak out for myself. My message is never give up. You get up, pick up your books and keep walking in your moccasins."

Shannen Koostachin lead a campaign inviting thousands of Non-Aboriginal children to write to the Canadian Government to ensure safe and comfy schools and culturally based education for First Nations children. It was the largest child lead campaign to realize child rights in Canada. Shannen wrote to the UN Committee on the Rights of the Child in 2008 saying she would submit a shadow report when Canada came up for review. Sadly, Shannen died in a car accident in the spring of 2010 at the age of 15 while attending school far away from her home because the high school in her home community sat on a contaminated brown field and was so dramatically under-funded by the Canadian Government that she could not get the education she needed to become a lawyer.

INTRODUCTION: CANADA FIGHTING TO DISCRIMINATE AGAINST VULNERABLE CHILDREN

Canada's lawyer has to come up with a good reason as to why the Tribunal should be dismissed and really there is no reason except for the fact that the government is scared, and does not want justice to be done. It's no wonder the government doesn't want this to be public. It is quite embarrassing and sad to think that our government is trying to get out of its responsibility to provide the same quality of services to First Nations children in the child welfare system as they do to non-Native children. I am a student and I am aware and I am going to make sure other youth are aware. Cindy is speaking for others who cannot speak and that is amazing. So I am going to speak for others who cannot be here today and make sure they're aware.

—Summer Bisson, student, Elizabeth Wyn Wood Secondary who came to watch the Canadian Human Rights Tribunal where First Nations allege Canada is racially discriminating against First Nations children by providing less child welfare benefit on reserves.

Canada's conduct toward First Nations children creates so many violations of children's rights pursuant to the United Nations Convention on the Rights of the Child that it is often difficult to keep track. The most pronounced violation challenges one of the pillars of the Convention—the obligation of State Parties to not engage in government driven racial discrimination against children.

This submission begins by describing Canada's conduct at the Canadian Human Rights Tribunal on First Nations child and family services where First Nations allege that Canada is racially discriminating against First Nations children on reserve by providing lesser child welfare benefit than other children receive. Canada has spent hundreds of thousands of dollars to derail a full hearing on the facts at the Tribunal by relying on a series of legal technicalities instead of dealing with the problem. The submission then shows how inequities in elementary and secondary education on reserve undermine the potential of thousands of First Nations children trying to learn and grow up proud of their cultures and languages. Conditions of some First Nations schools rival those in the most desperate of third world countries with children having to attend school on grounds contaminated by thousands of gallons of diesel fuel, infested with snakes or in the case of one school, in tents. We share the story of Shannen Koostachin, a First Nations child from Attawapiskat First Nation, who led a campaign for "safe and comfy schools and culturally based equity in education" before tragically dying at the age of 15 years in a car crash while she attended school hundreds of kilometres away from her family because the school in her own community was so under-funded and sat next to a contaminated brown field. Finally, the submission demonstrates how First Nations children are often denied, or delayed receipt of government services available to all other children because the Federal and Provincial/territorial governments cannot agree on who should pay for First Nations children. These disputes

have devastating impacts as the story of Jordan River Anderson, a five year old from Norway House Cree Nation, who spent his whole life in hospital because Canada and Manitoba could not agree on who should pay for his at home care. Jordan tragically died at the age of five never having spent a day in a family home. The submission will rely heavily on the Government of Canada's own documents to demonstrate that it clearly knows about the discrimination and its impacts and then set out how Canada is actively working to undermine the right of First Nations children to non-discrimination. We also rely on the voices of many non-Aboriginal and First Nations children and youth who are standing with First Nations children, young people and leaders to ensure their rights under the UNCRC are fully realized.

It is important to note that the form of government based discrimination outlined in this document is not experienced by

other children in Canada. Shannen, and thousands of children like her, would be entitled to a proper school and a good education if she was not First Nations living on reserve. Jordan, and the thousands of children he represents, would have gotten the services he needed to go home if he was not First Nations living on reserve. Thousands of other children would be growing up safely with their families instead of in foster care if they were not First Nations living on reserve.

Given Canadian Prime Minister Harper's commitment to child and maternal health in the international stage, it is extraordinary that his government has done very little to address the dramatic inequities affecting First Nations children in Canada choosing to spend Canada's significant financial wealth on other projects such as the 1.2 billion to host the G-8, billions for fighter jets, 150 million on signs advertising how tax dollars are spent and most recently \$650,000 to buy a vase.

WHY FIRST NATIONS CHILDREN ON RESERVES GET INEQUITABLE GOVERNMENT SERVICES

Evidence of the unequal provision of government services to First Nations children on reserve by Canada is overwhelming (Assembly of First Nations, 2007; Auditor General of Canada, 2008; Canadian Welfare Council, 2009; Standing Committee on Public Accounts, 2009.) There are two criteria that drive the inequality—the child must be First Nations and the other is the child must live on reserve. For thousands of First Nations (Indigenous) children in Canada who meet these criteria, the reality is they get less funding, and thus benefit, for essential government services such as education, health and child

welfare care than other children receive even though the needs of First Nations children are higher.

The reason for this inequality is that although provincial/territorial child welfare, health and education laws apply on reserves, the federal government funds these services. When the federal government does so at a lesser level, or not at all, the provinces/territories typically do not top up the funding levels resulting in a two tiered system where First Nations children on reserves get less funding, and thus less services and benefit, than other children enjoy.

THE CANADIAN HUMAN RIGHTS TRIBUNAL ON FIRST NATIONS CHILD AND FAMILY SERVICES (CHILD WELFARE) www.fnwitness.ca



First Nations children are tragically over-represented among children in child welfare care. The Auditor General of Canada (2008) notes that First Nations children are 6-8 times more likely to be placed into foster care

because of cases of neglect fuelled by factors that are often outside of parental control such as poverty, poor housing and substance misuse. The good news is that Canada holds the levers to improve all of these factors on reserves via its various housing, economic development, substance misuse and First Nations child and family services programs. First

Nations child and family service agencies operate on reserves and are funded by the federal government and the federal government insists that First Nations agencies use provincial/territorial child welfare laws. The Concluding Remarks of the UNCRC cited First Nations child and family service agencies as a positive practice in Canada's second periodic review in 2003. There have been longstanding concerns about the under-funding of these agencies especially the lack of services to help families safely care for their children at home. First Nations child and family service agencies and leadership worked with the Federal Government for over ten years on two reports documenting the inequalities in First Nations

“I went to the Tribunal Hearing because I realized that what is happening isn’t right and it’s just more assimilation. By being there, it shows that I care and that young people care and take an interest. The government lawyer just talked around the issue. He just said so much stuff that was useless and not worth being said. I felt he was trying to somehow trick people into thinking the issue is just not theirs to worry about. Basically, I felt he was trying to get Canada out of something and that’s just not right.

—From: Jon Dundas, Elizabeth Wyn Wood student, June 2, 2010, Ottawa. John was one of several non-Aboriginal youth who have pledged to come to the tribunal hearings and report their views.

child and family service funding and proposing solutions to deal with the problem but the Canadian government failed to fully implement either option. In 2007, the Assembly of First Nations (the political organization representing all First Nations in Canada) and the First Nations Child and Family Caring Society (a national NGO for Aboriginal children) filed a human rights complaint against the Government of Canada alleging that the Federal Government’s failure to provide equitable and culturally based services to First Nations children on reserve amounted to discrimination on the basis of race and national ethnic origin. This historic case marks the first time in history that Canada will be held to account for its current treatment of First Nations children before a body with the power to make enforceable orders. Thousands are following the case, particularly children and youth, in the “I am a witness” campaign that invites caring individuals and organization to follow the case (see www.fnwitness.ca). Thanks to many caring Canadians, the Canadian Human Rights Tribunal on First Nations Child Welfare is now the most formally watched legal case in Canadian history.

Canada is not fighting the case on the merits, it is trying to escape a full hearing on the merits by arguing that it does not directly deliver child and family services (First Nations child welfare agencies do) and thus the Federal Government should not be held accountable for its role in First Nations child and family services, including inequitable funding levels. This is splitting hairs as it is obviously impossible for First Nations child and family service agencies to deliver a service if there is no money to do so or if the money is structured in ways that are not responsive to community needs. If successful with this argument, Canada effectively off loads its responsibility for discrimination against children arising from its policies and practices onto First Nations agencies that have no power to remedy the discrimination. Canada has tried to get the

case dismissed at Federal Court on two occasions and was unsuccessful. It then brought a motion to the Canadian Human Rights Tribunal itself to get dismissed on these same grounds and we are currently awaiting the decision. Canada has also opposed measures to broadcast tribunal hearings so that First Nations children can watch the tribunal from their homes across Canada (in keeping with Article 12 of the Convention). All other parties to the Tribunal case are in support of ensuring full public, and particularly child participation, in the tribunal including the broadcasting of the proceedings. Canada’s substantial efforts to avoid a full and public hearing on the facts should raise significant concerns among all Canadians and the international community. What are they hiding?

Canada currently uses three main funding policies for First Nations child and family services. Directive 20-1 (used in BC and New Brunswick) and generally thought to be the most inequitable, the 1965 Indian Welfare Agreement applied in Ontario which has not been updated or reviewed in 46 years and the enhanced funding arrangement applied in Alberta, Saskatchewan, Manitoba, Nova Scotia and Quebec. The latter arrangement is one that the Government of Canada showcases as its primary response to the longstanding inequities affecting First Nations children in foster care. All have been found by independent reports to be flawed and inequitable.

Canada’s own documents demonstrate that it not only knows about the inequality but it is also aware that the inequality is driving First Nations children into foster care because family support services available to other families are not available. Quoting the Canadian Government (as represented by the Department of Indian and Northern Affairs Canada) directly:

“Lack of in-home family support for children at risk and inequitable access to services have been identified by First Nations Child and Family Services Agencies, and INAC, as important contributing factors to the over representation of Aboriginal children in the Canadian child welfare system... provincial governments have written to Ministers of INAC and intergovernmental affairs indicating that INAC is not providing sufficient funding to permit First Nations child and family services agencies to meet their statutory obligations under provincial legislation.”

—INAC internal document dated 2004 obtained under access to information (Document number 2372)

Another INAC document described the impacts of the Directive 20-1 which is currently applied to thousands of children in BC and New Brunswick in this way:

"Circumstances are dire. Inadequate resources may force individual agencies to close down if their mandates are withdrawn, or not extended, by the provinces. This would result in the provinces taking over responsibility for child welfare, likely at a higher cost to Indian and Northern Affairs Canada (INAC)"

This view was shared by the Auditor General of Canada in her thorough review of Canada's First Nations child and family services program. The Auditor General (2008) found that all funding formulas, including the enhanced approach that Canada continues to advance as the exclusive option to deal with the inequities, are flawed and inequitable. Quoting the Auditor General of Canada directly:

"4.64 However, we also found that the new formula does not address the inequities we have noted under the current formula. It still assumes that a fixed percentage of First Nations children and families in all the First Nations served by an agency need child welfare services. Consequently, in our view, the new formula will not address differing needs among First Nations. Pressures on INAC to fund exceptions will likely continue to exist under the new formula."

—Auditor General of Canada (May, 2008)

A year later, the Standing Committee on Public Accounts (2009) found that despite the Auditor General citing significant flaws in the enhanced approach being cited by the Government as the solution to the problem, there was no evidence that Canada had addressed the problem.

INAC also undertook an internal evaluation of the implementation of the Enhanced Funding Formula in Alberta and summarizes the findings in a presentation deck entitled *Implementation Evaluation of the Enhanced Prevention Focused Approach (EPFA) in Alberta: preliminary findings, May 14, 2010*. The findings of this INAC commissioned study are summarized on presentation slides 18 and 19 include the following passages:

"75% of DFNA [First Nations child and family service agencies in Alberta] interviewees reported not enough funds for full implementation"

—INAC internal document obtained under Access to Information (document number 2365)

Clearly, this evaluation demonstrates some significant shortcomings in the enhanced prevention based approach. INAC, however, continues to offer the enhanced approach with all of its flaws as the exclusive funding alternative to the Directive 20-1.

It does not appear that INAC has taken any meaningful steps to redress the flaws of the enhanced approach identified by the Auditor General in 2008. It continues to fight against having a full and public hearing on the merits at the Tribunal.

We requested in writing, that the Government of Canada respond to these issues in their country report submitted to the UN Committee on the Rights of the Child on the occasion of their third and fourth periodic reports but Canada substantively failed to do so. Canada's country report does mention its First Nations child and family services program and its efforts to roll out the enhanced approach. However, the report fails to mention that the enhanced approach has been ruled inequitable and that Canada is subject to a Canadian Human Rights complaint brought by First Nations alleging that Canada is discriminating against First Nations children by providing inequitable child welfare services on reserves. Canada's failure to mention the human rights tribunal on First Nations child and family services raises concerns about how complete and accurate Canada's country report is.

First Nations agencies were recognized as in the United Nations Committee on the Rights of the Child as being a marker of best practice by Canada. They received numerous awards of excellence for their culturally base services despite the dramatic under-funding. First Nations want to do better for First Nations children. The outstanding question is whether the Canadian Government is prepared to do its part and immediately ensure full and proper culturally based equity in children's services on reserve. While Canada tries to derail a hearing on the merits at the tribunal and rationalizes ongoing inequities to children, the number of First Nations children being removed from their families, often being placed outside of their culture and away from their community, continues to climb at record levels.

SHANNEN'S DREAM AND CANADA'S SYSTEMIC UNDER-FUNDING OF ELEMENTARY AND SECONDARY EDUCATION ON RESERVES www.shannensdream.ca

It is unacceptable in Canada that First Nations children cannot attend a safe and healthy school. It is unacceptable in Canada for First Nations education to languish with outdated laws, policies and funding practices that do not support basic standards. It is time for fairness and equity. Shannen Koostachin stood up for justice so the young people coming behind her might have an equal opportunity for a quality education in her community, just like young people have in communities throughout Canada. Now is the time for fairness, justice, and equity. Now is the time to realize Shannen's Dream.

—Shawn A-in-chut Atleo National Chief,
Assembly of First Nations

The Auditor General of Canada has repeatedly found that the Federal Government (as represented by the Department of Indian Affairs and Northern Development [INAC]) provides insufficient and inequitable funding for proper schools and culturally based education on reserves. Quoting the Auditor General of Canada (2004) directly:

"5.2 We remain concerned that a significant education gap exists between First Nations people living on reserves and the Canadian population as a whole and that the time estimated to close this gap has increased slightly, from about 27 to 28 years [given the Government of Canada's current approach to addressing the inequities]."

There is little evidence to suggest that Canada is making any significant progress in addressing the gap. Current estimates are that First Nations children on reserves receive \$2000–\$3000 less per student per year for elementary and secondary education even though First Nations children are far less likely to graduate from high school. This shortfall means less funding for teachers, special education, teaching resources such as books, science and music equipment and other essentials that other children in Canada receive. There is no funding provided by INAC for basics such as libraries, computer software and teacher training, the preservation of endangered First Nations languages, culturally appropriate curriculum or school principals.

The problem is compounded by significant shortfalls in the schools themselves (termed capital expenditures). INAC is the exclusive funder of First Nations schools on reserve and the

condition of many schools is extremely poor.

For example, in 2009, the Parliamentary Budget Officer (PBO) conducted a review of INAC's funding and policies for First Nations schools across Canada. Specifically, the PBO found that INAC reports that only 49 percent of schools on reserves are in good condition, 76 percent of all First Nations schools in BC and Alberta were in poor condition and 21 percent had not been inspected for condition at all. Overall, the PBO found that all 803 First Nations schools will need replacement by 2030 but INAC does not appear to be on track to make that happen as it appears to be significantly under-estimating what it needs to provide to maintain and build proper schools. Quoting the PBO directly:

"Thus according to the PBO projections, for FY2009-10, INAC's plans for capital expenditure are under-funded to the tune of between \$169 million in the best case, and \$189 million in the worst-case scenario annually, as depicted in the chart above. Thus, the annual INAC Planned Capital Expenditures according to its CFMP LTCP underestimates the likely expenditures compared to the PBO Best-Case and Worst-Case Projections (by more than 58%)."

These figures fail to capture the full impacts of the poor schools and inequitable education on children. For example, a school in Manitoba had to be closed and replaced with portable trailers because it became infested with snakes. The snakes had infested the water system so that when children turned on the taps, baby snakes would come out. Another group of children in Manitoba had to start school in 2009 in tents as there was no school building available in their community. Some First Nations children go to school in shifts because the school buildings are so over-crowded that there is not enough room for all students to attend at the same time. It is routine, for many First Nations children to have to be sent away from their families and communities to go to school as there is no school in their communities.

Shannen Koostachin (1995–2010) was from Attawapiskat First Nation. Her school was contaminated by approximately 30,000 gallons of diesel fuel that leaked into the ground. The Government of Canada finally closed the school in 2000 after repeated complaints from students and staff that they were getting sick. The Government brought up portable trailers



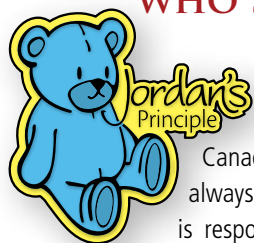
as a temporary measure. Ten years later the portables were extremely run down, often losing heat in the minus 40 degree temperatures, and three Ministers of INAC failed to deliver on their promises to the children of Attawapiskat to provide a new school. Shannen Koostachin, was in grade 8 at the JR Nakogee School, which was actually a series of trailers, in 2008 and had never attended a proper school. She, and other youth, organized the younger children in the community to write to the Prime Minister to demand a new school. As Shannen said "school is a time for dreams and every kid deserves this." The Government of Canada wrote back to say they could not afford a new school for the children of Attawapiskat. Upon receiving the letter saying they would not get a new school, the grade 8 class decided to cancel their graduation trip and use the money to go and see the Minister of INAC instead to ask for a new school. Shannen Koostachin and two other youth, went to see Minister Strahl in Ottawa but he said he could not afford a new school. Shannen told him she did not believe him and that she would continue to fight until every child in Canada got "safe and comfy schools" and equitable education. She engaged non-Aboriginal children to write letters to the Government of Canada demanding a proper

education for First Nations children and hundreds responded. In 2008, the Government of Canada said Attawapiskat would get a new school after all but three years later, construction has not begun and many other First Nations children across Canada continue to be denied equitable education and proper schools. Shannen was nominated for the International Children's Peace Prize given out by Kids Rights Foundation in the Netherlands in 2008. She and her family made the difficult decision to send her hundreds of miles away from her family to get a proper education off reserve. Shannen Koostachin, died in a car accident while she was away attending school. She wanted to be a lawyer to fight for the education rights of First Nations children.

Thousands of First Nations and non-Aboriginal children, youth and supporting adults are now working with Shannen's family to carry her dream of "safe and comfy schools" and culturally based and equitable education forward in a campaign called "Shannen's Dream."

The Government of Canada recently announced yet another study on First Nations education. Meanwhile, the children wait to be treated equitably and as Shannen noted "they are losing hope by grade 5 and dropping out."

JORDAN'S PRINCIPLE: WHEN GOVERNMENTS FIGHT OVER WHO SHOULD PAY FOR SERVICES FOR FIRST NATIONS CHILDREN—THE CHILDREN LOSE OUT www.jordansprinciple.ca



Canada and the Provinces/territories do not always agree on which level of government is responsible for paying for services to First Nations children when that same service is available to all other children. A 2005 report identified 393 disputes between the Federal and Provincial/territorial governments impacting First Nations children in just 12 of the 108 First Nations child and family service agencies in one year alone.

Just as with the problems with short-funding child welfare and education, the impacts of government red tape are devastating for children. Jordan River Anderson of Norway House Cree Nation was born with complex medical needs and remained in hospital for the first two years of his life. When doctors said he could go to a family home, all the services he needed were available but Canada and Manitoba could not agree on which government should pay for the services since Jordan was a First Nations child whose parents lived on reserve. If Jordan was non-Aboriginal he would have been able to home and the Manitoba government would have picked up the bill. As Jordan was First Nations, Manitoba nor the Federal Government wanted to pay so government officials left Jordan

At 5:30 p.m. on December 12, 2007, members of Parliament stood in unanimous support of Private Members' Motion-296 supporting Jordan's Principle and followed with a standing ovation for the Anderson family and all those who supported Jordan's message. It was, by all accounts, a wonderful day, but, as Ernest Anderson warned, the good that was accomplished in Jordan's name that day would be little more than a victory in name only if Canada and the provinces/territories did not immediately move to implement Jordan's Principle.

—UNICEF Canada, "Leave no child behind." p. 49

in a hospital while they argued over who should pay for each item related to Jordan's care. Over two years passed, and despite numerous pleadings from Jordan's family, First Nation and medical staff at the hospital, the governments continued to put their concerns about payment before Jordan's welfare. Sadly, just before Jordan's fifth birthday he died in hospital never having spent a day in a family home. While the Anderson family buried their child, the Governments of Canada and

Manitoba continued to argue over his care, and who should pay for the care of other children.

In memory of Jordan, and in keeping with the non-discrimination provisions of the UNCRC, Jordan's Principle was created. It is a child first principle to resolving government jurisdictional disputes about payment for services to First Nations children when that same government service is customarily available to all other children. It says that where a government service is available to all other children and a jurisdictional dispute arises over which government should pay for services to a First Nations child, the government of first contact pays for the service and then resolves the dispute with the other government as a secondary matter.

A Private Members Motion tabled by Member of Parliament, Jean Crowder, unanimously passed in the House of Commons in 2007 stating that **"in the opinion of the House the government should immediately adopt a child-first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children."**

Incredibly, instead of taking immediate action to fully and properly implement Jordan's Principle across all Government services, the Canadian Government began trying to narrow

Jordan's Principle to only apply to children with complex medical needs with multiple service providers. It did so without consulting Jordan's family or First Nations.

To be fully implemented, each province and territory must also fully adopt and implement Jordan's Principle but as the Canadian Paediatric Society reported in 2009, only one province, Nova Scotia, received a good rating for implementing this fundamental principle of non-discrimination.

Reports of children on reserves being denied equitable access to services of equitable quality to those provided off reserve continue to mount. Only months after Jordan's Principle passed through the House of Commons, Canada and Manitoba argued over who should pay for feeding tubes for two chronically ill children living with their loving family on reserve. Meanwhile the family was making a heart wrenching choice—do they rewash the feeding tubes and risk infection to their children or not feed them at all? Canada has hired a person to coordinate Jordan's Principle cases and while this is encouraging—Canada continues to rely on a case by case approach which failed Jordan and is not meaningfully engaging with First Nations on the identification and response to children caught in situations that could be remedied by the full and proper implementation of Jordan's Principle.

CONCLUSION

Canada is party to numerous international human rights conventions and takes its obligations under these and other international instruments seriously. The treaties binding on Canada as a State party include: the International Covenant on Civil and Political Rights, the International Covenant on the Elimination of Racial Discrimination and the Convention on the Rights of the Child. However, these treaties are not directly enforceable in Canadian law.

—Submissions by Canada to the
Canadian Human Rights Tribunal (May 21, 2010)

Canada's position that the UNCRC is not directly enforceable under Canadian law raises questions as to why Canada would not want the UNCRC to directly guide its duties to children. The UNCRC and UNCRC General Comment 11 make it clear that State Parties have a duty to *ensure* the non-discrimination of children particularly within government laws, policies and practices. Non-discrimination is a fundamental principle woven through all sections of the UNCRC and yet, as demonstrated in this report, Canada is taking aggressive steps to ensure it can continue to treat First Nations children inequitably.

Further, Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples on November 12, 2010 and one month later filed this submission with the Canadian Human Rights Tribunal in the child and family services case detailing its views on the Declaration:

"The Declaration is not a legally binding instrument. It was adopted by a non-legally binding resolution of the United Nations General Assembly. As a result of this status, it does not impose any international or domestic legal obligations upon Canada. As Canada noted in its public statement of support, the Declaration does not change Canadian laws. It represents an expression of political, not legal, commitment. Canadian laws define the bounds of Canada's engagement with the Declaration."

—Attorney General of Canada, December 17, 2010

Clearly, Canada's acceptance of the United Nations Declaration of Indigenous Peoples is bracketed by Canada's political and legal views of the document which fail to respect the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples.

Canada is one of the richest countries in the world with every capability of fully implementing the United Nations Convention on the Rights of the Child and as such should be held to the highest standard by the United Nations Committee on the Rights of the Child. In the Concluding Remarks of the second periodic review of Canada, The United Nations Committee on the Rights of the Child repeatedly directed Canada to close the gap in life chances between Aboriginal and non-Aboriginal children and yet little progress has been made. Canada knows it is providing inequitable children's services to First Nations children on reserves, it has solutions to address the problem and resources to do it and yet Canada is choosing to resist efforts to fully address the problem. Canada will often cite how much it spends on First Nations children without drawing attention to the fact that this amount falls far short of what is required. Canada's attempts to avoid a hearing on the facts to determine whether it's service delivery is racially discriminatory or not and its failure to disclose the Canadian Human Rights Tribunal to the United Nations Committee on the Rights of the Child in its country report raise concerns about its accountability.

It is time for the International community to join with First Nations children, families and leaders and with our many non-Aboriginal allies (particularly children) in Canada to demand that Canada ensure FULL EQUITY AND CULTURALLY BASED SERVICES for First Nations children on reserves immediately. Consistent with Canada's Obligations pursuant to the United Nations Convention on the Rights of the Child and UNCRC General Comment 11, the following recommendations are respectfully made to the UNCRC in consideration of Canada's periodic review:

1. Canada immediately take measures to fully report on the CRC's concluding observations for Canada arising from the Committee's review of Canada's 1st and 2nd periodic reports with specific and detailed responses to concluding observations specifically referencing, or particularly relevant to, Aboriginal children numbered: 5, 13,15,18,19, 20, 21, 22, 23, 24, 25, 26, 34, 35, 36,37,38,41 42, 43, 44, 45, 52, 53, 58, and 59. Such responses should refer to the Charter of Rights and Freedoms and other domestic protections for child rights as well as relevant international treaty body instruments and standards with specific attention to UNCRC General Comment 11, The Declaration on the Rights of Indigenous Peoples, the Covenant on Economic, Social and Cultural Rights, and the Universal Declaration on Human Rights. Responses should be specific and measurable and include information on: 1) the involvement of affected Aboriginal peoples and their representative organizations in the

design, implementation and evaluation of government actions to address the concluding remarks, impacts of these efforts and any future plans to build on previous progress or address shortcomings.

2. Given the gravity of the rights violations experienced by First Nations children in Canada and the fact that no barriers exist to Canada fully implementing the UNCRC, it is recommended that the Committee on the Rights of the Child engage a special study on Canada's implementation of the UNCRC with respect to the rights of First Nations children pursuant to section 45 (c). Such a study could be done in partnership with the United Nations Permanent Forum on Indigenous Peoples as the International Expert Group Meeting (EGM) on Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption called for in its 2010 report submitted to the Permanent Forum on Indigenous Peoples. The study would independently document cases of government sourced discrimination against First Nations children and young people and serve to encourage States in similar positions to take progressive action to ensure the full enjoyment of rights under the Convention for all children.
3. Consistent with the UNCRC paying particular attention to Articles 2, 17, 18,19,21,26 and 30 as interpreted in UNCRC General Comment 11, Canada, with the full involvement of First Nations peoples, take immediate and effective measures to allocate and structure sufficient financial, material and human resources to ensure the safety, best interests and cultural linguistic rights of First Nations children giving them every opportunity to grow up safely in their families and communities.
4. Consistent with Articles 2 and 12, Canada immediately stop all actions designed that aim to avoid or delay a full and public hearing on the facts to determine whether or not its policies and practices in First Nations child and family services amount to racial discrimination against children. Canada must also ensure the hearings are broadcast in full so that First Nations children and their families can watch the tribunal given that the proceedings directly affect them.
5. Consistent with the UNCRC paying particular attention to Articles 2, 28, 29, 30 as interpreted in UNCRC General Comment 11, Canada, in full partnership with First Nations Peoples organizations and experts, take immediate and effective measures to allocate, and structure, sufficient financial, material and human resources to ensure the full enjoyment of education, cultural and linguistic right for Indigenous children.

6. Consistent with the UNCRC paying particular attention to Articles 2, 4, 6, Canada, in full partnership with Indigenous Peoples, take immediate and effective measures, such as the full and proper adoption of Jordan's Principle, to ensure that government jurisdictional disputes in no way impede or delay First Nations children receiving government services available to all other children.
7. Consistent with Article 12, that Canada take immediate and effective measures to establish a national and independent mechanism with the power to implement reforms is available to receive, investigate and respond to reports of individual and systemic child rights violations.
8. Consistent with the UNCRC, that Canada ensures its domestic laws, government policies and practices are fully consistent with the United Nations Convention on the Rights of the Child and implements immediate and effective measures to ensure First Nations children, young people and families are aware of their rights under the Convention.

This is **Exhibit "L"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, Ont
this 22 day of October 2017.



Public Notary

Human Rights Commission Complaint Form

Your Name(s):

Regional Chief Lawrence Joseph, Assembly of First Nations
Cindy Blackstock, Executive Director, First Nations Child & Family Caring Society of Canada

Name of Organization that your Complaint is Against:

Indian and Northern Affairs Canada

Summary of Complaint:

On behalf of the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada, we are writing to file a complaint pursuant to the Human Rights Act regarding the inequitable levels of child welfare funding provided to First Nations children and families on reserve pursuant to the Indian and Northern Affairs Canada (INAC) funding formula for First Nations child and family services known as Directive 20-1, Chapter 5 (hereinafter called the Directive). This formula provides funds in two primary envelopes: 1) Maintenance (costs of children in care) and 2) Operations (personnel, office space, prevention services etc.). Maintenance is paid every time a child comes into care whereas operations funding is paid on the basis of exceeding certain population thresholds of status Indian children on reserve. There is also an adjustment in the formula for remoteness. There is substantial evidence spanning over ten years that inequitable levels of funding are contributing to the over representation of Status First Nations children in child welfare care. Moreover, we invite your office to review the Wen:de series of reports which identify the scope and nature of the over representation of First Nations children in care, documents the inequality in funding, and provides a detailed evidence-based solution to redress the inequity which is within the sole jurisdiction of the federal government to implement. Ensuring a basic level of equitable child welfare service for First Nations children on reserve and thus the observance of their human rights pursuant to the Human Rights Act, the Convention on the Rights of the Child, The Covenant on Economic, Social and Cultural Rights and the Charter of Rights and Freedoms would represent an investment of 109 million dollars in year one of the proposed multi-year funding formula. This cost represents less than one percent of the current federal surplus budget estimated at over \$13 billion. As the following summary notes, the moral, economic, and social benefits of full and proper implementation of the Wen:de report recommendations are significant.

Status Indian children are drastically over represented in child welfare care. A recent report found that the 0.67% of all non Aboriginal children were in child welfare care as of May of 2005 in three sample provinces as compared to 0.31% of Métis children and 10.23% of Status Indian children. Year End Data collected by INAC (2003) indicates that 9031 status Indian children on reserve¹ were in child welfare care at the close of that year representing a 70% increase since 1995. Unfortunately, there is poor data on the numbers of status First Nations children in care off reserve as provinces/territories collect child welfare data differently but best estimates are that 30-40% of all children in care in Canada are Aboriginal. This represents approximately 23,000- 28,000 Aboriginal children and means that there are three times as many Aboriginal children in state care today than there was at the height of the residential school operations in the late 1940's.

First Nations child and family service agencies (FNCFSAs) have developed over the past 30 years to provide child welfare services to First Nations children on reserve in an effort to stem the mass removals of First Nations children from their communities by provincial child welfare authorities. These agencies, which have been recognized by the United Nations Committee on the Rights of the Child, operate pursuant to provincial child welfare statutes and are funded by INAC using the Directive 20-1². FNCFSAs have long reported concerns about drastic under funding of child welfare services by the federal government particularly with regards to the statutory range of services intended to keep maltreated children safely at home known as least disruptive measures. As Directive 20-1 included an unlimited amount of funds to place children in foster care, many First

¹ Typically this data does not include children in care of First Nations operating under self government agreements

² With the exception of First Nations child and family FNCFSAs in Ontario which are funded under a separate funding agreement

Nations felt the lack of investment in least disruptive measures contributed to the over representation of First Nations children in care. Directive 20-1 was studied in a joint review conducted by Indian and Northern Affairs Canada (INAC) and the Assembly of First Nations in 2000. This review, known as the *Joint National Policy Review on First Nations Child and Family Services* (NPR, MacDonald & Ladd) provides some insight into the reasons why there has been such an increase in the numbers of Registered Indian children entering into care. The review found that INAC provides funding for child welfare services only to Registered Indian children who are deemed to be "eligible children" pursuant to the Directive. An eligible child is normally characterized as a child of parents who are normally resident on reserve. Importantly, the preamble to the Directive indicates that the formula is intended to ensure that First Nations children receive a "comparable level" of service to other children in similar circumstances. Moreover, there was no evidence that the provinces step in to top up federal child welfare funding levels if the federal funding level is insufficient to meet statutory requirements of provincial child welfare legislation or to ensure an equitable level of service. There were, however, occasions where provinces provided management information or training support but there were no cases identified where the province systematically topped up inequitable funding levels created by Directive 20-1. Overall the Directive was found to provide 22% less funding per child to FNCFSAs than the average province. A key area of inadequate funding is a statutory range of services, known as least disruptive measures, that are provided to children and youth at significant risk of child maltreatment so that they can remain safely in their homes. First Nations agencies report that the numbers of children in care could be reduced if adequate and sustained funding for least disruptive measures was provided by INAC (Shangreux, 2004). The NPR also indicates that although child welfare costs are increasing at over 6% per year there has not been a cost of living increase in the funding formula for FNCFSAs since 1995. Economic analysis conducted last year indicates that the compounded inflation losses to FNCFSAs from 1999-2005 amount to \$112 million nationally.

In total, the *Joint National Policy Review on First Nations Child and Family Services* included seventeen recommendations to improve the funding formula. It has been over six years since the completion of NPR and the federal government has failed to implement any of the recommendations which would have directly benefited First Nations children on reserve. As INAC documents obtained through access to information in 2002 demonstrate, the lack of action by the federal government was not due to lack of awareness of the problem or of the solution. Documents sent between senior INAC officials confirm the level of funding in the Directive is insufficient for FNCFSAs to meet their statutory obligations under provincial child welfare laws – particularly with regard to least disruptive measures resulting in higher numbers of First Nations children entering child welfare care (INAC, 2002.)

Despite having apparently been convinced of the merits of the problem and the need for least disruptive measures, INAC maintained that additional evidence was needed to rectify the inequitable levels of funding documented in the NPR. Therefore, the First Nations Child and Family Services National Advisory Committee, co-chaired by the Assembly of First Nations and INAC, commissioned a second research project on the Directive in September of 2004. This three part research project which was completed by the First Nations Child and Family Caring Society of Canada in 2005 involved over 20 researchers representing some of the most respected experts from a variety of disciplines including: economics, law, First Nations child welfare, management information systems, community development, management and sociology. This review is documented in three volumes: 1) *Bridging Econometrics with First Nations Child and Family Service Agency Funding* 2) *Wen:de: We are Coming to the Light of Day* 3) *Wen:de: the Journey Continues*, which are all publicly available on line at www.fncfcs.com.

Findings of the Wen:de series of reports include:

- The primary reason why First Nations children come to the attention of the child welfare system is neglect. When researchers unpack the definition of "neglect", poverty, substance misuse and poor housing are the key factors contributing to the over representation of First Nations children in substantiated child welfare cases.
- The formula drastically under funds primary, secondary and tertiary child maltreatment intervention services, including least disruptive measures. These


services are vital to ensuring First Nations children have the same chance to stay safely at home with support services as other children in Canada.

- Additional funding is needed at all levels of FNCFSAs including governance, administration, policy and practice in order to provide a basic level of child welfare services equitable to those provided off reserve by the provinces.
- Overall an additional \$109 million is needed in year one to redress existing funding shortfalls – representing approximately a 33% increase in the operations funding (funding not directly related to children in care) currently provided pursuant to the Directive. This represents a minimum investment to provide a basic level of equitable services comparable to those available to other Canadians, meaning that to provide anything short of this funding level is to perpetuate the inequity.
- Jurisdictional disputes between and amongst federal and provincial governments are a substantial problem with 12 FNCFSAs experiencing 393 jurisdictional disputes this past year alone. These disputes result in First Nations children on reserve being denied or delayed receipt of services that are otherwise available to Canadian children. Additionally, these disputes draw from already taxed FNCFSAs human resources as FNCFSAs staff spend an average of 54 hours per incident resolving these disputes. Jordan's Principle, a child-first solution to resolving these disputes, has been developed and endorsed by over 230 individuals and organizations. This solution is cost neutral and would ensure that children's needs are met whilst still allowing for the resolution of the dispute.
- Agencies serving less than 1000 children (and thus receive only a portion of the operations budget depending on populations levels) and agencies in remote communities require upwards adjustments in the funding formula.

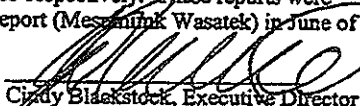
INAC recently announced it will provide \$25 million per year in additional First Nations child and family service funding for each of five years, which held some promise of relieving some of the cost pressures for FNCFSAs. Unfortunately, instead of targeting those dollars to benefit children, INAC allocated over \$15 million per year to fund its own costs arising from increased billings for children in care (due largely to lack of investments in least disruptive measures) and to hire staff. It did allocate an additional \$8.6 million per year for inflation relief for FNCFSAs, but this represents only a small portion of what is required to offset inflation losses. INAC has also stated that until it completes an evaluation of maintenance funding (funds to keep children in care) to satisfy a treasury board requirement it will not release the inflation funds for agencies. Upon questioning, INAC audit and evaluation unit was not able to identify a standard upon which it would evaluate the maintenance budget and was clearly not aware that measuring outcomes in child welfare is in the very early stages of development – even in non Aboriginal child welfare in Canada. The idea that child welfare funding to address a glaring inequality should be held back to satisfy such a poorly supported administrative requirement raises significant concerns.

The cost of perpetuating the inequities in child welfare funding are substantial – INAC maintenance costs for children in care continue to climb at over 11% per annum as there are no other options provided to agencies to keep children safely at home. Additionally, as Canada redresses the impacts of residential schools it must take steps to ensure that old funding policies which only supported children being removed from their homes are addressed.

We allege that Directive 20-1 is in contravention of Article 3 of the *Human Rights Act* in that Registered First Nations children and families resident on reserve are provided with inequitable levels of child welfare services because of their race and national ethnic origin as compared to non Aboriginal children. The discrimination is systemic and ongoing. INAC has been aware of this problem for a number of years and was presented with an evidence base of this discrimination in June of 2000 with the two *Wen:de* reports being delivered in August and October of 2005 respectively. These reports were followed by the Canadian Incidence Study Report (Mesa'mink Wasatek) in June of 2006.


Regional Chief Lawrence Joseph
Assembly of First Nations

Guy Lonechild, Vice-Chief


Cindy Blackstock, Executive Director
First Nations Child & Family Caring
Society of Canada

This is **Exhibit "M"** to the affidavit of
Cindy Blackstock, sworn before me
in Ottawa, ON
this 22 day of October 2017.



Public Notary



Treaty 8 First Nations of Alberta

To Protect, Promote, Bring to Life, Implement, and Sustain the True Spirit and Intent of Treaty No. 8 as long as the sun shines, the grass grows, and the waters flow.

HEAD OFFICE

Tallcree Tribal Government
Box 100
FORT VERMILLION, Alberta T0H 1N0
Telephone: (780) 927-3727
Fax: (780) 927-4375

SUB OFFICE

C/o Santa Fe Plaza
18178-102 Avenue
EDMONTON, Alberta T5S 1S7
Telephone: (780) 444-9366
Fax: (780) 484-1465

March 30, 2017

Dr. Cindy Blackstock
Executive Director
First Nations Child & Family Caring Society of Canada
Suite 401 - 309 Cooper Street
Ottawa, Ontario K2P 0G5

Dear Dr. Blackstock:

RE: Shiner v. Attorney General of Canada

The purpose of this letter is to express Treaty 8 First Nations of Alberta's support of Stacey Shiner's application to the Federal Court of Canada for a judicial review of the decision to deny her daughter funding for medically necessary braces. We believe that funding of medically necessary orthodontics for our children through the First Nations and Inuit Health Branch is absolutely critical to the healthy development of our children.

We initially provided a letter of support to Ms. Shiner when she was proceeding through the appeal process after her initial denial of funding. We continue to believe that accessing services through FNIHB is becoming increasingly difficult. The process of seeking funding for pharmaceutical and dental care is onerous and non-transparent. It places a bureaucratic burden on those, often poor, families in our communities who are seeking funding for health services. The red tape associated with the centralized pre-determination and appeal adjudication of the FNIHB is itself a barrier to funding.

Ms. Shiner's case serves to highlight the chronic flaws that exist in the FNIHB review process. Two orthodontists provided their opinion that her daughter needed braces to correct her deteriorating oral health. Her most recent orthodontist advised that should she not get braces, it was likely she would need jaw surgery. Still, FNIHB denied funding and provided no reasons beyond that her case does not meet 'the established criteria'.

Access to funding for these necessary services to children in our communities makes an incredible difference to the child and the family.

Yours truly,

Joseph Jobin
Chief Operating Officer

C.c: Grand Chief Rupert Meneen, Treaty 8 First Nations of Alberta
Executive Board, Treaty 8 First Nations of Alberta

FEDERAL COURT OF APPEAL

BETWEEN:

**STACEY SHINER IN HER PERSONAL CAPACITY, AND AS GUARDIAN OF JOSEY
K. WILLIER**

Appellant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

- and -

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA

Proposed Intervener

WRITTEN SUBMISSIONS

PART I – THE NATURE OF THIS MOTION

1. By way of this motion, the Applicant, the First Nations Child and Family Caring Society of Canada (“Caring Society”), seeks an Order, in the form attached as Schedule “A” to the Notice of Motion, for leave to intervene in this appeal.¹

PART II- THE FACTS

2. The Applicant seeks leave to intervene in order to make written and oral arguments on points of law.²

¹ Notice of Motion, *Applicant’s Motion Record*, Tab 1.

² Notice of Motion, *Applicant’s Motion Record*, Tab 1.

3. The Caring Society is a national non-profit organization committed to research, training, networking, policy, and public education and engagement. The Caring Society undertakes these activities in support of First Nations child and family service agencies that serve the well-being of First Nations children, youth and families, including those living on reserve. The Caring Society is the only national organization with the specific mandate to promote the welfare of First Nations children and families. As a national organization, it is the Caring Society's role and mandate to provide quality resources for communities to draw upon and to assist them in developing community-focused solutions.³

PART III - SUBMISSIONS

4. Under Rule 109 of the Federal Court Rules, the Court has the power to grant leave to any person to intervene in a proceeding. The Rule reads as follows:

109 (1) The Court may, on motion, grant leave to any person to intervene in a proceeding.

(2) Notice of a motion under subsection (1) shall

(a) set out the full name and address of the proposed intervenor and of any solicitor acting for the proposed intervenor; and

(b) describe how the proposed intervenor wishes to participate in the proceeding and how that participation will assist the determination of a factual or legal issue related to the proceeding.

(3) In granting a motion under subsection (1), the Court shall give directions regarding

(a) the service of documents; and

(b) the role of the intervenor, including costs, rights of appeal and any other matters relating to the procedure to be followed by the intervenor.

109 (1) La Cour peut, sur requête, autoriser toute personne à intervenir dans une instance.

(2) L'avis d'une requête présentée pour obtenir l'autorisation d'intervenir :

a) précise les nom et adresse de la personne qui désire intervenir et ceux de son avocat, le cas échéant;

b) explique de quelle manière la personne désire participer à l'instance et en quoi sa participation aidera à la prise d'une décision sur toute question de fait et de droit se rapportant à l'instance.

(3) La Cour assortit l'autorisation d'intervenir de directives concernant :

a) la signification de documents;

b) le rôle de l'intervenant, notamment en ce qui concerne les dépens, les droits d'appel et toute autre question relative à la procédure à suivre.

³ Blackstock Affidavit, *Applicant's Motion Record*, Tab 3, para 8.

5. The Caring Society submits that it satisfies the test for intervention before this Court for a party that was granted intervener status in the same matter before the Federal Court. This Honorable Court has stated that, as a general rule, a party that was granted intervener status before the Federal Court in a matter ought to be also granted leave to intervene before the Federal Court of Appeal. Based on *Globalive Wireless Management Corp. v. Public Mobile Inc.*, the test may be summarized as follows:

- I. Was the applicant granted leave to intervene in the same matter before the Federal Court of Canada?
- II. If so, are there any reasons to depart from the general rule according to which a party granted leave to intervene in a matter before the Federal Court of Canada ought to be also granted leave before the Federal Court of Appeal? Was there a fundamental error in the decision of the Federal Court granting leave?
- III. Are there any new facts that ought to bar the intervention? ⁴

Intervener status before the Federal Court in this matter

6. In *Globalive Wireless Management Corp. v. Public Mobile Inc.*, Justice Stratas held that, absent a fundamental error in the Federal Court's decision to grant the moving parties leave to intervene, a party that was granted intervener status before the Federal Court in a matter ought to be also granted leave to intervene before Federal Court of Appeal.⁵ This reasoning was echoed by Justice Mainville, who stated in *Canada (Attorney General) v. Canadian Wheat Board*,

Where leave to intervene has already been granted in the Federal Court, barring a fundamental error in the decision granting leave, some material change in the issues on appeal, or important new facts bearing on the intervention, I do not see why this Court should not rely on the findings of the Federal Court with respect to the intervention or exercise its discretion to grant leave differently from the Federal Court.⁶

⁴ *Globalive Wireless Management Corp. v. Public Mobile Inc.*, 2011 FCA 119 (CanLII), para 5.

⁵ *Ibid.*

⁶ *Canada (Attorney General) v. Canadian Wheat Board*, 2012 FCA 114 (CanLII), para 9.

No error in decision granting leave

7. The Caring Society submits that there is no reason in this case to depart from the general rule relating to applications for leave before the Federal Court of Appeal made by parties who intervened in the same matter before the Federal Court. There was no error in Prothonotary Aylen's order granting the Caring Society leave to intervene in this matter before the Federal Court. Prothonotary Aylen properly considered the limited scope of the Caring Society's proposed intervention and the uniqueness of its arguments, considering those to be made by the other parties.⁷ The Respondent did not oppose the Caring Society's motion for leave to intervene before the Federal Court nor did it appeal the order granting leave to intervene. The legal issues in the appeal to this Honorable Court remain the same and the Caring Society proposes to make similar arguments to those that were deemed to be relevant and unique in Prothonotary Aylen's order granting the Caring Society leave to intervene. For all of these reasons, the Caring Society respectfully submits that it ought to be granted leave to intervene.

No new facts barring an intervention

8. This appeal case raises important questions with respect to the well-being of First Nations children, and regarding the provision of government services to First Nations children, as did the application before the Federal Court. This issue is directly related to the Caring Society's aims and mandate. In fact, the Caring Society is the only national organization specifically focused on serving First Nations children and families. To that end, it has spear-headed, or is actively involved in, various initiatives, including:

- a. The Action and Research Education Service (FNCARES) initiative: in partnership with the University of Alberta, the Caring Society aims to generate and distribute research related to First Nations children's services and children's engagement in reconciliation to inform best practices and policies benefiting First Nations children, youth, families and Nations;

⁷ *Shiner v. Canada (Attorney General)*, Order granting the Caring Society leave to intervene in this matter before the Federal Court of Canada. Exhibit B of the affidavit of Cindy Blackstock, affirmed October 22, 2017.

- b. First Peoples Child and Family Review: a free online resource used by many students and instructors, as well as people working in child welfare, including front line practitioners and policy makers;
- c. Guidelines for the Engagement of Young People: developed in partnership with a team of young leaders across Canada, this is a tool to assist organizations that are currently engaging with young people;
- d. Touchstones of Hope program: promotes grassroots involvement in the process of reconciliation to benefit children. Based on a four-stage process of reconciliation, the Touchstone of Hope movement engages Aboriginal communities, mainstream child welfare and allied professionals and leaders in a process of redefining child welfare and agreeing on pragmatic plans to put community visions into action. The Caring Society provides training to Touchstones of Hope facilitators, who play a vital role in working with First Nations communities to define and implement their culturally specific visions of healthy children, youth and family.⁸

9. Moreover, the Caring Society has extensive experience with respect to litigation and public policy regarding such matters. In 2007, the Caring Society filed a human rights complaint and actively participated in the proceedings that led to the historic decision of the Canadian Human Rights Tribunal in *First Nations Child and Family Caring Society of Canada et al. v. Canada (Attorney General)*, 2016 CHRT 2. The Caring Society continues to actively participate in the remedial phase of the proceedings in that case.

10. The Caring Society has the expertise and capacity that will enable it to make a valuable contribution to the resolution of this case.

11. That expertise and capacity have already been recognized by the Supreme Court of Canada and the Federal Court of Appeal, which granted the Caring Society leave to intervene in the following cases:

- a. *Moore v. British Columbia (Education)*, [2012] 3 S.C.R. 360;

⁸ Blackstock Affidavit, *Applicant's Motion Record*, Tab 3, paras 10-14.

- b. *Canada (Attorney General) v. Pictou Landing First Nation*, 2014 FCA 21; and
- c. *Canadian Human Rights Commission v. Attorney General of Canada* (SCC No. 37208; an appeal of *Canada (Human Rights Commission) v. Canada (Attorney General)*), 2016 FCA 200)⁹

12. In *Pictou Landing*, at para. 15, Stratas J.A. of the Federal Court of Appeal said the following of the Caring Society:

The moving parties have persuaded me that they have a genuine interest in the matter before the Court. In this regard, the moving parties' activities and previous interventions in legal and policy matters have persuaded me that they have considerable knowledge, skills and resources relevant to the questions before the Court and will deploy them to assist the Court.

13. These words applied to the Caring Society's application for leave to intervene before the Federal Court and continue to apply before this Honorable Court.

Different perspective

14. In its proposed intervention, as in the intervention before the Federal Court, the Caring Society intends to make submissions that will go beyond those of the Appellant and that will reveal the broader legal implications of the decision that the Court will be called upon to render.

15. The Caring Society will argue that the reasonableness of the Respondent's decision must be assessed in light of the right to equality guaranteed by section 15 of the *Canadian Charter of Rights and Freedoms* and the definition of substantive equality articulated by the Canadian Human Rights Tribunal in its January 2016 Decision. In particular, the Caring Society will submit that substantive equality requires that discretionary decisions relating to services provided to First Nations children, including those made under the Non-Insured Health Benefits Program, must take into account their unique cultural, historical and geographical circumstances. The fact that a specific service is not provided to non-First Nations children should not preclude a service from being necessary in order to ensure equitable outcomes and substantive equality for First Nations children.

⁹ Blackstock Affidavit, *Applicant's Motion Record*, Tab 3, paras 18-19.

16. The Caring Society will also argue that reasonableness of the Respondent's decision must be assessed in light of the best interests of the child. More specifically, the Caring Society proposes to argue that all discretionary decisions impacting children, particularly those relating to essential public services, must take into account their best interests. To that end, the Caring Society proposes to challenge the legal reasoning on which the application judge relied in concluding that redress for the failure to consider the best interests of a child can only be sought through Parliament or Health Canada. Rather, the Caring Society proposes to argue that discretionary decisions impacting a child that fail to consider their best interests are substantively unreasonable and can be challenged by way of judicial review, where the reviewing court ought to give little deference. Canada's failure to consider a child's best interests in service eligibility decisions for children also breaches Canada's obligations under the United Nations Convention on the Rights of the Child.

Interests of Justice

17. This matter relates to the Respondent's provision of essential public services to First Nations in general, and in particular to First Nations children.

18. The Respondent provides these essential services based on internal policies, in the absence of any statutory framework. As a result, entitlements are often ill-defined. Given the lack of financial resources of many recipients, disputes about eligibility for services are rarely brought to the attention of this Court. In the end, the Respondent makes policies and interprets them with little oversight. This is in contrast to other benefits schemes that fall under the jurisdiction of the Federal Courts, for which legislation defines the entitlement and provides for a process for the resolution of disputes, typically through a specialized tribunal.

19. Hence, this case is a rare opportunity for this Court to rule upon the principles that govern the provision of essential public services to First Nations. It is in the interests of justice that this Court understand the broad context in which the dispute arises and the intervention of the Caring Society will assist the Court in this regard.

Terms of the Intervention

20. The Caring Society requests leave to intervene on the following terms:

- a. It will file a memorandum of fact and law of 15 pages at a time set by the Court;
- b. It will make oral submissions of 15 minutes at the hearing;
- c. It will not bring any evidence or add in any way to the record that has already been filed;
- d. It does not ask for costs and asks that costs not be ordered against it, regardless of the outcome of the case.


21. Those terms will ensure that the proceedings will not be delayed nor be made more complex by the Caring Society's intervention.

Conclusion

22. This case involves a child who is a member of a historically disadvantaged group. The Caring Society is uniquely situated in assisting this Court in ensuring that discretionary decisions are made in accordance with the best interests of the child and substantive equality rights of First Nations children guaranteed by section 15 of the *Charter*. The parties will not be prejudiced in any way by the Caring Society's proposed intervention and it will not cause any delay in the proceedings.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: October 24, 2017


Sébastien Grammond/David P. Taylor
Anne Levesque

Counsel for the Caring Society

LIST OF AUTHORITIES

Cases

1. *Canada (Attorney General) v. Canadian Wheat Board*, 2012 FCA 114 (CanLII).
2. *Canada (Attorney General) v. Pictou Landing First Nation*, 2014 FCA 21 (CanLII).
3. *Globalive Wireless Management Corp. v. Public Mobile Inc.*, 2011 FCA 119 (CanLII).

Legislation

4. *Canadian Charter of Rights and Freedoms*, s 15, Part I of the *Constitution Act*, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11. Section 15.
5. *Federal Court Rules*, SOR/98-106, s 109, Rule 109.